

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 18, 2002 No. 8

Contains: Reports and Amendments for January 24, 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 in session on the following Thursdays: January 24, January 31, and February 14 at 10:00 a.m.

All legislative and executive branch offices will be closed on Monday, January 21, in observation of Martin Luther King, Jr./Civil Rights Day.

Chairmen and Vice Chairmen will meet on Tuesday, January 22 at 9:00 a.m. in Room 201, LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, January 24, 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 24, 2002 at 9:00 a.m. in Rooms 305-307 of the Legislative Office

Building.

Rep. Peter H. Burling, Democratic Leader

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 24

CONSENT CALENDAR

COMMERCE

HB 1212, relative to certain disclosures in real estate sales. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would require sellers of real estate to disclose potentially offensive off-site conditions that may be considered offensive to the buyer, and the buyer in turn must acknowledge receipt thereof of the notice. This proposed bill would be almost impossible to regulate and it would require the seller to determine what is offensive. Further, most, if not all of what is proposed in the bill is already codified in RSA 477:4-d. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 756, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill provided that bomb threats made in a safe school zone would be reported to a local law enforcement agency and that any person convicted of making a bomb threat could be subjected to an enhanced penalty. Addressing the second issue first, RSA 631:4 already provides an extended penalty. The committee is aware that a senate bill will be coming forward that is comprehensive and covers the concerns expressed requiring the reporting of bomb threats. For these reasons the committee recommends inexpedient to legislate. **Vote 13-0.**

HB 1122, establishing a committee to study statistical patterns of DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would establish a committee to study statistical patterns of DWI offenses and whether there is statistical justification for an enhanced penalty for DWI offenses committed during the nighttime. The sole person testifying addressed only a general opinion that it was important to gather statistics and the person testifying was not the sponsor. The committee was not convinced that DWI occurring during the day was any less serious than DWI committed at night. **Vote 14-0.**

HB 1222, exempting ice-out contests from the laws regulating games of chance. **OUGHT TO PASS**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: 50/50 events were originally defined as games of chance under NH

law. The law was amended effective July 7, 2000, under Chapter 115 of the Laws of 2000 and now specifically defines 50/50 games as a raffle, removing it from the jurisdiction of the games of chance statute. Similarly, this bill will remove ice-out contests from the definition of games of chance under RSA Chapter 287-D and no permit will be required to conduct these games. **Vote 14-0.**

HB 1261-FN, relative to penalties for DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have increased certain penalties for operating a motor vehicle while under the influence of drugs or alcohol. No testimony was presented in support or opposition to this bill. The accompanying fiscal note estimated an increased cost to the state because of an anticipated decrease in guilty pleas and a resulting increase in the number of trials. For these reasons it was the unanimous vote of the committee to recommend this bill inexpedient to legislate. **Vote 14-0.**

HB 1309, prohibiting arrests for violation-level offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: After careful consideration, the sponsor of this bill concluded that this bill should not be considered at this time. The sponsor after research and conversations with the Department of Safety and Police Standards and Training, concluded that as attractive as this bill is on its surface, there are far too many violations that are, or could be, problematic if arrest was not an option. It would further hamstring the police department's ability to act on potentially dangerous situations. **Vote 14-0.**

ENVIRONMENT AND AGRICULTURE

HB 1110, relative to the sale of ferrets. **OUGHT TO PASS**

Rep. John R. Swindlehurst for Environment and Agriculture: The committee received extensive testimony from ferret owners, shelter volunteers and others. The testimony indicated that by increasing the minimum shipping age to 8 weeks the consumers could expect a much healthier animal. **Vote 15-0.**

HB 1143, establishing a committee to study self-certification of hazardous waste small quantity generators. **INEXPEDIENT TO LEGISLATE**

Rep. George T. Musler for Environment and Agriculture: The committee feels that it can carry out the purpose of the study committee without this bill and can propose legislation, if necessary, for the 2003 session. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 404, relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill came to our committee as a second committee referral after amendment and positive action by the Commerce Committee and the full house. We concurred with the change made by the Commerce Committee which makes the existing statute consistent with itself on the issue of rulemaking authority for the board of licensing for alcohol and drug abuse professionals **Vote 15-0.**

HB 1241-FN, relative to salaries for the wardens of department of corrections facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor at the request of the department of corrections introduced this bill. The purpose of the bill was to equalize the salary of the wardens at the lakes region and the northern correctional facilities. The sponsor indicated that this bill was no longer needed as the implementation of the HayGroup report on unclassified salaries has made the changes that the bill addressed. The representatives from the department of corrections and administrative services confirmed this fact. **Vote 16-0.**

HB 1248-FN, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee looked at this bill from two major points of view. First, was there a problem? Secondly, what agencies would be effected? We heard no testimony in either the public hearing or subcommittee of any problems of notification for any reason, i.e. change of address, divorce, etc. Therefore, there does not seem to be a problem with members being notified. The detrimental effect on all agencies was a major concern. This bill

would require not only all professional agencies but also all occupation agencies to provide notice to each licensee. All agencies currently send renewal to all of their members. To send a 2nd notice to reference the renewal notice would cost thousands of dollars and hundreds of labor hours. This adds a level of bureaucracy to solve a problem that does not seem to exist. Additionally, the bill would allow a licensee to continue to work after their license had expired by simply stating that they did not receive their notification, which could potentially have a negative impact on public safety **Vote 14-0**.

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

Rep. William R. Zolla for Executive Departments and Administration: This bill would have placed the burden of medical expense and resulting disability expense on the retirement system in cases of "injury" or "personal injury" to include a mental injury resulting from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action taken in good faith by an employer **Vote 14-0**.

