

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, February 8, 2002 No. 13

Contains: Reports and Amendments for February 14, Hearing Schedule, Committee Meetings, Work Sessions, Notices and Unsigned Sponsor List

HOUSE CALENDAR

NOTICE

Members of the House:

The House will meet in session on Thursday, February 14, Thursday, February 21, Wednesday, March 6 and, if necessary, on Thursday, March 7. There will be no legislative meetings the week of February 25 through March 1. Please enjoy the break and recharge the batteries for the remainder of the session.

The 2001-2002 "class photo" will be taken on Thursday, February 21, just before the lunch break.

Chairmen and Vice Chairmen will meet on Tuesday, February 12 at 9:00 a.m. in Room 201, LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, February 14 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, February 14 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NH CTSO DAY

February 13, 2002

8:00 a.m. to 1:00 p.m.

"Preparing Today's Students For Tomorrow's Careers"

The state officers of the seven Career and Technical Student Organizations wish to invite you to a continental breakfast in the State House Cafeteria from 8:00 to 11:00 am. Please join New Hampshire's CTSO state officers to discuss leadership in Career and Technical Education and share information about programs around the state. You may also wish to visit the exhibit tables in the lower lobby of the Legislative Office Building.

Rep. Warren C. Henderson

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, FEBRUARY 14

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1107, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services. **OUGHT TO PASS**

Rep. Claire B. McHugh for Children and Family Law: The Youth Development Service has a contract with the Department of Corrections that permits those detained to make outside calls to their family at a charge of \$1.40 at the outset, and then \$0.15 - \$0.20 per minute thereafter. Both departments then receive reimbursement for those phone calls totaling approximately 20%. Members believed the telephone calls could be done at considerably less money and more efficiently. The telephone system is antiquated and needs to be looked at and overhauled, and can be done at the same time as YDC hopefully puts in other amenities. **Vote 17-0.**

HB 1115, relative to the procedure for assignment of juvenile probation and parole officers. **REFER FOR INTERIM STUDY**

Rep. Anne C. Grassie for Children and Family Law: The committee voiced concern about the lack of information regarding the reasons precipitating this bill. The committee felt that a need for checks and balances between the Department of Health and Human Services and the courts could be explored by study. **Vote 17-1.**

COMMERCE

HB 1114, establishing a committee to study the state's real estate leasing practices and requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Commerce: The sponsor requested that the bill be withdrawn. **Vote 11-0.**

HB 1169, relative to the termination of safe deposit box leases. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The sponsor and co-sponsor both agree that this legislation is not necessary at this time. **Vote 12-0.**

HB 1184-FN, permitting the department of health and human services to use the National Medical Support Notice. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: Under this bill, the New Hampshire Department of Health and Human Services would be authorized to use the National Medical Support Notice. The bill would enable the New Hampshire Office of Child Support Services to use this new standardized medical support form when directing an employer to initiate health coverage for a worker's dependents. By adopting this form New Hampshire will be taking a significant step to reduce administrative complexity for in-state employers regardless of where in the state an order originates. **Vote 12-0.**

HB 1211, prohibiting insurers from discriminating against a person on the basis of the person holding elective office. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Commerce: This legislation has been before this committee in the past and although there is a current law that bars companies from discriminating because of lawful occupation, several insurance companies have refused to provide umbrella insurance to some elected officials, in particular state representatives and selectmen. Since there are many companies that do write umbrella policies for politicians, the committee felt this mandate was not necessary. **Vote 11-0.**

HB 1217, relative to payment of trust income. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to allow trustees of trusts the authority to convert to a Unitrust if such a conversion will enable the trustee to better carry out the purpose of the trust. Conversion to a Unitrust will allow the trustee to seek to maximize total return through appreciation of capital and/or earnings and distributions from capital. Creation of a Unitrust further defines the manner by which distributions from the trust are calculated. The committee strongly supports passage of this bill to bring the statute into conformity with current investment practices. **Vote 12-0.**

HB 1223, establishing a committee to study the model insurance rating laws. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: A study of New Hampshire's rating laws is long overdue. All persons who appeared at the public hearing testified in support of the bill. The Commerce Committee was unanimous in adopting the content of this legislation. **Vote 12-0.**

HB 1238, requiring seating accommodations in retail establishments. **INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: This bill would require any retail establishment to make seating available for the physically disabled and the elderly. While this is certainly a laudable goal, the bill lacks any specificity or definition as to amount, type, and location of such seating. Such a law would be virtually impossible to enforce, and no effective penalty or remedy is provided. While it is only common sense to provide such amenities, we cannot legislate good business practices. **Vote 12-0.**

HB 1434, lowering the minimum medical cost coverage for motor vehicle liability policies. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This is the same bill that was passed out of the House previously requiring the automobile insurance companies to offer \$1000 in medical payments insurance rather than the \$5000 which is the current law. The \$5000 requirement was enacted about three years ago. During the course of the ensuing period it became apparent that because of the premium costs associated with the increase in coverage a number of policy holders (especially the young people) could no longer afford their coverage and policies were being non-renewed at the request of the policy holder. Further, as a result of the new legislation, the auto policy was becoming primary over the health coverage; something that was not contemplated when the new limit was adopted. **Vote 12-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1133, regulating intrastate fresh pursuit. **OUGHT TO PASS**

Rep. Constance A. Jones for Criminal Justice and Public Safety: This bill simply updates RSA 614:8 Intrastate Fresh Pursuit and allows the law enforcement officer to bail the prisoner, if the offense is bailable, by a magistrate, or a bail commissioner, either where the offense was committed or where the prisoner was apprehended. **Vote 18-0.**

HB 1189, relative to the plea of guilty but insane. **REFER FOR INTERIM STUDY**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill proposes to change the plea of "not guilty by reason of insanity" to "guilty but insane" and requires a defendant who is found guilty but insane upon release from the Secure Psychiatric Unit (SPU) be required to serve 25% of the time remaining on their sentence, or 25% of the time remaining until the person is eligible for parole in the state prison. The current language of RSA 628:2,I which states that "a person who is insane at the time he acts is not criminally responsible for his conduct" has been law since prior to 1971. Changes were made in 1982 when the burden of proof became "preponderance of evidence" and in 1987 the burden was raised to clear and convincing evidence. It was not shown that any further changes are needed in New Hampshire but the committee would like to investigate the subject during the interim period. **Vote 16-2.**

EDUCATION

HB 1146, relative to candidate qualifications for school district office. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The unanimous vote of the committee reflects the position that there should not be any further restrictions placed upon those New Hampshire residents who wish to serve their communities in local elected office. It is already very difficult to get good people to run for local office in many cases. Added barriers would make this situation worse. **Vote 15-0.**

HB 1213, relative to personal school records of pupils. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: This bill was related to one specific allegation of misuse of student records for political purposes which, if true, was probably in violation of existing law or policies. The language was extremely broad with many unintended consequences and testimony was inconclusive as to the need for new law. **Vote 15-2.**

HB 1229-FN-A-LOCAL, relative to funding of special education. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The bill provides for school districts to be liable for two-thirds of special education costs. These costs are currently funded under a series of complex formulas with the local school district, the state and the federal government sharing the costs. Specifying the obligations of one funding participant without integrating the funding from other sources creates many more problems than have been dealt with in the bill. **Vote 17-0.**

HB 1424, prohibiting the acceptance of certain funds within the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: While the bill intends to "protect academic freedom", the testimony received by the committee suggested that, in practice, the bill could limit, rather than protect, academic freedom. The language of the bill was extremely broad making effective enforcement very difficult. This bill, however well intended, would be likely to cause more problems than it cured. **Vote 14-0.**

HB 1428-FN-LOCAL, relative to the formation of statewide cooperative purchasing agreements within school administrative units. **INEXPEDIENT TO LEGISLATE**

Rep. John R. M. Alger for Education: This bill presents the issue of centralized purchasing by SAU's. Current law already explicitly authorizes coordinated central purchasing between school districts and the Department of Administrative Services. The committee chairman will write the parties involved urging their cooperation in cost reduction and asking for a report to the committee next year. **Vote 15-0.**

ELECTION LAW

HB 419, apportioning delegates to state party conventions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marc P. Pappas for Election Law: The special redistricting committee unanimously recommended the adoption of HB 419. The bill provides representation for every city and town in the state. Further, the assignment of delegates mirrors the representative seats throughout the state. **Vote 14-0.**

ENVIRONMENT AND AGRICULTURE

HB 1396, authorizing the state veterinarian to provide wildlife disease prevention and treatment. **OUGHT TO PASS**

Rep. James G. Phinizy for Environment and Agriculture: This legislation enables and authorizes the state veterinarian to treat wildlife for rabies in order to prevent or curtail an epidemic. Cornell University, State of Vermont, and Canada have offered to include New Hampshire at no cost to the state, in a "baiting" program. Without this legislation the state would not be able to participate. **Vote 12-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1118, relative to participation by certain judges in the state employee group health and dental insurance programs. **OUGHT TO PASS**

Rep. Joan H. Schulze for Executive Departments and Administration: This bill allows part-time justices in the district courts and part time judges in the probate courts to join at their own expense the state employee group health and dental insurance programs. Other part-time state employees are purchasing these benefits at a prorated cost. Although there are currently fifty-four judges, only three probate court judges and seven district court judges expressed an interest in participating at this time. Other judges may request participation in the future. Testimony revealed this bill would entail no additional cost to the state. **Vote 15-0.**

HB 1128-FN, relative to the retirement system classification for the director of field services, department of corrections. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The position of director of field services, department of corrections, requires only occasional contact with prisoners and paroled personnel and as such does not qualify for group II status under the New Hampshire Retirement system classification. **Vote 16-0.**

HB 1207, relative to the regulation of the installation and servicing of fire suppression systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill, as amended, requires any individual or firm engaged in the installation or servicing of portable fire extinguishers, fixed fire suppression systems, water sprinkler systems or fire alarm systems to be regulated by the state fire marshall. The fire marshall in consultation with the advisory committee shall adopt rules suitable for these regulations. **Vote 16-0.**

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. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: The sponsor informed the committee that the bill, as drafted, did not meet her intention and would like the bill withdrawn. It is her intention to introduce future legislation to address the issue. **Vote 14-0.**

HB 1271-FN, relative to dental care insurance for state employees and retired state employees. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have provided dental care insurance to both in service state employees and their families and retired state employees and their spouses starting in FY 2003 at a cost to the state budget of \$4.3 million dollars. This amount would increase by an anticipated escalator of 5.0% per year. With the projected shortfall in education funding in FY2003 and the current reduced revenue stream, the committee felt that this was not the time to consider this additional benefit. **Vote 14-2.**