SB 158-FN, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill would allow creditable service in group I and group II to be combined to meet the minimum requirements of the health insurance subsidy provided to retired members. The bill would also provide additional benefits to divorced or widowed retirees who have dependent children. The bill would cost \$6,648,000 to terminally fund from the special account and require \$80,000 from the retirement to establish the data base and a yearly cost of \$30,000 for maintenance of the data base. If a member had spent most of their time in group II, then transferred to group I, all of the cost would come from the appropriate group I medical sub trust while most of the contributions were made to the group II sub trust. With the cost and complexity of the withdrawal of the funds for the individual from the various medical sub trusts, the committee voted to recommend this bill inexpedient to legislate. **Vote 13-0**.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1131, establishing a committee to study increasing the number of physicians who are New Hampshire residents. **OUGHT TO PASS**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This bill creates a study committee to look at ways to increase access to medical schools for qualified New Hampshire residents and to decrease the loan obligation of new doctors who choose to work in rural areas of New Hampshire. Currently New Hampshire residents who want to become physicians have limited access to Dartmouth Medical School and are discriminated against in state medical schools, which give their own residents preference for admission. If a New Hampshire resident is admitted to another state's medical school, as an out-of-state student, he or she currently pays a much higher tuition. This bill proposes studying the many ways to remedy New Hampshire residents having to pay much higher tuition or having to become residents of other states to gain admission to medical schools. By decreasing medical school tuition for New Hampshire residents through contracted seats and encouraging students to maintain their residences in New Hampshire, the study committee will look at ways to decrease the loan obligation of new doctors who choose to work in rural areas of New Hampshire, facilitating an increase in the number of physicians in the underserved North Country **Vote 14-0**.

HB 1168, relative to ambulatory surgical facilities owned in whole or in part by a hospital. **INEXPEDIENT TO LEGISLATE**

Rep. Andre A. Martel, for Health, Human Services and Elderly Affairs: This bill proposed to allow certain ambulatory surgical facilities to provide recovery care until the patient could be discharged in an ambulatory condition. The committee received additional information making the issue more complex and feels the subject could be better addressed by the certificate of need bill. The prime sponsor agreed and requested that the committee recommend the bill inexpedient. **Vote 13-0**.

JUDICIARY

HB 1257, relative to oaths by public employees. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: This bill increases the number of people who would be required to take an oath to support and defend the Constitution without clearly defining who would be in that group. Elected public officials already are required to take that oath, and they are responsible for the work of their subordinates. The committee feels that statutes already exist that cover the concerns of the sponsor. **Vote 12-0**.

HB 1278, establishing an abortion waiting period. **INEXPEDIENT TO LEGISLATE**

Rep. Loren J. Jean for Judiciary: At the request of the sponsor who had intended to withdraw this bill, the committee voted inexpedient to legislate. This vote by the committee in no way reflects the sentiments of the members on the merits of the bill. **Vote 16-0.**

HB 1368-FN, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: The prime sponsor of this bill asked that the committee find this bill inexpedient to legislate. The sponsor and the Judiciary Committee felt that the idea has some merit, but it requires a major study which has not been done. The committee heard testimony that many aspects of Federal procedure do not conform to New Hampshire practice and rules and that imposing the Federal rules on the New Hampshire court system would cause far more harm than benefit. **Vote 12-0.**

HB 1379-FN, affirming the state's sovereignty and revising the state's labor laws application to elected and appointed officials. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: This bill, if passed, would mean that all statutes, rules, regulations and orders that do not conform strictly to Part I, Article 7 of the New Hampshire Constitution, shall be deemed void and unenforceable. Under our current system, if the legislature passes a law, its constitutionality can be challenged before the judiciary. This bill would not allow such a review. In addition, this bill would remove all elected and appointed officials and members of their personal staffs from State laws on deferred compensation, labor law protection, payment of wages, whistleblowers protection act, safety and health of employees, toxic substances in the workplace, minimum wage law, and workers compensation. The committee found the bill to be too encompassing, complex and would cause confusion if passed. **Vote 13-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1142, relative to the advisory council on unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The amended bill would require the council to meet on a regular basis. This change would encourage greater public attendance. **Vote 15-0.**

HB 1161, relative to youth employment. **INEXPEDIENT TO LEGISLATE**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: As per the sponsor's request, this bill is recommended as inexpedient. **Vote 14-0.**

HB 1384, making certain technical changes to the workers' compensation law. **OUGHT TO PASS**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill was introduced at the request of the Labor Department and makes certain reference changes in the workers' compensation laws. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

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

Rep. James E. Twombly for Municipal and County Government: This amendment allows for the adoption of an additional elderly net asset qualification for an elderly resident by the local municipality. Currently, there is only one amount allowed (no less than \$35,000) for net assets in the elderly exemption statute (RSA 72:39). Once the municipality votes to include this net asset qualification it shall apply to a surviving spouse until sale or transfer of the property or until the remarriage of the surviving spouse. This bill also clarifies references to consecutive years of residence and marriage of persons in certain property tax exemption statutes. **Vote 15-0.**

HB 1297, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: At the present time, if a property has an easement, the

municipality usually assesses the property with the easement at a lower rate than full market value. The committee felt that if the bill were passed as written, there would be many unintended consequences because most of the focus on property easements seemed to center around the property’s development value. However, a shoreline easement would dramatically affect shoreline use and would increase taxes on other land such as timberland. This would constitute a cost shift to other properties within the municipality. Testimony throughout the hearing indicated that this bill would interrupt a system that has been working well. Furthermore, as introduced the bill did not include any buffer zones that the sponsor felt should have been included. **Vote 13-0.**

HB 1315, relative to requiring revaluation of property. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires the Attorney General to request a writ of mandamus against the Commissioner of Revenue Administration (DRA) at any time there is property in the state that has not been revalued within the preceding five years. This bill is premature because the House passed SB193 in 2001 to set up assessing standards that will be followed by assessors, selectmen and boards of assessors. Until those standards are established, the procedures are in limbo and no definitive action can be compelled by the Attorney General. **Vote .**

HB 1369, requiring cities and towns to complete valuations of property and relative to the implementation of education property tax hardship relief provisions. **INEXPEDIENT TO LEGISLATE**

Rep. William Johnson for Municipal and County Government: While the spirit of this bill may be well intentioned, it is redundant and would disrupt a process that the legislature already put into motion by virtue of legislation passed in 2001. SB 193, signed into law last July, set up administrative procedures relative to the changes in the property tax system, established assessing and equalization standards boards, prescribed an appeal process through the Board of Tax and Land Appeals, and requires assessors to be certified by the Department of Revenue Administration. The aforementioned Assessment Standards Board is currently in the process of determining appropriate assessing standards to be used by local municipalities. SB 193 also gave DRA the power to audit assessors and contract with them for evaluation independent of the municipality in the event of non-compliance. Furthermore, the legislature passed HB 170 which incorporated provisions developed by the Property Tax Working Group to address the issues of revaluation. In response to this bill, the DRA has already initiated a property tax schedule of certification. Representatives from both the DRA and the New Hampshire Municipal Association testified that both the department and the municipalities could not comply with the deadline for property valuations proscribed by HB 1369, thereby creating a 28-a issue. The committee found that HB 1369 would create an environment of legislative micro-management, conflict between state departments, and disruption of a process already in progress. Finally, the ability to remove state officials for cause is already set in New Hampshire Statutes under RSA 4:1. The committee was unanimous in its recommendation. **Vote 15-0.**

HB 1397, relative to the annual salary of police commissioners of the town of Wolfeboro. **OUGHT TO PASS**

Rep. William Johnson for Municipal and County Government: Currently, compensation for the police commissioners of the Town of Wolfeboro is determined in Chapter Law. Last amended in 1979, Chapter 7:1 sets this compensation at \$100 per year. The sponsor of HB 1397 proposes that this decision should be made at the local level through the towns own budget process approved at the annual town meeting. The committee unanimously concurred. **Vote 13-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1235, relative to operation of motorized vessels and safe boater education. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill clarifies sections of RSA 270-D to provide that a person must be at least 16 years of age both to obtain a safe boater certificate and to operate a motorized vessel having more than 25 horsepower. It also directs that fees charged by the Department of Safety for courses, exams or certificates go to the navigation safety fund. The Department of Safety and the NH Lakes Association both supported the bill. There was no testimony heard in opposition. To date, courses offered by the department have been free. With the introduction of internet/online courses, additional costs are incurred. The law currently states that a fee may be charged, not to exceed costs. The amendment adds that the commissioner shall establish a uniform fee that its agents may charge for safe boater education courses, and stipulates that the total fee for course, exam and certificate may not exceed \$50.00. It allows a person age 15 to take the exam in anticipation of receiving a certificate upon turning 16. The amendment also provides that the bill is effective upon passage. **Vote 16-0.**

TRANSPORTATION

HB 1132, relative to grip height on motorcycles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill will amend RSA 266:77 to allow motorcycle riders to have their handlebars up to shoulder height. Current law was written in 1967, thirty-five years ago. Motorcycle design has changed dramatically since that time. The demographics and number of riders has also changed dramatically. There are many riders well in excess of six feet, many over six feet four inches. People come in all sizes and shapes and it is reasonable to expect that a person would be allowed to custom fit his or her handlebar height to fit body size and shape. Many other states have already amended their laws to reflect a similar change. **Vote 17-0.**

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. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This general idea has been before the House Transportation Committee a number of times over the past several years. Although committee members understand the sponsors' intent the committee heard no new information that would warrant increasing the current speed limits. As the population has increased so has the traffic on New Hampshire highways. The vast majority of New Hampshire's interstate and turnpike system is two lanes in one direction. Additionally, New Hampshire highways experience sudden and dramatic weather changes during winter months. New Hampshire is a tourist state and there are many tour buses and out-of-state travelers who may not have extreme weather driving skills. Higher speeds in these conditions would put the driving public at risk. The committee felt the current interstate and turnpike speed limits are proper, reasonable and overall in the best interest of public safety. **Vote 16-1.**

HB 1283, establishing a committee to study state and local regulation of helicopter landings. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Milligan for Transportation: The bill parallels a study which was to be taken by a committee charged with recodifying aviation laws and associated activities which has not been done since 1941. House Bills 317 and 424 have also addressed these issues. **Vote 17-0.**

THURSDAY, JANUARY 24

REGULAR CALENDAR

COMMERCE

HB 1332-FN-A, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: The committee heard no compelling testimony to justify legislating an audit of the New Hampshire Housing Finance Authority (NHHFA). Since the authority is a separate entity, unlike a state agency, compliance and oversight is really the responsibility of the federal government. Committee members received adequate documentation substantiating that appropriate performance and financial review are already in place. Even if it were appropriate for the legislature to conduct such an audit, it should be initiated by the Legislative Audit Review Committee and would most likely cost over \$100,000 in contrast to the \$1.00 fiscal note. The committee did agree with the sponsors that we have an affordable housing crisis, but an audit of NHHFA would not solve that problem. **Vote 12-1.**

ENVIRONMENT AND AGRICULTURE

HB 1170, extending the environmental audit program. **OUGHT TO PASS**

Rep. Harold P. Melcher for Environment and Agriculture: Extending the repeal allows us to accumulate more data on results of the program. **Vote 13-3.**

HB 1197-FN, relative to providing notice of invasive species to New Hampshire citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: This bill would require the Commissioner of the Department of Agriculture and Marketing to annually provide every household in New Hampshire a complete list of invasive species and fines

and penalties for harboring such species. No funds were provided and the committee found it inexpedient to legislate. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1265-FN, permitting certain gaming enforcement officers to be group II members of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The committee determined that this group of gaming inspectors did not qualify for group II status due to the characteristics and responsibilities associated with their jobs as stipulated by the New Hampshire Department of Administrative Services, Division of Personnel. **Vote 12-3.**

FINANCE

CACR 7, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Francine Wendelboe for the Majority of Finance: This proposed constitutional amendment would establish a rational basis standard for Supreme Court review of education funding laws. The committee recommends the adoption of this standard in recognition of the constitutional authority and duty of the legislature to establish policy. What this means is that when the legislature adopts a statute, any Supreme Court review is limited to the question of whether a reasonable connection can be shown between the purpose of the law and the method adopted to meet that objective. A higher strict scrutiny standard of review by the Court intrudes on the legislature's policy-making authority by requiring that the legislature prove that the law adopted is the best way to achieve the objective.