HB 1310, relative to the city of Manchester's contributory retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Theresa A. Drabinowicz for Executive Departments and Administration: The purpose of HB 1310 is to amend and restate, in its entirety, the law enacted June 14, 1973, as Chapter 218 of the laws of 1973, as amended by Chapter 24 of the laws of 1976, and by Chapter 103 of the laws of 1999, that established the City of Manchester Employees' Contributory Retirement System. The restatement of Chapter 218 is important for bringing the retirement plan document up to date for several reasons, but also to reflect the plan's qualification status under Internal Revenue Code Section 401(a). Qualification under Section 401(a) exempts the plan's asset earnings from being taxed. Any amendment or modification in Chapter 218 must be ratified by the voters of the city after the legislature has authorized the inclusion of the amendment as a referendum question on the city ballot. **Vote 16-0.**

HB 1354-FN, licensing body art practitioners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill is the result of an extensive study this past summer by a special legislative committee looking into the practice of body piercing, branding and tattooing (known as body art). The bill, as amended, establishes a licensing and training procedure for all practitioners involved in this practice. **Vote 15-0.**

HB 1381-FN-A, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: After extensive review by a subcommittee, it was found that there were a few elements that could be covered by a bill in the next session of the legislature. The concern was a 28-a issue that might be involved if costs to a municipality were incurred. Perhaps next year the legislature could fashion an approach to certify bathing facilities, operators and installers. It would be advantageous to develop a training program for facility operators. **Vote 15-0.**

FINANCE

HB 294-FN, excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief. **REFER FOR INTERIM STUDY**

Rep. Robert L. Wheeler for Finance: The Committee felt that an indeterminable fiscal impact statement was unavoidable, given the missing detail in this bill on the nature of pensions. Since the Finance Committee is thus not able to do its work, and since the Ways & Means Committee, the Policy Committee in this case, will be studying property tax hardship relief over the interim, we felt that interim study is the most appropriate path to take **Vote 18-0.**

HB 768-FN, relative to DNA testing of criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee supports retaining the testing policy and deferring the fiscal impact until the next biennial budget. The commission could be established, people on probation or parole could be included, and less intrusive procedures could be utilized, but the actual expansion of testing and the corresponding costs would be deferred until the next budget **Vote 18-1.**

HB 1124, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly T. Rodeschin for Finance: The committee feels this bill can be better addressed by the statutory Joint Health and Human Services Oversight Committee. A letter from Finance will be sent to the Joint Committee requesting it address the issues raised by this bill **Vote 18-0.**

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

Rep. Joseph E. Stone for Finance: This bill provides for the use of enrollment by residence statistics from the immediately preceding school year to make financial adjustments to the adequate education grant disbursements made to school districts in the following school year.

The sponsor has correctly identified a problem in the current system that distributes adequacy grants based on what had been

the average daily membership in residence three years earlier. The solution proposed would require the use of substitute figures that had the advantage of being more timely, but would require subsequent correction. The committee believed that such a practice would make it much more difficult for school districts to plan and that this solution was no improvement over the current situation, which at least had the advantage of predictability **Vote 17-1**.

HB 1264-FN-L, returning all municipal fines to the municipality. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill started out as an effort to send more fine money back to cities and towns at the expense of state revenue. However, the Committee rejected this concept and amended the bill to do a bit of legislative housekeeping. The authority for plea by mail had been inadvertently repealed and is by this bill re-instituted **Vote 20-0**.

HB 1272-FN-A-L, establishing a statewide special education funding pool. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: This bill was intended to reduce special education costs in school districts throughout the state. The bill, however, is problematic in that it repeals Catastrophic Aid, could present 28-a issues, and could be interpreted as a \$100 per student head tax. After further examination of the funding mechanism, the committee concluded that, even if CAT Aid were still included, the revenue would not be sufficient to accomplish the sponsor's intent **Vote 17-0**.

HB 1364-FN, requiring an accounting of dedicated funds in the budgetary process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that it was appropriate to require reporting on dedicated funds, sunset these funds if there is no activity or reason to continue, return funds to the general fund where allowed, and list these funds all in one place in statute. However, the Committee endorsed the approach that required reporting in the off-budget year to the Policy Committee. **Vote 19-0**.

SB 64-FN-A, establishing a fund to pay mediators in the probate courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maryann N. Blanchard for Finance: The Finance Committee supports both policy committee recommendations on the merits of this bill. The Committee amendment makes several changes including change of effective date to 60 days after passage; a sunset provision for June 30, 2007; and an annual reporting requirement beginning September 1, 2003. **Vote 16-0**.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1182, establishing a committee to study a managed care model for New Hampshire's home and community-based care system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill establishes a committee to study long term home and community support systems for the elderly and adults with disabilities. The committee will evaluate the range of services proposed and implemented under SB 409 (as recorded in chapter law 1998, 388) as a New Hampshire long term care system. The purpose is to explore a policy of continuum of care appropriate to the needs of the elderly and disabled and affordable to the state. **Vote 16-0**.

HB 1219, establishing a committee to study ways to implement the principles of state health care reform. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill is premature. Annually the Commissioner of Health and Human Services and the Governor develop a number of priorities in the general field of health. This bill would have reviewed those principles first adopted in 1993 and revised many times since then. The current decisions regarding health priorities appear not to have been finalized. Therefore, those concerned with health planning will continue to utilize the many useful findings from previous and current study committees. **Vote 19-0**.

JUDICIARY

HB 1117, establishing a committee to study the effects of prohibiting adverse possession in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The goal of this bill is to establish a committee to study the effects of adverse possession. The committee felt that the legal subject of adverse possession is extremely complex and if it is to be studied, the study should not take place in the second year of a legislative session. **Vote 19-0**.

HB 1127, relative to the timing for the filing of an affidavit for the disposition of nursing home patient accounts after death. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: As a result of the public hearing, the sponsor, the administrative head of the probate court and representatives from the nursing home were able to come to an agreement as to timely filings of affidavits for the disposition of nursing home patient accounts. Because of this communication and the fact that all parties are in agreement, the sponsor has concluded that the bill is not necessary and has requested that the bill be found inexpedient to legislate. **Vote 16-0.**

HB 1175, relative to proclaiming oneself a New Hampshire native. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill defines a New Hampshire "native" as anyone born in this state plus those born out of state in five different circumstances. These are when the mother was a New Hampshire resident but gave birth out of state because (1) that is where the nearest hospital was located; (2) she was traveling out of state; (3) she or the father were in military service; (4) she was temporarily employed out of state; or, (5) she was a student out of state. While solving no catastrophic problems, the bill would allow many people who have lived in New Hampshire most or all of their lives to claim "native" status despite temporary circumstances which had them breathe their first breath out of state. **Vote 13-3.**

HB 1253, relative to possessory actions against tenants. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This bill was originally intended to limit or eliminate agreements between landlords and tenants which were the result of fraud or misrepresentation. The majority of the committee was of the opinion that this bill does not accomplish those ends. The issue should perhaps be further studied and addressed by future legislation. **Vote 17-2.**

HB 1338, clarifying that the judicial council is responsible for payment of indigent defense expenses. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill came about as the result of a recommendation from a legislative audit which urged legislation specifying that the judicial council shall pay the expenses incurred by defense counsel for indigents. At the present time that responsibility, by legislation, is given to the commissioner of administrative services who, for many years, has subcontracted it out to the judicial council. **Vote 15-3.**

HB 1390, relative to quality assurance information **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill is a means of correcting an imbalance that has developed between a patient's right to his or her medical records and the need for confidentiality of the proceedings of hospital quality assurance program records. In civil cases, some patient records are currently shielded from discovery by hospitals by cloaking them in the confidentiality afforded proceedings of a quality assurance program, even if those records were otherwise discoverable. This bill provides that a hospital can no longer shield patient records merely because they have been presented to a quality assurance program. However, testimony taken in conjunction with a quality assurance program will remain confidential. The bill allows patients access to their records while protecting a hospital's legitimate need to evaluate and investigate its prices, procedures and staff through quality assurance programs. **Vote 17-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1109, establishing a commission to study problems related to the delivery of local assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The committee heard testimony about the need to preserve and strengthen the local assistance networks that work closely with our municipal welfare offices. These networks are coming under fiscal pressure from the recession, lack of affordable housing and homelessness. Representatives of both public and private assistance organizations unanimously testified that there is need for the study commission mandated by this bill to review existing statutes, especially RSA 165 "aid to assisted persons", procedures and relationships to provide the continued smooth flow of help to those in need on a local level. **Vote 12-0.**

HB 1112, relative to the notice period for hearings on excavation permits. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill changes the notice period from 14 days to 10 days prior to a hearing on excavation permits. This action will make the notice period for excavation permits consistent with other land use notice requirements as contained in RSA 675:5. **Vote 12-0.**

HB 1138, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: This bill closes the book on a problem first introduced in this House eight years ago. The plan for the Green Hills subdivision was originally drawn up on someone's kitchen table. This resulted in property lines being incorrectly drawn. Subsequently, title insurance lawyers would not certify the lots when the owners wanted to sell. Much work has been done on this issue. Previous legislation enacted, HB 160 Chapter 2 Laws of 1997, was deemed appropriate and constitutional by the Rockingham Superior Court in November 2001. Therefore, this bill is no longer needed. **Vote 14-0.**

HB 1202-FN, reducing fees for municipal permits for registration of certain hybrid vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would reduce the municipal permit fees for vehicle registration of certain hybrid vehicles by 1/3. This loss of revenue would have a significant impact on the municipalities throughout the state. It is the policy of the state (DES) to encourage the use of cleaner, more efficient forms of transportation wherever possible. However, there is a potential for revenue loss at the local and state levels. This loss would continue to grow during this decade. It is estimated that by the year 2010 there will be 2,000-4,000 hybrid vehicles on the New Hampshire roads. Prior to 2001, there was an additional fee for registrations for hybrid vehicles. In HB 443 of 2001, that additional fee was repealed. The owners of such vehicles enjoy a substantial savings due to the reduced use of gasoline. Additionally, these vehicles will travel on our roads and will have the same wear and tear effect as regular vehicles. **Vote 11-0.**

HB 1221, relative to coordinating certain town and school district meetings. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This bill allows single towns and single school districts where both bodies have adopted the official ballot referendum form of government (SB2), to hold the first deliberative session of both bodies jointly, instead of separately as required currently. Positive testimony was given by all who attended the hearing as to the success of this collaborative approach to running the first deliberative session of the respective annual meetings. This bill enables towns so inclined and who have an existing cooperative spirit, to streamline the process as to allow the town and school district deliberative session to be held on the same day and at the same time **Vote 12-0.**