The New Hampshire Supreme Court has stated many times, throughout the line of Claremont decisions, that the legislature has "wide latitude" to establish education policy and education funding policy. The proposed amendment to CACR 7 simply expresses both the policy-making authority of the legislature and the appropriate limited review authority of the court in the education funding area to reflect the "wide latitude" established by the Court. **Vote 12-8.**

Rep. Marjorie K. Smith for the Minority of Finance: The minority believes adoption of this bill as amended would eliminate, as a practical matter, the New Hampshire Constitution, as a protection against unequal treatment in the access to or quality of education, as well as the manner in which it is funded. Passage would also mean injury, if not death, to the principles of judicial review that have governed this nation and this state for two hundred years.

This significant, constitutional change in the power of the judiciary has been proposed, not by the Judiciary Committee, but by the Finance Committee.

The concept of the separation of powers of each of the three branches is central to our government. So too, however, is the right, indeed the obligation, of the judicial branch to review and resolve questions concerning the actions of the legislative and executive branches. This concept reflects the core values of our founding fathers.

The federal case establishing the principles of judicial review is *Marbury vs. Madison*. In New Hampshire, Levi Woodbury, one of the states most distinguished jurists, articulated the same principles in *Merrill vs. Sherburne* in 1818.

A review of every state constitution has uncovered very few references to judicial review. In two states, Georgia and North Dakota, there are express provisions granting courts the power of judicial review.

Michigan's constitution makes reference to limiting judicial involvement in the recall process for elected officers. California limits the power of the courts in certain criminal matters, something that we in New Hampshire have accomplished through statute, without tampering with our constitution.

We should not be tampering with our constitution because some of us don't like a particular decision made by a particular court, confronting a particular set of circumstances.

No state, nor the United States, has put into its constitution a standard, named but not defined, of judicial scrutiny. No state, nor the United States, has effectively removed the power of the judiciary to review acts of the legislature which directly effect

the lives – and the fortunes – of every citizen. New Hampshire should not be the first.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1135, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The health benefits and risks of fluoridation of water have come under question. Some research has shown that the addition of chemicals, for example hydrofluosilicic acid or sodium silicofluoride, to the public drinking water have toxic effects which were not observed with sodium fluoride. Since topical application of sodium fluoride to the teeth seems to be effective in preventing tooth decay, the committee recommends a re-evaluation of the health benefits and risks of adding these fluorides to the public water supply. There were enough questions about the fluoridation process to warrant further study. **Vote 13-0.**

HB 1136, proclaiming February 14 as Congenital Heart Defect Awareness Day. **OUGHT TO PASS**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The fact that congenital heart defects are the number one killer of children, the committee majority was convinced that by naming that special day – Congenital Heart Defect Day on February 14 this would bring new attention to this disorder. It would also show support to the affected children and their parents by making this awareness. It is also the hope of the majority that by proclaiming this awareness day that indeed more medical attention would be given to this subject matter. The Governor, by proclaiming this special day every year would tend to focus on this problem. **Vote 7-6.**

HB 1149, establishing a committee to study the efficiency of the long-term care facility survey process. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee did recognize that there is merit in reviewing the long term care facility survey process. However, it was felt that the existing Oversight Committee or the Department of Health and Human Services (DHHS) would be more appropriate to review the survey process. This would eliminate the involvement of DHHS staff in a study that can be reviewed by the existing Oversight Committee. The consensus of the committee was that indeed the intention of this bill was on the mark and was recognized as such, but that there are existing avenues of study and a vehicle to make corrective recommendations. **Vote 11-3.**

HB 1269-FN, requiring the department of health and human services to compile and maintain abortion statistics. **INEXPEDIENT TO LEGISLATE**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The sponsor requested that the committee recommend this bill inexpedient because there is another pending bill which addresses this issue in a more comprehensive manner. **Vote 12-0.**

HB 1372-FN, relative to certain residential care facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: HB 1372-FN, as amended, authorizes the Commissioner of Health and Human Services to establish rules that would allow certification of facilities that provide services to one individual beyond room and board care, in a residential setting as an alternative to nursing home care. It is currently two or more. The intent is to be able to offer to Medicaid eligible individuals an option consistent with the SB 409 legislation of several years ago. The amendment eliminates a clause that was inconsistent with federal regulations. Because Medicaid eligibility triggers this program and is already financially accounted for there is not judged to be any financial impact. **Vote 12-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1130, increasing the rate of workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee felt an increase was premature. In addition, a 28-a issue arose regarding the expansion of programs. **Vote 9-7.**

HB 1335, excluding the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald A. Giordano for Labor, Industrial and Rehabilitative Services: This bill excludes the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. The department is opposed to this legislation and the committee opposed expanding the expansion of the commission definition. **Vote 10-6.**

LAI D ON TABLE

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.)

COMMITTEE MEETINGS

TUESDAY, JANUARY 22

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on **HB 1299-FN**, relative to premarital preparation courses.

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.

1:00 p.m. **HB 1408**, relative to local ordinances regulating truancy.

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

10:00 a.m. Subcommittee work session on **HB 1108**, relative to personal appearance by law enforcement officers at administrative license suspension hearings and **HB 1133**, relative to intrastate fresh pursuit.

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

1:15 p.m. Subcommittee work session on **HB 1189**, relative to the plea of guilty but insane.

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.

EDUCATION, Room 207, LOB

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

1:30 p.m. Subcommittee work session on **HB 1190**, relative to local school management of teacher hiring and retention, **HB 1260-FN**, relative to certification and licensing of teachers and school administrators and **HB 1105**, relative to the appointment of non-certified employees within a school administrative unit.

ELECTION LAW, Room 308, LOB

9:45 a.m. Rescheduled public hearing on **HB 1144**, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters.

10:15 a.m. Rescheduled public hearing on **HB 1308**, relative to checklist corrections on election day.

10:45 a.m. Continued 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.)

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

9:00 a.m. Subcommittee work session on **HB 1267-FN-LOCAL**, relative to a ban on landfilling and incinerating aluminum cans.

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

1:00 p.m. Subcommittee work session on **HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

2:00 p.m. Subcommittee work session on **HB 1305-FN**, relative to the pollution prevention program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems.

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.

11:00 a.m. **HB 1409-FN-A-LOCAL**, relative to payment of autopsy expenses 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

- 9:00 a.m. Subcommittee work session on **HB 1367-FN**, relative to the childhood lead poisoning prevention program.
- 10:00 a.m. Continued public hearing on **HB 1251**, relative to the use of mercury amalgam fillings by dentists.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

- 9:30 a.m. Regular meeting.

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.
- 1:00 p.m. Continued public hearing on **HB 1215**, relative to county delegations.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PRESCRIPTION DRUG ACCESS STUDY (SB 367, Chapter 208:3, Laws of 2000), Room 103, State House

- 3:00 p.m. Regular meeting.

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.
- 2:30 p.m. Public hearing on proposed amendment to **SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. (The amendment adds appropriation for the Veterans' Home in Tilton. Copies of the amendment are available from the Sergeant-at-Arms Office.)
- Executive session on pending legislation may be held throughout the day, time permitting, from the

time the committee is initially convened.

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.

Rooms 305-307, LOB

1:30 p.m. **HB 1000-FN-A**, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program.

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

9:00 a.m. Subcommittee work session on **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.

10:00 a.m. Rescheduled public hearing on **HCR 20**, encouraging trade with the Central American Northern Triangle.

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. Rescheduled public hearing on **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.

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

2:00 p.m. Subcommittee work session on **HCR 26**, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market.

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

9:00 a.m. Subcommittee work session on **HB 1150**, relative to insurance compliance self-audits.

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.

2:30 p.m. **HB 1421-FN-A**, relative to criminal extradition expenses 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.

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.

2:00 p.m. Continued public hearing on **HB 1186-FN**, relative to penalties for flag desecration.

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

9:00 a.m. Subcommittee work session on **HB 1214**, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste.

10:00 a.m. Subcommittee work session on **HB 1313**, relative to spreading sludge on excavation sites for reclamation.

11:00 a.m. Subcommittee work session on **HB 1382-FN**, revising requirements for restoring excavation sites.

1:00 p.m. Subcommittee work session on **HB 1102**, establishing a committee to study a hazardous waste coordinator certification program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 1354-FN**, licensing body art practitioners, **HB 1388**, relative to respiratory care, **HB 1377-FN**, relative to the regulation of physical therapists, **HB 1381-FN-A**, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities and **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.

Room 105A, State House

9:00 a.m. Subcommittee work session on **HB 1378-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.

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.

1:30 p.m. **HB 1416-FN**, relative to the extent of the authority of agencies to adopt administrative rules.

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

FINANCE - (DIVISION I), Room 209, LOB

Work and executive session on the following bills:

9:30 a.m. **HB 1264-FN-A-L**, returning all municipal fines to the municipality.

10:15 a.m. **HB 1330-FN**, requiring state agencies to respond to fiscal note requests in a timely manner.

11:00 a.m. **HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund.

1:15 p.m. **HB 439-FN-A**, establishing a position of septage coordinator and making an appropriation therefor.

2:00 p.m. Division I subcommittee meeting on **HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process.

FINANCE - (DIVISION II), ROOM 212, LOB

Work and executive session on the following bills:

10:00 a.m. **HB 1272-FN-A-LOCAL**, establishing a statewide special education funding pool.

11:00 a.m. **HB 1324-FN**, requiring that budget requests made by the state government be limited by inflationary and population growth indices.

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

Work and executive session on the following bills:

10:00 a.m. **HB 1124**, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program.

10:30 a.m. **SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

1:15 p.m. **HB 179-FN**, including 17 year olds under RSA 169-B, the juvenile delinquency statute

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

9:30 a.m. Executive session on pending legislation, if needed.

2:00 p.m. Subcommittee work session on **HB 1182**, establishing a committee to study a managed care model for New Hampshire's home and community-based care system.

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.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

10:10 a.m. **HB 1415**, relative to requiring taxpayers requesting abatements to answer inquiries of the assessors, and relative to appeals of certain abatement decisions.

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.

2:15 p.m. **HB 1403-LOCAL**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses.

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. Executive session on pending legislation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. Subcommittee work session on **HB 1172**, relative to the adoption of rules for certain wetland permits.

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

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

1:00 p.m. Subcommittee work session on **HB 1296**, relative to ambient groundwater quality standards.

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19), Room 207, LOB

2:30 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Subcommittee work session on **HB 1239-FN-A**, relative to off-track wagering by certain establishments, **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, **HB 1353-FN-A-LOCAL**, relative to video lottery at the racetracks, **HB 1362-FN-A**, establishing a state-owned casino to provide funds for public education, **HB 1383**, relative to lucky 7 and **HB 1404-FN-A-LOCAL**, establishing an economic development resort and casino at Jericho Lake Park in Berlin.