HB 1227, relative to the appraisal of affordable housing developments. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires that the appraisal of property subject to a housing subsidy covenant fully reflect the decrease in value attributable to the covenant. The sponsor requested the committee to ITL this bill. She had filed the bill at the request of a constituent who subsequently changed his/her mind. **Vote 13-0.**

HB 1275-FN-L, relative to approval of budget calculations in the default budget of a municipality using the official ballot system. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill attempts to resolve a local problem emanating from an attempt to arbitrarily "inflate" the default budget in official ballot (SB2) towns. Despite the good intentions of the bills sponsor, the committee heard strong opposition from representatives of the Department of Revenue Administration, the NH Municipal Association and others that that the remedy offered by the bill-a DRA audit-would be impossible to implement by DRA given the time restraints and lack of adequate staff. Furthermore, the committee felt that the perimeters of the default budget were adequately defined in current statutes. This is a local problem that should be resolved through interaction between the budget committee and the board of selectmen. **Vote 11-0.**

HB 1306-FN-L, relative to increasing the county's portion of fees collected from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Earle Goodwin for Municipal and County Government: In 1963, the Registrar of Deeds (ROD) received a 4% commission for all real estate transfer taxes paid and all the people working at the Registry were county employees and were paid out of that commission. In 1968 the transfer tax was rate enacted at \$.50/\$1000 and the commission percentage remained the same. The transfer tax rate has steadily increased and today it is \$15/\$1000. The President of the New Hampshire Association of Counties testified about the agreement between the ROD and the Department of Revenue Administration (DRA) officials that stipulates the collection of the real estate transfer tax would be done by the ROD with no increase in the percentage of commission. The effect of this agreement allows the counties to make interest on the transfer taxes monthly until it is time to send the money to DRA. If HB 1306 became law, the commission rate would increase to 6%, the fiscal impact on the state revenues could be \$2,000,000 and the interest earned on the real estate transfer taxes could possibly be reduced if it became

necessary to require earlier payment to DRA to make up for the reduction in state revenues. **Vote 12-0.**

HB 1339, relative to the offices of forest fire warden and deputy forest fire warden. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: The committee felt that this bill, if enacted would make statewide changes in the process of appointing forest fire wardens by substituting the selectmen's recommendation for appointment with only the fire-chiefs recommendation, to address a local problem emanating from the Town of Candia. A number of state organization representing fire-fighting personnel, forest protection, and the municipalities testified against the bill arguing that the existing system of appointments was working well and should not be changed. As this was a local issue, the committee voted unanimously not to change the system. **Vote 14-0.**

HB 1355-FN-L, relative to merging unincorporated places with abutting municipalities in Coos county. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires Coos County to develop a plan to allow annexation of unincorporated areas by abutting municipalities by establishing a North Country and Municipal Expansion Board. Testimony was received by the committee that a similar board was established in 1988 and its conclusion was not to allow the annexation of the unincorporated places in Coos County. This bill is opposed by the Coos County Commissioners. The committee was inundated by letters, faxes, E-mails and telephone calls all opposed to this bill. The committee agrees that this bill is not necessary at this time and is more appropriate for a Coos County study committee. **Vote 11-1.**

HB 1391, relative to municipal budgets. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill restricts the ability of the selectmen to transfer funds without public scrutiny. RSA 32:10 allows the governing body to transfer funds between budgeted line items and providing the total amount spent shall not exceed the total amount appropriated at the town or district meeting and the transfers are duly recorded without approval of the budget committee nor any other citizen. It was the intent of the sponsor to require supervision and approval of the transfers. Requiring approval of the transfer would limit local government flexibility and could result in micro-management. **Vote 13-0.**

HB 1395, relative to historic district commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Dudley D. Dumaine for Municipal and County Government: HB 1395 would allow a local legislative body to prescribe that a member of their Historic District Commission shall be elected. The majority of the Municipal and County Government Committee felt that a person or persons with historical background and/or education who would be initially interested in being a member of his/her local historic district commission, may otherwise be reluctant to become a member, if it meant that he or she would have to be elected. Also, as an elected position, a person with future political aspirations may be using the election process simply as a political stepping stone. **Vote 13-2.**

PUBLIC WORKS AND HIGHWAYS

HB 1148, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson, Jr. State Office Complex. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: The original bill names the state office park east on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex. The amendment also names Route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway in honor of former Governor Meldrim Thomson. The committee heard glowing testimony of the three term Governor's accomplishments. His fiscal policies during the difficult times of the 1970s protected the state's Triple A Bond rating. He was quoted in 1973 and 1975 capital budget presentations to the Legislature as to his concern for the state spending so much for rental space and proposed acquisition of land for a government center. Governor Thomson said "It is time that we begin to think about the future of our capital city of Concord, and what unplanned proliferation of government buildings could mean to this city 25 years from now". So, it is the committee's determination that the naming of the state office park east after the late Governor Thomson is appropriate and deserving for his many years of public service and accomplishments. The highway Route 25A is equally appropriate since it passes the Governor's home on Mt. Cube, and it was frequently used in his travels to Concord. **Vote 17-0.**

HB 1298, relative to signage for the adopt-a-highway program. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier for Public Works and Highways: This bill as amended establishes regulations relative to the signs for the

adopt-a-highway program which the Department of Transportation will enforce, and changes the program's name to sponsor-a-highway. It also names the portion of the New Hampshire State Office South in Concord as the Hugh Gallen State Office Complex in honor of the late Gov. Hugh Gallen. **Vote 16-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1340, establishing a committee to study the feasibility of computerizing and consolidating demographic information. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Science, Technology and Energy: The committee found that another committee in two previous bills had covered the issues addressed by this bill. It was also learned that the technologies required to accomplish the goals of the bill are available, but the policies involved many issues of confidentiality, both state and federal. The sponsor agreed that the Applied Technologies and Innovation Council could look at these issues, and that a special study committee is not needed. **Vote 12-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 20, encouraging trade with the Central American Northern Triangle. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for State-Federal Relations and Veterans Affairs: The committee heard no testimony in support of this bill. **Vote 12-0.**

HCR 26, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: The committee understands that as a society we are possibly over-fluorinated. However, to take the tools away from dentists and pediatricians to help those children and others who do benefit from the drugs would be irresponsible. There is a study bill currently being considered by this legislature that could provide information for future legislation. **Vote 13-0.**

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. **OUGHT TO PASS**

Rep. Richard C. Leone for State-Federal Relations and Veterans Affairs: The resolution strongly urges Congress to release information to the public regarding restrictions placed upon approximately 600,000 Italian-American citizens in the United States during World War II. Italian-Americans have contributed greatly to the American culture whether it be in the military, politics, medicine, science, sports and the like. Their history and plight during WW II should be accessible to the public similar to what has been accorded to other cultures, such as the Japanese, in similar circumstances **Vote 14-0.**

HCR 28, urging increased federal funding for quality breast cancer research. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The committee heard compelling testimony urging our support of this resolution to increase federal funding for quality breast cancer research. Increased research and education will help identify the causes of breast cancer in both women and men and then true primary preventive health care will become more effective. **Vote 14-0.**

HR 20, supporting the country of Tibet. **OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: This resolution supports the country of Tibet and encourages companies and governments to acknowledge the Tibetan government in exile. The committee heard compelling first-hand testimony from several students of the Meeting School in Rindge and CON-VAL High School in Peterborough as well as many other speakers. There was no opposition to the resolution. The people of Tibet have suffered more than 50 years of brutal oppression at the hands of the People's Republic of China, with relatively little protest from the rest of the world. The committee strongly supports the Tibetan people in their peaceful quest for freedom. **Vote 13-0.**

TRANSPORTATION

HB 1205, relative to the availability of motor vehicle records for the distribution of seat belt safety materials. **INEXPEDIENT**

TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would make driver records available to nonprofit groups seeking to provide information to those drivers the virtue of seat belt usage. The committee supports the idea of being proactive in educating the public on the effectiveness of seat belt usage. However, this bill would open driver records to nonprofit groups, thus opening the door for possible abuse. This is a privacy issue and this bill could possibly violate the Federal Privacy Act. The Transportation Committee has been very consistent concerning our citizen's privacy rights. New Hampshire has one of the toughest driver privacy laws in the nation that protects our citizens from identification (ID) fraud and personal information theft. Women are often victims of violent crimes that are a result of criminals receiving personal information through illegal sources. Driver information abuse has occurred over the Internet, and NH law enforcement has played a role in the investigation and prosecution of these crimes. Our current law helps to prevent these from reoccurring. **Vote 13-1.**

HB 1243, relative to safety devices required for transporting logs, lumber, or timber. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill was about a vehicle-mounted loading device for logging trucks, well known as a "cherry picker" or grapple boom and claw. The prime sponsor did in fact say he knew little about this device and its use, although he testified that the operators would be using this to help secure their load of logs. The committee found it interesting that no operator of these devices testified for the bill. The language and intent was unclear. Was this item to go along with or be in place of existing safety statutes? And, for this reason, the bill was assigned to a subcommittee, but the members upon speaking to other people found no reason to change the current law. The committee felt that current law on the way loads should be secured is adequate and in the best interest of the public. In fact, the New Hampshire Timberland Owners Association supports current law and sees no reason to amend it. **Vote 15-0.**

SB 385, relative to electric personal assistive mobility devices. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill defines the Electric Personal Assistive Mobility Device "EPAMD" designed and manufactured by Segway LLC, a New Hampshire Corporation. The purpose of this bill is to provide a legal and regulatory structure for this new transportation technology not currently defined in NH law. The definition "EPAMD" is a result of the United States Consumer Product Safety Commission and other Federal authorities. This bill permits the operation of the EPAMD on sidewalks and roadways of NH, and defines the rights and duties of pedestrians. However, all persons operating an EPAMD would be required by law to yield the right-of-way to persons on foot. Additionally, this bill provides for local control by municipalities to regulate the operation of EPAMDs within their jurisdiction. This bill also creates an EPAMD oversight committee to study the integration of EPAMDs with pedestrian traffic in NH, including rules of operation as may be appropriate. The committee report is due on November 1, 2002. **Vote 15-0.**

WAYS AND MEANS

HB 557-FN-A, relative to victims' assistance programs and the victims' assistance fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Ways and Means: Currently grants made by the Attorney General from the Victim's Assistance Fund are limited to 25% of the fund balance. This bill removes that limitation. Removing the limitation allows for more monies to be allocated to victims, specifically to those victims of domestic violence and sexual assault. In addition the bill raises the cap of the fund from \$750,000 to \$1 million allowing monies accumulated in excess of \$1 million to be credit to the general fund. **Vote 10-1.**