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

THURSDAY, JANUARY 24

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

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

Fifteen minutes following the House session, work session on the following bills:

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 he 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.

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

HB 1192, relative to the use of enrollment by residence data in the calculation of adequate education grants.

HB 1259-FN-LOCAL, relative to the base cost for calculating adequate education grants.

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

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

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

WAYS AND MEANS, Room 202, LOB

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

FRIDAY, JANUARY 25

LONG-TERM CARE RATE ADVISORY COMMITTEE (RSA 151-E:6-a), Room 206, LOB

1:00 p.m. Regular meeting.

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.

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

9:00 a.m. Investment committee.

10:00 a.m. Regular meeting.

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.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Continued public hearing on **HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety.

Executive session on pending legislation may follow.

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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 1349-FN-A**, establishing a New Hampshire power authority.

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.

1:15 p.m. **HB 1413**, relative to disclosure of information by hospitals.

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

2:00 p.m. Subcommittee work session on **HB 1166**, relative to sign restrictions regarding alcoholic beverages, **HB 1167**, relative to wine tasting and **HB 1336-FN**, permitting wine manufacturers to maintain restaurants or catering facilities.

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.

JUDICIARY, Room 208, LOB

9:30 a.m. Continued public hearing on ***HB 1380-FN***, relative to parental consent for abortions performed on children less than 16 years of age.

1:00 p.m. Rescheduled public hearing on ***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 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.

TASK FORCE ON RE-ESTABLISHING THE LAWRENCE, MA TO MANCHESTER, NH AND THE CONCORD TO LEBANON RAIL SERVICE (HB 258, Chapter 271:1, Laws of 2001), Room 203, LOB

10:00 a.m. Regular meeting.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on ***HB 1258-FN***, relative to post-conviction DNA testing.

10:00 a.m. Subcommittee work session on ***HB 1185-FN***, relative to the possession of deadly weapons in a safe school zone and ***HB 1187-FN***, relative to criminal penalties for possession of a firearm in a safe school zone.

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

10:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. Subcommittee work session on ***HB 1318***, relative to the regulation of the use of pharmaceutical agents by licensed optometrists.

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)

MONDAY, FEBRUARY 4

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

2:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 5

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Subcommittee work session on **HB 1365-FN**, requiring that the county departments of correction be charged the medicaid or lowest rate for inmates who need medical services within the community.

11:00 a.m. Subcommittee work session on **HB 1363-FN-LOCAL**, requiring the state to reimburse counties for the costs of incarcerating certain prisoners.

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.

JUDICIARY, Room 208, LOB

2:30 p.m. Subcommittee work session on **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.

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.

FRIDAY, FEBRUARY 8

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, 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.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Continued public hearing on ***HB 1376-FN***, relative to distribution of tobacco settlement funds.

Executive session on pending legislation may follow.

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.

2:00 p.m. ***HB 1407***, relative to the definition of property in planning and zoning laws, and allowing

planning and zoning boards to require public notice by posting signs for hearings on the property.

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. ***HB 1410-LOCAL***, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election.

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

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

The Hillsborough County Executive Committee will meet on Friday, January 25 at the Hillsborough County Nursing Home at 9:00 a.m. If you cannot attend please notify Marcia Rusch at 627-5631.

Rep. Robert H. Milligan, Chairman

Hillsborough Executive Committee

COUNTY DELEGATION NOTICE

The Rockingham County Delegation meeting to adopt the 2002 County Budget will be held on Wednesday, February 20 at 6:00 p.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood. The Executive Committee will meet at 5:00 p.m. in the Commissioner's Conference Room at the Rockingham County Nursing Home, Brentwood.

Rep. David A. Welch, Clerk

Rockingham 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 179, 213, 329, 353, 439, 567, 592, 656, 744, 1192, 1260, 1264, 1266, 1268, 1270, 1271, 1275, 1319, 1352, 1353, 1355, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1369, 1371, 1372, 1373, 1374, 1375, 1376, 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.

From time to time I receive reports and audits from various committees, commissions, and departments. On the chance that

some of these reports might be of interest to a member, I will periodically list the reports that are received in the Speaker's office and available for viewing.

Reports most recently received include:

Connecticut River Joint Commission

State of NH Comprehensive Annual Financial Report

Sweepstakes Commission Comprehensive Financial Report

Unique College Investing Plan Annual Report

Department of Corrections Annual Report

State of NH Judicial Branch Annual Report

Gene G. Chandler, Speaker

Members of the NH House are encouraged to utilize the complimentary ski privileges afforded them. Upon presentation of proper credentials at the ticket window, legislative members may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials unless prior arrangement is made with Commissioner Bald. (*Lift tickets are to be picked up at Guest Services or the Ticket Window at Cannon.*)

Gene G. Chandler, Speaker

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

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

Rep. Paul M. Mirski

All freshmen legislators are invited to attend the Freshmen 2001 Assembly at 8:00 a.m. on Thursday, January 24th in the State House Cafeteria. This informal social group is open to all freshmen of both parties.

Rep. Edward R. Leach

The Main Street Republican Caucus will meet on Thursday, January 24 and 31 at 8:30 a.m. in the Upham Walker House.

Rep. Paul D. Spiess

The Business and Industry Association of New Hampshire is hosting a series of regional morning "get-togethers" to allow legislators to meet and chat with business people from across the state. Tours of the host facilities will be given and a continental breakfast will be served. There is no cost to attend these events, but an RSVP is requested. If you would like to attend one or more of these meetings, please call the BIA at (800) 540-5388. **January 28** from 9:00 to 11:00 a.m. at The H L Turner Group, 27 Locke Road, Concord. **February 4** from 9:00 to 11:00 a.m. at Attitash Bear Park Resort, Grand Summit Hotel, Route 302, Bartlett.

Rep. David W. Hess

All members from Salem, Atkinson, Hampstead, Windham and Pelham are invited to join the Greater Salem Chamber of Commerce, and their "Leadership Class", for a legislative forum at the Holiday Inn on Wednesday, January 30 at noon. Lunch will be provided.

Rep. Robert M. McGuire

All legislators and staff are invited to a "Welcome Back Reception" hosted by the New Hampshire Association of Realtors on January 31 from 3:00 to 6:00 p.m. at the Barley House, directly across from the State House.

Rep. Michael D. Whalley

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 G. 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

All Young Republicans and GOP Representatives are invited to attend the New Hampshire Young Republicans meeting at the Upham Walker House on February 6 from noon to 1:30 p.m. to celebrate Ronald Reagan's 96th birthday as well as the NHYR's awarding of the 2nd Annual Gipper Award. Refreshments will be provided.

Rep. Keith R. Herman

The Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment will be holding public forums during February, March and April to obtain feedback from the citizens of New Hampshire on alcohol and drug issues in their communities and the draft state plan. The Commission is interested in learning: what the issues are; what programs are working; what programs are not working and what additional prevention, intervention, and treatment programs or assistance are needed. Copies of the draft state plan will be available in early January in public libraries throughout the state. For more information on the public forums or the state plan, call Dorothy Leavitt, Research and Policy Analyst at the New Hampshire Division of Alcohol and Drug Abuse Prevention and Recovery, at (603) 271-5564 or toll free at 1-800-852-3345, Extension 5564.

The following public forums will be held in February:

Berlin NH Community Technical College Wednesday, February 6, 6:30-8:30 p.m.

Lebanon Lebanon College Multipurpose Room 5 Wednesday, February 20, 6:30-8:30 p.m.

Rep. William E. Leber

The University of New Hampshire Alumni and Parents Association invites members of the General Court to the annual UNH Legislative Breakfast to be held Thursday, February 21 from 7:30 a.m. to 9:00 a.m. at the New Hampshire Historical Society.

Reps. Mary Jane Wallner and Marjorie K. Smith

The Department of Transportation will hold the following meetings:

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. 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
Albert, Russell	Strafford	17	2002-H-2439-R

Almy, Susan	Grafton	14	2002-H-2405-R
Almy, Susan	Grafton	14	2002-H-2409-R
Almy, Susan	Grafton	14	2002-H-2425-R
Almy, Susan	Grafton	14	2002-H-2426-R
Arnold, Thomas	Hillsborough	20	2002-S-3143-R
Avery, Stephen	Cheshire	08	2002-H-2372-R
Bartlett, Gordon	Belknap	06	2002-S-3131-R
Bowles, Raimond	Rockingham	35	2002-H-2421-R
Burling, Peter	Sullivan	01	2002-H-2394-R
Calawa, Leon	Hillsborough	17	2002-S-3173-R
Clegg, Robert	Hillsborough	23	2002-H-2394-R
Colcord, J D	Merrimack	02	2002-S-3174-R
Dewhirst, Glenn	Belknap	07	2002-H-2393-R
Dokmo, Cynthia	Hillsborough	14	2002-H-2427-L
Dowling, Patricia	Rockingham	13	2002-S-3143-R
Downing, Michael	Rockingham	26	2002-S-3170-R
Fairbanks, Chandler	Cheshire	18	2002-S-3131-R
Flanders, Donald	Belknap	07	2002-H-2393-R
Fraser, Marilyn	Merrimack	21	2002-H-2427-L
Golding, William	Hillsborough	38	2002-S-3178-R
Guinta, Frank	Hillsborough	39	2002-S-3178-R
Holbrook, Robert	Belknap	07	2002-H-2393-R
Holden, Randolph	Hillsborough	07	2002-H-2420-R
Jacobson, Alf	Merrimack	02	2002-H-2411-R
Kacavas, John	Hillsborough	37	2002-H-2413-R
Keye, Harvey	Hillsborough	30	2002-H-2372-R
Kurk, Neal	Hillsborough	05	2002-H-2404-R
Leone, Richard	Sullivan	02	2002-H-2427-L
Major, Norman	Rockingham	16	2002-H-2427-L

Messier, Irene	Hillsborough	46	2002-S-3135-R
Packard, Sherman	Rockingham	29	2002-S-3131-R
Palangas, Eric	Hillsborough	41	2002-H-2413-R
Pappas, Marc	Hillsborough	48	2002-S-3178-R
Quandt, Marshall	Rockingham	20	2002-H-2439-R
Quandt, Matthew	Rockingham	20	2002-H-2439-R
Reid, Christopher	Strafford	12	2002-S-3132-R
Rodeschin, Beverly	Sullivan	04	2002-H-2402-R
Scanlan, David	Grafton	11	2002-H-2375-R
Snyder, Clair	Strafford	14	2002-S-3174-R
Souza, Kathleen	Hillsborough	40	2002-H-2432-R
Tholl, John	Coos	05	2002-H-2405-R
Tholl, John	Coos	05	2002-H-2409-R
Tholl, John	Coos	05	2002-H-2425-R
Tholl, John	Coos	05	2002-H-2426-R
Trueman, Raymond	Rockingham	19	2002-H-2270-R
Tsiros, William	Strafford	03	2002-H-2372-R
Wall, Janet	Strafford	09	2002-H-2396-R
Wall, Janet	Strafford	09	2002-H-2419-R
Wall, Janet	Strafford	09	2002-S-3164-R
Welch, David	Rockingham	18	2002-H-2409-R
Welch, David	Rockingham	18	2002-H-2426-R
Wendelboe, Fran	Belknap	02	2002-H-2393-R
Wood, Jane	Belknap	07	2002-H-2393-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 24
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2001-1909h

Amendment to CACR 7
Proposed by the Majority of the Committee on Finance - R

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

RELATING TO: the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education.