HB 1341, relative to permissible uses of education property tax revenues. **INEXPEDIENT TO LEGISLATE**

Rep. Frank V. Sapareto for Ways and Means: Because no legislature can bind a future one, the committee feels that current statutes are adequate. The appropriate venue to address the concerns raised by the bill's intent is in the form of a constitutional amendment. While the committee agrees with the intent, it has not been demonstrated that there have been any instances of abuse which this bill would otherwise prevent. **Vote 12-0.**

HB 1358-FN-L, relative to valuation of property for purposes of assessing the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: The sponsor agrees that the subject matter of this bill can appropriately be folded into a previously established study committee, and agreed with the unanimous committee vote of Inexpedient to Legislate. **Vote 12-0.**

THURSDAY, FEBRUARY 14

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SPECIAL ORDER

HB 1139, allowing the governor to enter into reciprocal international child support agreements. **OUGHT TO PASS**

Rep. David M. Bouchard for Children and Family Law: Passage of this bill would enable the Department of Health and Human Services, Division of Child Support to work with foreign countries and their states or provinces to recognize each other's child support orders. In turn this could culminate in duplicate and conflicting orders. Each country could use the same order in either court jurisdiction similar to current Interstate Uniform Reciprocal Enforcement Support Act (URESAs). This bill was requested by DHHS Division of Child Support, and this has been successful in other US states. **Vote 17-0.**

SPECIAL ORDER

HB 1173, relative to the identification and notification of putative fathers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barbara Hull Richardson for the Majority of Children and Family Law: This bill, which would have required a mother to name the father of a child and notify him within 60 days, violates a mother's right to privacy and could be harmful to all parties. Currently, fathers can file an affidavit to claim paternity. Mothers and fathers are better protected under the current laws. **Vote 13-4.**

Rep. David A. Bickford for the Minority of Children and Family Law: This bill would have helped influence unmarried mothers to name the possible fathers at the time of birth rather than waiting years to notify the father after the child's development is missed.

HB 1408, relative to local ordinances regulating truancy **INEXPEDIENT TO LEGISLATE**

Rep. Daniel C. Itse for Children and Family Law: This bill seeks to replicate the successful truancy system in Dover. It would replace existing laws under which the Dover system was developed and creates a one size fits all system. This would limit the flexibility of individual towns and districts to address their specific needs. It would also require the student rather than the responsible adult to appear in court. Finally, the bill created a great deal of concern among homeschoolers who might be affected due to dual enrollment or being registered through their local school. **Vote 16-2.**

COMMERCE

HB 1422, establishing certain positions in the insurance department. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Commerce: The legislation simply classifies certain positions within the New Hampshire Department of Insurance from being "contract employees" to a permanent status, thereby providing greater independence of the department to better serve the people of the State of New Hampshire. **Vote 12-0.**

HB 1437-FN-A, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. **OUGHT TO PASS**

Rep. Marshall E. Quandt for Commerce: The bill makes an appropriation for the addition of three attorneys, two paralegals and a legal secretary for the consumer protection and anti-trust division. It is expected to have a strong financial benefit to bring in settlement money from multi-state actions that the Attorney General's Office will now be able to participate in. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SPECIAL ORDER

HB 1303-FN, prohibiting the wearing of certain facial coverings. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill would have amended RSA 631:4 (criminal threatening) to include a new section (f). This new section would make it a crime to wear "a mask, hood, or other device intended to conceal the wearer's identity with the intent to terrorize another." The committee felt that this was unnecessary since the wearing of a mask, hood or other device was immaterial. All of the acts listed in criminal threatening are crimes whether or not a mask is worn. The new section (f) would be overly broad and could be applied to a Halloween mask. The bill would also enhance the penalty for criminal threatening to make the wearing of a "mask, hood, or other device", a class B felony. This would apply to the offenses listed in subparagraphs I (a) through I (d). This would make it a class B felony to place "any object or graffiti on the property of another." It was the vote of the committee that such an expansion of RSA 631:4 is not appropriate. **Vote 13-0.**

EDUCATION

HB 1151, establishing a commission to examine the status of public school curriculum requirements in civic education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles E. Sova for Education: The majority of the committee felt that the commission established by this bill, especially with its expanded role as contained in the amendment, can make positive recommendations for the development of civics programs in both the educational system and society in general. **Vote 10-7.**

HB 1174-FN-LOCAL, requiring the provision of educational opportunities to expelled pupils. **INEXPEDIENT TO LEGISLATE**

Rep. John R. M Alger for Education: This bill would require \$8.9 million as a mandate in all 178 school districts. As a result, the State would have to pay these costs with each school board creating their own program for expelled students. The sponsor realized the difficulties apparently and came forward with an amendment to create a commission study of the issue, not only for expelled students, but also students at risk of expulsion. The amendment was defeated on this basis plus testimony received that schools already have programs for the expelled. **Vote 13-4.**

HB 1231-FN, implementing a pre-engineering technology curriculum in the public high schools in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. M. Alger for Education: This is a proven program in New Hampshire and elsewhere. Testimony by two New Hampshire schools having the program was very enthusiastic as to interest by students and performance improvements. All testimony favored the bill which requires the Department of Education to develop and implement a pre-engineering curriculum in selected high schools that wish to participate. An advisory committee is included to assist in expanding the program and include private funding also as illustrated in one of the schools that has adopted the curriculum. No school would be required to implement a pre-engineering curriculum; but, those that choose to do so would be greatly aided by this initiative. **Vote 16-1.**

HB 1233-FN-A, requiring an audit of the department of education and making an appropriation therefor. **OUGHT TO PASS**

Rep. Sharon M. Carson for Education: While the Department of Education (DOE) has recently completed a financial audit, the majority of the education committee felt that a performance audit was needed to assess both the strengths and weaknesses presently within the DOE and to make such an audit a priority. Given the dramatic increase in focus on state departments of education, it is particularly critical that we know as much as possible about what our department does well, does poorly, and why. **Vote 14-3.**

HB 1291, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. **REFER FOR INTERIM STUDY**

Rep. Charles E. Sova for Education: The committee felt the planning process on the reduction of persons awaiting these transition services was already underway and legislation was not needed at this time. However, the committee further felt that the bill should be sent to interim study pending the completion of the plan. **Vote 9-5.**

HB 1326, establishing a committee to study the veterinary/medical education loan program and the veterinary/medical/optometric loan program. **INEXPEDIENT TO LEGISLATE**

Rep. Iris W. Estabrook for Education: The Education Committee's recommendation on this bill recognizes that the Health and

Human Services Committee, and the House, recently passed another bill concerning administrative changes to the medical education loan program. That legislation may be amended to address these concerns, or the affected parties may bring forward a specific remedy for consideration next session. **Vote 11-6.**

ELECTION LAW

HB 379, apportioning the executive council districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill makes no changes to the existing Executive Council districts, as they all currently fall within the acceptable range and the Executive Councilors are all comfortable with the makeup of their current districts. The only change made by the amendment is to change the effective date. **Vote 13-6.**

HB 420, apportioning state representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Bragdon for the **Majority** of Election Law: HB 420 is the culmination of countless hours of hard work, committee and public hearings and number crunching with the end result being a consensus agreement between the parties in seven of our ten counties. Throughout the process, the committee adhered to the New Hampshire Constitution, respected incumbent boundaries to the greatest extent possible and strove to achieve the best possible deviations. Both sides worked together, with few notable exceptions, to come up with a plan that would please as many people as possible. This bill holds fast to the goals we set for deviation and range and limits the number of multi member districts to the minimum possible. Some maintain that cities get a raw deal in the design of this plan, but that just simply is not true. Many New Hampshire cities lost representation simply because their population numbers have dropped dramatically in the last ten years. Conversely, some suburbs and outlying towns gained as their populations increased. Floterials were used when necessary, and while there are more of them, the average number of residents within a floterial decreased from the 1992 levels. Additionally, these floterials reduced the overall deviation to under what it would have been had we not used a floterial. The average deviation, per district is well under the goal of 10%. A number of changes were proposed to the original plan, both by Republicans and Democrats and the Committee adopted many of these changes. In short, the committee worked hard, once again, to placate people's concerns. This plan complies with the constitution, state laws and the criteria set by the redistricting committee. It is fair and we are confident it will stand tall under anybody's honest scrutiny. **Vote 13-6.**

Rep. Jane A. Clemons for the **Minority** of Election Law: New Hampshire is proud of its citizen Legislature. But the difference between the ideal of 400 members each representing just over 3,000 people and the reality embodied by this redistricting plan could not be greater. Far from conforming to the constitutional absolute of one person, one vote, the districts in this plan range in population from a high of 86,605 to a low of 2,946. If this plan is adopted, more than 75 percent of the members of this House will be elected from multi-member or floterial districts; only 15 members will be elected from districts that fall within the constitutionally acceptable range of 3089. Worse still, more than one half of the 214 Districts created by this bill have a deviation greater than 100 percent of the constitutionally accepted number of 3089, and fully one in three of these new Districts have a deviation greater than 200 percent. This plan also continues the trend toward increasing reliance on floterial districts: over the last two decades, the number of floterial districts has grown from 17 in 1982, to 32 in 1992, to 43 in the majority amendment to this bill. However, reasonable, constitutional alternatives were possible. For the first time in history, this Legislature had the technical capacity and expertise to draw 400 single-member districts; the majority chose not to do so. As a result, we are being asked to adopt a redistricting plan that sacrifices the most basic fundamental right of a citizen in a free democracy -- the right to vote, and to have that vote count as equally as the votes of every other citizen of this state.

ENVIRONMENT AND AGRICULTURE

HB 1157, providing for the local option to apply the current use laws. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: The committee feels that this bill would undermine the current use program as it now exists and could if adopted result in the establishment of a variation in the standards for taxation. **Vote 13-0.**

HB 1214, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste. **REFER FOR INTERIM STUDY**

Rep. George T. Musler for Environment and Agriculture: This bill bans construction of new medical waste incinerators. Deliberations centered around the phase out and restrictions during the phase out period. All issues were not resolved so the committee recommends Interim Study. **Vote 12-2.**

HB 1382-FN, revising requirements for restoring excavation sites. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Babson for Environment and Agriculture: Reclamation of gravel pits is an important concern, but this bill as written, did not resolve many of the problems inherent in gravel removal. **Vote 8-5.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1302-FN, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Theresa Drabinowicz for Executive Departments and Administration: This bill is a housekeeping bill for the New Hampshire Retirement System. There is no financial impact on the retirement system. There are no special account costs for contribution costs. First, it allows members to purchase prior service in manageable increments. For example, a member with ten years of prior service could purchase a year at a time, as her finances permit. Second, it retains the legislature's oversight of the retirement system's "prudent investor" authority, while freeing both the legislature and retirement system of the labor and expenses associated with the arbitrary 5 year review that has been in place since the mid-1980's. Third, it eliminates the labor, expenses, and redundancy associated with preparing the retirement system's biennial "Legislative Report." This report was instituted in 1971 before the retirement system began preparing and distributing their Comprehensive Annual Financial Report, which replicates substantially all the information in the biennial "Legislative Report." Currently, all legislators receive a copy of our Comprehensive Annual Financial Report and will continue to do so. Finally, this bill corrects the implementation date for health insurance subsidy payments from the retirement system to the state. Correction of this date will result in a retroactive payment to the state for the months of July 2001 through December 2001. There is no special account impact of this correction because it was funded with House Bill 170-FN in the 2001 session. **Vote 14-0.**

FINANCE

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill, out of Resources, passed the House on a voice vote. This bill permanently protects the approximate 171,500 acres known as the Connecticut Lakes headwaters tract. This tract will be purchased by the Trust for Public Land, a not for profit corporation, from International Paper Corporation on or before March 29, 2002 and will be recorded in the Coos County registry of deeds. The trust will then facilitate the following:

- 1) 146,400 acres will be sold to a private buyer subject to a perpetual conservation easement held by the state of New Hampshire under the jurisdiction of the Department of Resources and Economic Development (DRED). This easement is being negotiated between DRED and the private buyer, will be approved by the commissioner of DRED and will substantially be in the form of the January 18, 2002 Draft Grant of Conservation Easement and will be guided by the December 7, 2001 final report of the Connecticut Lakes Headwater Partnership Task Force.
- 2) One hundred acres will be an addition to the Deer Mountain Campground and will be managed by the Department of Resources and Economic Development.
- 3) The state will become the full fee owner of 25,000 acres in natural areas subject to a conservation easement to be held by a qualified not for profit conservation organization and will be managed by the Fish and Game Department. This conservation easement will be negotiated between the Fish and Game Department and the Nature Conservancy.

This bill will not only protect this significant tract from development, but will allow the economic benefit to our economy of appropriate forest harvesting. This bill also provides perpetual public access for recreation purposes such as snowmobiling, hiking, hunting and fishing.

The bill authorizes a \$10 million bond to pay for the acquisition. The amendment establishes a process for determining the price to be paid by the state for the conservation easement and the fee it is acquiring and clarifies the nature of those interests **Vote 15-1.**

HB 1330-FN, requiring state agencies to respond to fiscal note requests in a timely manner. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: The committee determined it would be neither advisable nor effective to create a legal mandate on timely fiscal notes. Rather it would be better to have the Legislative Budget Assistant’s Office prepare a list of agencies and departments which have not provided timely fiscal notes and present this list regularly to the chairs of the Finance Committees in both the House and Senate. The Finance Committees would then communicate with those agencies and departments which were not complying with the LBA rule of providing the fiscal notes within 10 business days. For obvious reasons, we would expect a prompt response **Vote 15-4**.

FISH AND GAME

HB 1178-FN, relative to the recreational taking of lobster by scuba diving. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert J. L'Heureux for the **Majority** of Fish and Game: This bill would have allowed the taking of lobster by scuba diving. It was the feeling of the majority of the committee that, if passed, this legislation would have had a detrimental impact on the lobster resource. Massachusetts, with its large coastal area, allows this method of taking, and their 6000 license scuba lobster fishermen are figured into the impact on the resource. According to testimony, New Hampshire’s 18 miles of coastline would be severely impacted if scuba diving was permitted. New Hampshire now licenses recreational lobstering and commercial lobstermen have no objection to this form of taking lobster. Scuba diving would be an active, aggressive hunt while trapping is passive, (the lobsters crawl into the traps) and this puts all lobster fisherman on an equal footing. Because of management, biological, social, and law enforcement concerns, this bill was opposed by the New Hampshire Wildlife Federation, the Commercial Fishermen’s Association, the Coastal Conservation Association, the Atlantic States' Marine Fisheries Commission, and New Hampshire Fish and Game Department. **Vote 13-5**.

Rep. Gary S. Hopper for the **Minority** of Fish and Game: The minority of the committee strongly believes that, with proper regulation by the NH Fish and Game Department, recreational diving for personal use would present a negligible impact to the commercial lobster industry. The states of Rhode Island, Connecticut, and Massachusetts have allowed recreational diving for lobster for over 35 years. Massachusetts tracks this taking and has found it to be less than 1% of the total lobster catch. Opponents of this bill stated that enforcement would present a problem. Our NH Fish and Game Department currently has the authority to inspect boat and individuals – including divers – to ensure that all catches taken from the ocean comply with the law. How difficult can it be for our fit and trim law enforcement personnel to catch a diver loaded down with a hundred pounds of diving gear and a bag of lobsters? Through education, training, and experience, most scuba divers are acutely aware of and have a great appreciation for all life in the sea. Scuba divers and diving clubs have been at the forefront of efforts to preserve and protect the marine environment. Opponents said divers would harm the habitat by turning over a few rocks when looking for a lobster. However, no evidence was provided to support this accusation. Opponents stated that this bill would allow divers to steal lobsters from existing traps. This assumes that divers are inherently more dishonest than the other citizens of this great state. In contrast, we heard testimony that currently some commercial lobstermen steal lobster from other peoples’ traps. Shall we now prevent ALL commercial lobstermen from taking lobster because a few are dishonest? We should not unduly restrict the citizens of the Live Free Or Die state and deny them their freedom to access the bounty of the sea simply because they have no commercial interest. After all, even lobsters are a NH resource that belongs to all of us.

SPECIAL ORDER

HB 1245-FN, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Fish and Game: The intent of this bill was to provide a method of locating absent parents and collecting child support. This bill would require that all recreational license applications of the Fish and Game Department record the social security number of the person applying for the license. Any person purchasing a recreational license, for example a fishing license, would be required to provide to the issuing agent his or her social security number. The Fish and Game Department has 286 license agents in New Hampshire, Massachusetts, and Vermont. The process of obtaining this fishing license is to simply go to one of the agents and they will record the required information directly onto the license itself. There is no separate application form for the license. RSA 214:1 requires that "the license shall be subject to inspection on demand of any person" which would allow any person to have access to the social security number on the license. Fish and Game has estimated that it would cost \$939,784 for a three year period to implement the collection of social security numbers on recreational licenses. Also the committee received written testimony from a state agency stating that requiring social security numbers on recreational licenses "will not increase our program’s efficiency or effectiveness in locating absent parents and collecting child support. **Vote**

15-1.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SPECIAL ORDER

HB 1209, relative to a civil rights act for health care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: In this bill the definition of a healthcare provider includes "but is not limited to: physician, physician's assistant, nurse, nurses aide, medical assistant, hospital employee, clinic employee, nursing home employee, pharmacist, pharmacy employee, medical school student, medical school employee, or any professional, paraprofessional, or any other person who furnishes, or assists in the furnishing of, healthcare services" Because of a religious belief, or a moral, ethical, or philosophical conviction some individuals may have a conscientious objection to participating in certain healthcare procedures "including, but not limited to, abortion, artificial insemination, artificial contraception, cloning, human stem cell and fetal experimentation, withdrawal of nutrition and hydration, physician-assisted suicide and euthanasia." The bill proposed to ensure that healthcare providers': 1) religious beliefs or rights of conscience are protected; 2) refusal to participate in certain medical procedures based on their religious, philosophical, or moral convictions is allowed; and 3) protection against reprisal for objecting to participate in certain medical procedures is assured. Although a minority in the committee found some merit to the bill, the majority was concerned that it was much too broad in scope. There was a concern that patients might have their health and civil rights compromised by being denied important information, referrals, and medical procedures. Healthcare professionals have certain responsibilities and are licensed to perform medical procedures. It behooves them to choose areas or specialties which would not put them into situations which might compromise their religious or moral beliefs. Patients should not be placed at risk or denied legal services, medical procedures, drugs, or relevant medical information because of the personal beliefs of healthcare providers. In the opinion of the majority, we currently have federal statutes that cover civil rights. Furthermore, passage of this bill would restrict the ability to have access to adequate healthcare in New Hampshire. If an individual cannot participate in a particular medical procedure (based on their personal convictions or beliefs), that should be addressed at the time of the hiring process, not when a particular medical need is present, perhaps in a medical emergency situation. **Vote 9-4.**

HB 1251, relative to the use of mercury amalgam fillings by dentists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: Amalgam tooth restorative material has been an area of debate for many years. The original bill to ban the use of amalgam in children under six years of age and women of childbearing age cannot be supported completely by current scientific information. Because enough question still remain unanswered, the committee unanimously agreed that making information available to the citizens of New Hampshire so they can make informed decisions about the material used for repairing dental caries is an appropriate move. In addition, the dentist will discuss, with the patient, the choices of restorative material available to them along with the risks and advantages. The bill also directs dental offices to used environmentally appropriate disposal equipment for amalgam waste. **Vote 15-0.**

HB 1367-FN, relative to the childhood lead poisoning prevention program. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Department of Health and Human Services has worked for years to protect children, in particular, from lead poisoning. The Department reports that the number of children with lead poisoning has been steadily decreasing. This bill, as amended, brings the state into agreement with federal regulations as required by state statute. In addition, this bill will trigger investigations at the blood level of 15 micrograms or higher. This amendment attempts to protect children from the serious effects of lead poisoning and the rights of property owners. **Vote 19-0.**

HB 1412-FN, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: HB 1412 triggered many questions on confidentiality and reliability issues of the data. Forty-seven states currently maintain statistics on induced termination of pregnancies. The Department of Public Health will survey how these states compile the data while assuring accuracy and confidentiality. More information is needed and more study is required. The results can then be used in crafting the future legislation. **Vote 15-0.**

JUDICIARY

SPECIAL ORDER

HB 1129, relative to discriminatory practices by owners of public accommodations. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Judiciary: The proposed legislation was proposed to prohibit the practice of banning a person's entry in public accommodations based on their mode of transportation and/or clothing. The committee heard testimony that some restaurants and other public accommodation had refused entry based on a person's clothing and mode of transportation specifically motorcycles and leathers. The supporters of this bill felt strongly that this practice is discriminatory and the prohibition of this activity be added to the state discrimination statute. The committee, though sympathetic to the sponsor and supporters of the bill, felt strongly that the state should not elevate one's mode of transportation and clothing to the same level of importance enumerated in the discrimination statute's scope of prohibited conduct. **Vote 11-0.**

HB 1236-FN, abolishing the marital master program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Elliott for the **Majority** of Judiciary: This bill, as submitted, would have abolished the marital masters program in the superior courts. This bill, as amended by the committee, calls for a study on the appropriate jurisdiction for divorce cases. The bill requires a study of the adjudication of divorce cases pursuant to Part 2, Article 76 of the State Constitution. The study shall pay special attention to financial resources, physical space and personnel issues of divorce cases. In the event that the committee is not able to complete its work in a timely manner, the committee would be encouraged to ask for reauthorization in the next legislative session. The reason for this proposed study is that as a result of testimony provided by members of the judicial branch, the committee learned that in a significant number of cases, the final work product of marital masters is not adequately reviewed by the judges who authorize the final decree. This weak judicial review is not consistent with what the legislature envisioned when the marital masters program was initially approved. **Vote 11-8.**

Rep. James W. Craig for the **Minority** of Judiciary: The minority agrees with the majority in that this is an important issue that should be studied. However, the minority believes that, because the issue is so complex, a study committee should receive input from the courts, marital masters, financial impact, etc., and that a second-year study committee cannot do justice to the issue. The minority feels that a statutory study commission should be appointed next term which can deal with this substantial issue in a proper manner.