PROVIDING THAT: judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

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

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Standard of Judicial Review.] Judicial review of all legislative determinations concerning the content, extent,

beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2002.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2002 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2001 session of the general court shall be approved.

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

Are you in favor of amending the constitution to provide that the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Standard of Judicial Review.] Judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2001 General Court" shall be printed in bold type at the top of the ballot.

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

AMENDED ANALYSIS

This constitutional amendment concurrent resolution limits the judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education to whether or not they have a rational basis.

2001-2102h

Amendment to HB 673

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to a net asset qualification for the elderly property tax exemption for married persons.

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

1 Property Taxation; Conditions for Elderly Exemption; Consecutive Years of Residence. Amend RSA 72:39-a, I(a) to read as follows:

(a) Has resided in this state for at least 5 **consecutive** years preceding April 1 in the year in which the exemption is claimed.

2 Property Taxation; Conditions for Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-a, I(c) to read as follows:

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 **or, if married, combined net assets in such greater amount as may be determined by the town or city.** "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

3 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after

paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

4 Property Taxation; Adoption or Modification of Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-b, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of _____, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 **consecutive** years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married **to each other** for at least 5 **consecutive** years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than \$13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than \$20,400); and own net assets not in excess of (here insert a dollar amount not less than \$35,000 excluding the value of the person's residence) **or, if married, combined net assets not in excess of (here insert a dollar amount of \$35,000 or greater) excluding the value of the residence.**" Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. **The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.**

5 Exemption for the Disabled; Qualifications Clarified. Amend RSA 72:37-c, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt an exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 **consecutive** years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married **to each other** for at least 5 **consecutive** years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

6 Tax Deferral for the Elderly and Disabled; Qualifications Clarified. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 **consecutive** years; and

7 Effective Date. This act shall take effect April 1, 2002.

AMENDED ANALYSIS

This bill allows for the adoption by municipalities of a married persons' net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

2002-2127h

Amendment to HB 1132

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 2 with the following:

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

2002-2111h

Amendment to HB 1142

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

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

1 Advisory Council. Amend RSA 282-A:128 to read as follows:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation, hereinafter called the advisory council. The advisory council shall consist of 9 members to be appointed, with the exception of the legislative members, ~~[upon recommendations of the commissioner]~~ by the governor with the consent and advice of the governor's council. Three of the appointees of this advisory council shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; one shall be a senator from the insurance committee appointed by the senate president; one shall be a representative from the labor, industrial and rehabilitative services committee appointed by the speaker of the house; the remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. Such advisory council shall *meet no later than 45 days after each calendar quarter and* aid the commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. *Advisory council meetings shall provide opportunity for public comment.*

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

AMENDED ANALYSIS

This bill deletes the requirement that the commissioner of labor recommend to the governor potential appointees to the advisory council on unemployment compensation.

2002-2132h

Amendment to HB 1235

Proposed by the Committee on Resources, Recreation and Development – C

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Issuance of Safe Boater Education Certificate; Issuance Upon Attaining Age 16. Amend RSA 270-D:13 by inserting after paragraph III the following new paragraph:

IV. Any person who successfully completes a safe boater education course or safe boater equivalency examination after reaching the age of 15 shall be issued a safe boater education certificate upon attaining the age of 16.

6 Safe Boater Education; Temporary Certificate; Age Inserted. Amend RSA 270-D:14 to read as follows:

270-D:14 Temporary Certificate. The commissioner, or designee, shall issue a temporary certificate of safe boating education to a person **16 years of age or older** who passes a temporary safe boater examination administered by the department or its agents and approved by the commissioner. The temporary certificate of safe boater education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire. Any dealer or renter of boats or employee thereof, who has passed the boating safety education course as provided in RSA 270-D:13, I(a) and is approved by the commissioner, may administer the temporary safety examination and issue a temporary certificate.

7 Safe Boater Education; Course Fee; Navigation Safety Fund. Amend RSA 270-D:17 to read as follows:

270-D:17 ~~[Course Fee]~~ **Fees.**

I. The department may charge a reasonable fee for issuing a safe boater education certificate.

II.(a) The department~~[-or its agents,]~~ **may charge a fee for** offering a safe boater education course or exam ~~[may charge a fee]~~. The fee shall not exceed the costs incurred by the department~~[-or its agents,]~~ in offering the course or exam ~~[and shall not exceed \$50]~~.

(b) Agents of the department may charge a fee for offering a safe boater education course or exam. The

commissioner shall establish in rules a uniform fee to be charged by agents for offering a safe boater education course or exam.

III. The total of all fees that a person may be required to pay under this section shall not exceed \$50.

IV. Fees collected by the department under this section shall be paid into the navigation safety fund established under RSA 270-E:6-a.

8 Safe Boater Education; Voluntary Attendance. Amend RSA 270-D:19 to read as follows:

270-D:19 Voluntary Attendance. Nothing in this ~~[section]~~ **chapter** shall prohibit any person ***who is 16 years of age or older*** from attending a safe boater education course approved by the commissioner under this subdivision and obtaining a safe boater education certificate upon successful completion of the safe boater education course, prior to dates indicated on the phase-in schedule.

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

2002-2126h

Amendment to HB 1372-FN

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Rulemaking; Certification of Certain Facilities. Amend RSA 151:9 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of the department of health and human services shall establish a program, by rule, to certify facilities that provide services to one individual, beyond room and board care, in a residential setting, as an alternative to nursing facility care, which offers residents a home-like living arrangement, social, health, or medical services, including, but not limited to, medical or nursing supervision, medical care or treatment by appropriately trained or licensed individuals, assistance in daily living, or protective care.

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a certification program by rule to certify facilities offering services beyond room and board to one individual in a residential setting.