HB 1249, adopting the model Drug Dealer Liability Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This uniform act has been adopted in several states. This bill provides a right of action against illegal drug dealers. Innocent bystanders have been harmed or have incurred damages as a result of illegal drug trafficking. The drug dealers' assets will be exposed to loss and they may be sued by hospitals, accident or crime victims, and rescue and emergency response systems, according to the volume of illegal drugs sold by the offender. In states utilizing this act, the results have been favorable to the victims and unfortunate for the drug dealers. This bill fights drug activity without using government resources. **Vote 10-9.**

HB 1307, relative to the Dover-Somersworth-Durham district court. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: The majority of the committee, although sympathetic to the citizens of Somersworth, was unable to agree to keep open the Somersworth District Court. The arguments presented for the Somersworth District Court were closely aligned to the arguments used to keep open the Durham District Court. Last year the committee felt that the Durham District Court had unique circumstances, a unique population of college students, and student transportation issues to which do not exist for Somersworth. In addition, a part of the financial consideration for the Dover District Court was based on caseload, and by removing the Somersworth caseload, it would further reduce the workload and financial advantages for the consolidation in Dover. The judiciary committee is hesitant to step on the slippery slope of undoing the Court Consolidation Act passed a few years ago. The legislature wishes to encourage the courts to work openly with each community during the consolidation process. The legislature further encourages the court to set forth a clear criteria on how the consolidation shall be performed and that the donation of land should not be the sole criteria, although it is a valid consideration; however, the overriding consideration should be the efficiency of justice for the citizens of the state. Although we are willing to look at unique circumstances such as the Durham District Court, we are unwilling to encourage a review of each individual consolidation merely because those being consolidated do not like the location of the new court. **Vote 15-4.**

HB 1316, eliminating the application of the rule against perpetuities in certain trusts which contain safeguards relative to the continued alienability of property. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill would amend the rule against perpetuities which states that a trust must end and the trust properties must be distributed to beneficiaries of the trust within "a life in being", at the time the trust was established, plus 21 years. The purpose of the rule is to prevent the trust donor from controlling his or her property from the grave for hundreds of years. Public policy dictates that property should vest within a certain period of time and not held by trustees for centuries. The committee feels that it may be in the interest of New Hampshire to study the enacting of a longer and more specific term of years for a trust life. **Vote 15-4.**

HB 1380-FN, relative to parental consent for abortions performed on children less than 16 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R. Leishman for the **Majority** of Judiciary: After two lengthy hearings, the majority of the committee does not believe requiring the consent of a parent(s) prior to an abortion performed on a young woman less than 17 years old to be in the best interest of the young woman or the family. The committee heard testimony that over 75% of young women who are pregnant tell a parent. The majority of the committee believes that an attempt to force the remaining young women to seek consent for an abortion from a dysfunctional family, in the cases of rape, incest, or for any other reason is clearly not in the best interest of the child facing an unplanned pregnancy. Further HB 1380 which appears sensible on the surface, is in fact dangerous and illogical when viewed more closely and realistically. No law will compel a young woman to talk with her parents when she feels she cannot. This bill will force young women who cannot communicate with a parent(s) to make bad decisions and take serious risks; and will compel young women to go out of state or obtain an illegal and unsafe abortions. The majority saw no evidence that parental consent laws in other states reduce unplanned pregnancies, reduce abortions or fix communications within dysfunctional families. Additionally, the majority believes that all women enjoy constitutionally protected rights to privacy which this bill would infringe upon. **Vote 11-7.**

Rep. Larry G. Elliott for the **Minority** of Judiciary: Do not be confused by the majority report. This bill is not about abortion. Only one abortion out of the tens of thousands of abortions performed over the last decade has been denied to a minor child. For the purposes of this bill, a minor child is a child under the age of 17, so this legislation is specifically talking about girls from the age of 9 through the age of 16. In our neighboring state to the south, Massachusetts, and to the east of us in Maine, there has been one abortion that has been denied as a result of parental consent laws. What this bill is about is encouraging communication between minor children and their parents about the responsibilities of reproduction. We do not, as a state, sanction medical treatments to be provided to minors in any other area without parental consent. Simply put, you cannot have your teeth cleaned without consent from a parent. In addition, as a state, we do not allow minor children to leave school or to visit the State House without parental consent. But the supporters of this bill would allow a minor child to leave school and seek a potentially life-threatening medical procedure and an emotionally damaging event without parental knowledge. We, as a state, need to encourage families to stay together and need to encourage communication. However, this legislation, recognizing that it is not always possible for families to safely communicate, provides for a judicial bypass. Simply put, if a child alleges that she is in fear of her safety by telling a parent, then she, could get an emergency hearing before a judge, who then could order an abortion to be performed. As testified to by the opponents to this legislation 99.9% of the time the medical procedure is approved by the courts. This judicial bypass procedure is consistent with obtaining other forms of medical treatment which is in the best interests of the child which parents might oppose. For example, if an emergency appendectomy needed to be performed to save a child's life and parents objected, the state could go to court to seek treatment on behalf of the child. The minority of the committee feels that if a child between the age of 9 and 16 becomes pregnant, there are larger issues beyond just the pregnancy that need to be discussed with the child, and this legislation would encourage the conversation to occur, whether it is with a parent or a judge.

HB 1430, relative to appeals in actions against tenants. **REFER FOR INTERIM STUDY**

Rep. Peter F. Bergin for Judiciary: After a tie vote of 8-8 on Ought to Pass with Amendment and a vote of 6-10 on Inexpedient to Legislate, the committee felt that further questions on the bill's constitutionality and propriety need to be further explored. **Vote 9-7.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1152, establishing a committee to study methods for clarifying the division of authority between boards of selectmen and elected chiefs of police. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: After listening to testimony from the prime sponsor of the bill, it was apparent that the lines of communication and clarity of authority between an elected board of selectmen and an elected chief can, at times, be difficult. Safety issues brought to the selectmen for attention and relayed to the police chief may or may

not be acted upon by the chief. The fact that an elected chief may feel that he/she works for the people and not for the selectmen is the area of focus. One possible solution would be for the town to change the manner in which the police chief's position is filled. However, in testimony, the sponsor mentioned that his town had just voted to once again elect the police chief to the position versus having the selectmen fill the position by appointment. In the committees executive session, it was stated that in New Hampshire there could be as few as four elected police chiefs in the state. Also, the appointed position versus the elected position in town governments whether for police chiefs, road agent or town clerk, present unique problems which from time to time, need to be worked out on the local level to solve what appears to be a local problem. Then, with the ideas from the local level, those sponsors can specify what revisions in state statutes are necessary to streamline and clarify this issue and sponsor a bill for the next legislative year. **Vote 12-2.**

HB 1196, enabling municipalities to adopt a property tax exemption for deaf persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill enables a municipality upon a vote of the legislative body to grant a \$15,000 property tax exemption to a deaf person as one who has a 71 DB hearing loss or greater in the better ear as determined by a licensed audiologist or a qualified otolaryngologist. The exemption also applies a means test which is similar to that for elderly exemptions. It is estimated that that there are 3-5,000 deaf individuals living in New Hampshire and there are approximately 50 deaf homeowners who would qualify for this exemption. **Vote 8-4.**

SPECIAL ORDER

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, the bill did not include any buffer zones that the sponsor felt should have been included. **Vote 13-0.**

HB 1403-L, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY**

Rep. Laurie J. Boyce for the **Majority** of Municipal and County Government: This bill was intended for all disabled veterans, whether at the 100% or 10% classification of disability rated by the Veterans Administration. As much as the committee supports our veterans and the sacrifices they have made, this bill would have added an extra set of record keeping procedures at the local level that had no set parameters and would have created an administrative nightmare. Some of the unresolved issues brought up during the executive session were: the possible changing of the disability rating by the VA that would require recalculation and tracking of each credit, how to determine "unemployability", what date to apply the credit, lack of means testing for the award of this credit, lack of eligibility for veterans who rent and the increased tax shift to other taxpayers in the municipalities. The committee has already recommended and the House passed legislation enabling towns to increase the basic veterans credit from \$50 up to \$500(HB 1277). The tax credit that would be granted under HB 1403 would be in addition to the increased credits contained in HB 1277 and the veteran could receive both. The committee agreed that the recently passed increase up to \$500 is adequate in these uncertain economic times. **Vote 12-2.**

Rep. Dudley D. Dumaine for the **Minority** of Municipal and County Government: Any person who has been honorably discharged from any branch of military service and has been determined by the Veterans Administration as being totally and permanently disabled as a result of a service-connected disability may, at the municipal level of government, be entitled to a property tax credit of either \$700 or \$1400. As it stands at the present time, only honorable discharged military personnel that are classified as 100% totally and permanently disabled as a result of a service connected disability qualify for this credit. However, there are those former military personnel who have service connected disability who fall short of the 100% totally and permanently disabled classification.

For example, in the case of an individual who stepped on a land mine while serving the United States and lost a leg as a result of his wounds. According to the Veterans Administration, this individual may be granted a 60% disability rating in accordance with the criteria established by the Veteran Administration. HB 1403 would entitle the individual to a pro rated property tax credit of \$420.00 or \$840.00 upon approval of the municipal legislative body. The minority of Municipal and County Government

Committee felt that HB 1403 is on the right track and simply needs some work to be brought in line for passage.

PUBLIC WORKS AND HIGHWAYS

SPECIAL ORDER

HB 1116, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: Because the proposed purpose of the bill has been studied by the Liquor Commission, and due to irreconcilable differences between the rules of the commission and Federal government as to allowable rents, the parties cannot negotiate an agreeable amount of rent. The committee feels the concept has much merit and would be supportive of any agreement between the Liquor Commission and airport, but with the known obstacles, the study would not be productive. The committee was also willing to help with any changes that the Liquor Commission needed to facilitate such a sales outlet. **Vote 16-0.**

SPECIAL ORDER

HB 1370, relative to establishing a 6-year capital budget. **OUGHT TO PASS**

Rep. William E Leber for Public Works and Highways: The committee has been aware for years that the Capital Improvement Program could be improved with long term planning, and where possible, phased planning and construction over a few bienniums. This bill provides for this option. It also provides restraints as a percentage of bonding over the biennium, so each Legislature will have plenty of room for new capital appropriation each biennium and extended projects can proceed. The percentage established has historically been used in recent years as a recommendation of the Treasurer. This is the first major step to manage the state capital improvement needs more efficiently. **Vote 14-2.**

HB 1419-FN-A, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: The committee received testimony about the needs for improvements at the Barry conservation camp for children to meet Health and Human Services standards. The appropriation in 1999 is not enough to complete the project, and this bill provides an additional \$100,000 appropriation from the Fish and Game Fund. An amendment also provides for the additional appropriation for the New Hampshire Veterans Home expansion project which came in overbid. The additional appropriation includes \$650,000 of Federal support which requires an additional state appropriation of \$1.25 Million. It is critical that the appropriation is approved by April 1st or the Federal share of \$7.15 Million will be terminated and the much needed project of 100 more beds would have to be started over by reapplication which could take years to reach this point again, if ever. **Vote 14-0.**

HB 1439-FN-A, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. **OUGHT TO PASS**

Rep. John A. Graham for Public Works and Highways: In 1998 the state entered into an agreement with the city of Laconia to construct two ball fields at no cost to the city (RSA 223:10, II (b)). To date, the state has not met this obligation, and this bill provides \$347,629 to correct this situation. The agreement that resulted in this bill was negotiated by the Speaker of the House, Senate President, Governor and representatives of the city. Passage of this bill will completely fulfill the state's obligation under the 1998 agreement. While this issue has strained the relationship between the city and the state over the past few years the committee believes this bill does what is right for the city of Laconia and the state of New Hampshire. At the request of the committee, the city sent a letter with the following included: "The City of Laconia agrees that the obligations of the State of New Hampshire outlined in HB 1100, are satisfied under the pending legislation. The City shall seek no further funding for the construction of the athletic fields at the Lakes Region Correctional facility." **Vote 16-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SPECIAL ORDER

HCR 23, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: The Recreational Fee Demonstration Program, which is essentially a "parking fee", charges the citizens of New Hampshire unfairly. The citizens of the communities in which the White Mountains exist are expected to pay a fee in order to hike, hunt, fish, snowmobile and participate in other recreational activities on that land. The Federal government has also failed to fully fund payments promised to those communities in lieu of taxes for acquired Federal lands. **Vote 15-1.**

SPECIAL ORDER

HR 21, urging the development and implementation of a national missile defense system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard F. Heon for the **Majority** of State-Federal Relations and Veterans Affairs: The committee heard compelling testimony regarding the clear and present danger posed by the proliferation of ballistic missiles and weapons of mass destruction. That proliferation imperils not just New Hampshire and the nation, but also our allies and our armed forces abroad. This resolution urges the President to take all actions necessary to protect our nation, and to develop an effective ballistic missile defense system designed to deter future threats whenever possible. The question at hand is whether the United States has a duty to protect its ideals, interests and influence in the global community. The committee's bipartisan vote believes it does. **Vote 13-5.**

Rep. Peter M. Sullivan for the **Minority** of State-Federal Relations and Veterans Affairs: In its current form, HR 21 could easily be construed as endorsing a missile defense system that is technologically unfeasible, fiscally unworkable and diplomatically destabilizing. The minority believes that the threat posed by weapons of mass destruction can best be addressed by a coordinated plan involving enhanced resources for the intelligence community; a vigorous commitment to nuclear security and non-proliferation initiatives aimed at security nuclear biological and chemical materials and technology in the former Soviet republics; and in the opinion of some members of the minority, a limited, multi-tiered missile defense system developed pursuant to the terms of a renegotiated and revised anti-ballistic missile treaty. In addition, one member of the minority believed that issues of national defense are not properly within the jurisdiction of the New Hampshire House of Representatives.

TRANSPORTATION

HB 1179, establishing a task force to investigate the feasibility of utilizing the Concord to Lincoln rail corridor for passenger service. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The majority of the committee felt that this bill is unnecessary, as there are already two task forces in existence, studying different rail corridors in New Hampshire. It was also felt that if the Concord to Lincoln line needed study it could be incorporated into a current task force being done on the Concord to Lebanon line. **Vote 12-3.**

WAYS AND MEANS

HB 1282, establishing a committee to study the impact of legalized casino gambling on the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Norman L. Major for Ways and Means: The bill as amended would establish a committee to study various types of gaming options for New Hampshire rather than just casino gambling. This committee will investigate various gaming forms, including but not limited to: slot machine only casinos, state-owned casinos, privately owned casinos, full casinos, as well as casino operations in other states and countries (including Canada). All issues related to gaming, including but not limited to: the effect on existing forms of gaming, maximizing state revenues, regulating gaming, revenue forecast for various models, implementation timeframes and possible locations are also to be examined. **Vote 11-1.**

SPECIAL ORDER

SB 201-FN, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Last year two identical bills dealing with a dedicated fund for job training started from House and Senate. The House bill became law and House Labor held SB 201 for fine-tuning to the Berlin crisis. When they recommended passage of their amendment several weeks ago, somehow the original material in the bill was not deleted, and so

the bill came to Ways and Means. This is the amendment Labor meant to pass, and it does not involve Ways and Means issues, so the committee recommends passage of the amendment as is. **Vote 14-0.**

LAI D ON TABLE

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. (Pending question is the adoption of the majority committee amendment.)

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

MONDAY, FEBRUARY 11

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

10:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. Subcommittee work session on **HB 1377-FN**, relative to the regulation of physical therapists, **HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses, **HB 1210**, relative to training to be a licensed esthetician, and **HB 1224**, adopting the nurse licensure compact.

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

Work and executive session on the following bills:

1:00 p.m. **HB 1259-FN-L**, relative to the base cost for calculating adequate education grants.

2:00 p.m. **HB 212-FN**, providing an alternative method of calculating state education property tax hardship relief.

TUESDAY, FEBRUARY 12

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on **HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted.

10:30a.m. Subcommittee work session on **HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

11:00 a.m. **HB 1457**, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests.

Executive session on pending legislation to follow.

ELECTION LAW, Room 308, LOB

9:00 a.m. Subcommittee work session on **HB 1181**, requiring registration of political parties, **HB 1158**, relative to the definition of "party" and **HB 1308**, relative to checklist corrections on election day.

Room 306,LOB

9:15 a.m. Subcommittee work session 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.

Room 308, LOB

9:45 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on ***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 and ***HB 1373-FN***, relative to the participation in the New Hampshire retirement system by certain school district employees.

Room 307, LOB

9:00 a.m. Subcommittee work session on ***HB 1276***, permitting pharmacists to dispense emergency contraception.

9:30 a.m. Subcommittee work session on ***HB 1295***, establishing an environmental services review commission.

Room 100, State House

10:00 a.m. ***HB 1323***, establishing a committee to study performance-based public salaries.

11:00 a.m. ***HB 1458-FN-LOCAL***, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system.

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

10:00 a.m. Rescheduled continued public hearing on ***HB 1376-FN***, relative to distribution of tobacco settlement funds.

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

FINANCE - (DIVISION I), Room 209, LOB

Work and executive session on the following bills:

1:30 p.m. ***HB 566-FN-A***, making certain appropriations to the department of cultural resources and the department of safety.

2:00 p.m. ***HB 1409-FN-A-L***, relative to payment of autopsy expenses and making an appropriation therefor.

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

Work and executive session:

1:30 p.m. **HB 1376-FN**, relative to distribution of tobacco settlement funds.

2:30 p.m. **HB 179-FN**, including 17 year olds under RSA 169-B, the juvenile delinquency statute.

3:00 p.m. **SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

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

10:15 a.m. **SB 347**, establishing a study committee on public building access and the disabled.

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 105A, State House

11:30 a.m. Regular meeting.

JUDICIARY, Room 208, LOB

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

1:00 p.m. Subcommittee work session on **HB 1360-FN**, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters.

2:00 p.m. Subcommittee work session on **HB 1292**, relative to interpreters for the deaf in certain governmental or public proceedings.

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.

10:30 a.m. Rescheduled public hearing on **HB 1288**, relative to regular meetings of local planning boards.

11:00 a.m. **HB 1440-FN-A-LOCAL**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor.

1:00 p.m. **HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities. Followed by a public hearing on a proposed amendment to **HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities. (The proposed amendment requires the department of transportation to convey a certain parcel of land to the city of Lebanon. Copies of the proposed amendment are available from the Sergeant-at-Arms Office.)

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.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Public informational meeting on the 10-year highway plan.

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

RESOURCES, RECREATION AND DEVELOPMENT, Rooms 305-307, LOB

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

1:00 p.m. **HB 1449-A**, relative to the New Hampshire rivers management and protection program 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.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. **HB 1452-FN**, establishing the New Hampshire homeland defense service ribbon.

10:30 a.m. **HB 1453**, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee.

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

TRANSPORTATION, Room 203, LOB

10:00 a.m. **SB 328**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

11:00 a.m. **HB 1456-FN**, relative to information on drivers' licenses.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB 1235**, relative to operation of motorized vessels and safe boater education.

11:00 a.m. **HB 1438-FN-A**, relative to fees collected by the attorney general.

1:00 p.m. **HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program.

1:30 p.m. **HB 1451-FN-A**, implementing the Mobile Telecommunications Sourcing Act.

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

WEDNESDAY, FEBRUARY 13

COMMERCE, Room 302, LOB

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

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EDUCATION JOINT WITH SENATE EDUCATION, Rooms 205-207, LOB

9:00 a.m. Career and Technical Student Organization (CTSO) Career Day Presentations.

EDUCATION, Room 207, LOB

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

1:00 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.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on ***HB 1399-LOCAL***, relative to assessment of the land use change tax.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on ***HB 1140***, providing for the nomination and appointment of a "state treasure."

Room 105A, State House

9:00 a.m. Subcommittee work session on ***HB 1318***, relative to the regulation of the use of pharmaceutical agents by licensed optometrists, ***HB 1224***, adopting the nurse licensure compact, ***HB 1210***, relative to training to be a licensed esthetician, ***HB 1388***, relative to respiratory care, ***HB 1394***, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses and ***HB 1377-FN***, relative to the regulation of physical therapists.

Room 100, State House

10:00 a.m. ***HB 1366-FN***, establishing a state employee cost-saving award program.

11:30 a.m. ***HB 1455-FN-LOCAL***, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets.

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

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

9:00 a.m. Regular business.

9:30 a.m. Audits.

JUDICIARY, Room 208, LOB

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

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.

10:30 a.m. ***HB 1445***, establishing a committee to study growth ordinances for municipalities.

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, Rooms 201-203, LOB

9:30 a.m. Briefing by Office of State Planning on the potential redevelopment of the former State Hospital grounds and buildings on Pleasant Street.

1:00 p.m. ***HB 2000***, relative to the state 10-year transportation improvement program.

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

9:00 a.m. Subcommittee work session on ***HB 1111***, establishing a committee to study regulation and

procedures for lake level investigations and orders.

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

10:45 a.m. Subcommittee work session on **HB 1343**, relative to processing excavating and dredging permits.

1:30 p.m. Subcommittee work session on **HB 1252**, relative to the membership of the wetlands council.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Subcommittee work session on **HB 1383**, relative to lucky 7.

10:00 a.m. **HR 24**, affirming revenue estimates for fiscal years 2002 and 2003.

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

THURSDAY, FEBRUARY 14

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

WAYS AND MEANS, Room 202, LOB

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

FRIDAY, FEBRUARY 15

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

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 19

COMMERCE, Room 302, LOB

1:15 p.m. Executive session on pending legislation.

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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Continued public hearing on **HB 1349-FN-A**, establishing a New Hampshire power authority.

10:30 a.m. Rescheduled public hearing on **HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. ***HB 1450***, authorizing the sweepstakes commission to allow multi-hall, linked bingo games.

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

WEDNESDAY, FEBRUARY 20

COMMERCE, Room 302, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

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

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. Executive session on pending legislation, if needed.

WAYS AND MEANS, Room 202, LOB

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

THURSDAY, FEBRUARY 21

WAYS AND MEANS, Room 202, LOB

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

FRIDAY, FEBRUARY 22

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Rooms 301-303, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 4

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.

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

1:00 p.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Boardroom, 10 Dixon Avenue, Concord

8:30 a.m. Regular meeting.

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

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

FRIDAY, MARCH 8

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

1:00 p.m. Complaint hearings.

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.

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

9:00 a.m. Regular meeting.

MONDAY, MARCH 11

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

10:00 a.m. Regular meeting.

FRIDAY, MARCH 15

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

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

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, March 4 at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 179, 213, 295, 329, 353, 392, 439, 463, 556, 557, 567, 589, 592, 656, 672, 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, 1382, 1422, 1426 and 1436.

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 as requested.

Thomas I. Arnold, 10 Milford Street, Brookline, New Hampshire 03033-2446

Natalie S. Flanagan, PO Box 959, Atkinson, New Hampshire 03811-0959

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

Karen O. Wadsworth, Clerk of the House

MEMBERS’ NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

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:

Department of Health and Human Services’ Report on New Hampshire’s Child

Support guidelines

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 Democratic Leadership Council will hold a reception honoring Congresswoman Ellen Tauscher (D-CA), Vice Chair of the DLC, on Monday, February 11th from 5:00 to 7:00 p.m. at the Barley House, directly across from the State House. Come learn

how the DLC can build a New Democrat network of elected officials in New Hampshire and turn New Democrat ideas into action. RSVP to Rob Warner, NH DLC contact, at 603-674-9810.

Reps. Raymond Buckley and Martha Fuller Clark

A candidates night and Lincoln Day Dinner, sponsored by the Merrimack Federated Republican Women's Club, will be held at the Marriott Hotel, Nashua on Monday, February 11 at 6:00 p.m. Candidates who have agreed to attend are, for Senate race: Senator Bob Smith, Congressman John E. Sununu; District One Congressional Race: Hon. Jeb E. Bradley, Lt. Col. Mike Chema, Hon. William Cahill, Sean Mahoney, Hon. Fran Wendelboe; for Governor: Craig Benson, Hon. David Corbin, Hon. Gordon Humphrey, Hon. Bruce Keough. To purchase tickets, contact Rep. Chris Christensen at chris.christensen@leg.state.nh.us, or call (603) 424-2542.

Rep. D.L. Chris Christensen

The American Heart Association invites members of the General Court to a legislative luncheon in recognition of Heart Month to be held on Tuesday, February 12th from 11:30 a.m. to 1:30 p.m. at St. Paul's Church, adjacent to the State House on Park Street.

Rep. Stephen R. L'Heureux

The Main Street Republican Caucus will sponsor an informational forum on the upcoming CACR's on February 12th at 2:00 p.m. in Rooms 306-308, LOB. All Representatives and Senators are welcome to attend.

Rep. Richard C. Leone

The Merrimack County Republican Committee and the Concord Republican Committee are hosting the Annual Lincoln Day Breakfast with Guest Speaker Elizabeth L. Cheney, daughter of Vice President Dick Cheney. The event will be held at the Courtyard Marriott Grappone Conference Center on February 13th from 7:30 to 10:00 a.m. Tickets are available from Reps. Michael Whalley and John Hutchinson. Prices are \$25 per ticket or \$200 for a table of eight.

Rep. John D. Hutchinson

ALEC (American Legislative Exchange Council) members will meet for a luncheon on February 13th in Rooms 306-308, LOB from 11:30 a.m. to 1:00 p.m. We have invited our private-sector members and other business people whom we hope to enroll as private-sector members. Our program will feature Professor Richard K. Vedder, distinguished Professor of Economics at Ohio University. Dr. Vedder has advised many states and countries on their tax and fiscal policy. We hope he will relate to our business people the contrasting business environments in other states and why New Hampshire's tax structure is better. Please come and welcome our guests.

Rep. Kenneth L. Weyler

Won't you please join us in bidding farewell to Gloria Randlett-Bressette, the Clerk of the New Hampshire Senate. Gloria has served the legislature for 24 years and has served as the "Clerk of the Senate" since 1990. Gloria retired on February 1, 2002. We will be having a get together on Wednesday, February 13, 2002 at the Capital Grille Restaurant on Main Street, Concord, NH. The time frame is 4:30 - 6:30 p.m.. Hope to see you there!

Rep. Leo W. Fraser, Jr.

Members of the House and Senate are cordially invited to a Legislative Breakfast in the basement of St. Paul's Church located on Park Street (across from the State House) from 7:45 a.m. to 9:00 a.m. on Thursday, February 14th in recognition of New Hampshire Psychologists Week. This event is sponsored by the New Hampshire Psychological Association.

Rep. Kathleen N. Taylor

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 20, March 6 and March 20. They will also meet at 11:30 a.m. on the following Wednesdays: February 13, March 13 and March 27.

Rep. Paul M. Mirski

Northeast Delta Dental cordially invites all members of the New Hampshire Legislature to a reception at their corporate offices at One Delta Drive in Concord on Thursday, February 14th from 4:00 p.m. to 6:30 p.m. in recognition of Children's Dental Health Month.

Rep. Michael D. Whalley

Dr. Richard K. Vedder, distinguished Professor of Economics, will be the speaker at a breakfast hosted by Legislators for Limited Spending. Dr. Vedder tracks the developments in state revenue and spending for the 50 states and several foreign countries. He has recently returned from a trip to Kiev. Dr. Vedder has been the inspiration for many state budget cuts in recent years. We hope that the food, the company and the information will be worth \$10 to you. Tickets available from LLS members. Place: Capitol Grille (former Eagle's Nest). Time and date: 7:30 to 9:00 a.m. on February 14th.

Rep. Kenneth L. Weyler

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 and March:

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

Portsmouth Community Campus, Wednesday, March 6, 6:30 –8:30 p.m.

Keene City Council Chambers, Keene City Hall, Tuesday, March 19, 6:30 –8:30 p.m.

Laconia NH Community Technical College, Room 200A, Wednesday, March 20, 6:30-8:30 p.m.

Nashua Southern NH Medical Center, Health and Education Building Conference Room, Basement Level, Thursday, March 21, 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 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. **March 4** from 9:00 to 11:00 at Hypotherm , Etna Road, Hanover. **March 18** from 9:00 to 11:00 a.m. at UNITIL, 6 Liberty Lane West, Hampton.

Rep. David W. Hess

All legislators and legislative staff are cordially invited to attend the New Hampshire Automobile Dealers Association "Crossover" Legislative Reception to be held on March 6, immediately following session at NHADA Headquarters, 507 South Street, Bow.

Rep. Michael D. Whalley

The New Hampshire School Food Service Association will host a Breakfast for the New Hampshire State Legislators in celebration of National School Breakfast Week. Please join us on Thursday, March 7 in the State House Cafeteria between 8:00 a.m. and 10:30 a.m.

Rep. Russell D. Bridle

The Department of Transportation will hold the following meetings:

Feb 12 – J. O. Morton Building, 1 Hazen Drive, Concord, 6:00 p.m. open house, 6:30 p.m. presentation. Public informational meeting, Boston-Montreal High Speed Rail Feasibility Study.

Feb 13 – Berlin City Hall Auditorium, 168 Main Street, Berlin, 7:00 p.m. Public informational meeting, Berlin, replacement of the St. Lawrence and Atlantic Railroad Bridge over Green Street (NH 110). Rehab of Green Street intersection to the First Avenue intersection.

Feb 14 – Plaistow Town Hall, 145 Main Street, Plaistow, 6:30 p.m. Advisory Task Force meeting, Plaistow-Kingston, transportation improvements for the NH Route 125 corridor in Plaistow and Kingston.

Feb 20 – Hampton Falls Town Hall, 1 Drink Water Road, Hampton Falls, 7:00 p.m. Combined public officials/informational meeting, Seabrook-Hampton Falls, Hampton-North Hampton, paving the existing roadway along Route 1 from Seabrook to North Hampton.

Feb 20 - J. O. Morton Building, 1 Hazen Drive, Concord, Room 112 and 113, 2:00 p.m. Advisory Committee meeting, Congestion Mitigation and Air Quality meeting..

Feb 20 - J. O. Morton Building, 1 Hazen Drive, Concord, Room 112 and 113, 3:30 p.m. Advisory Committee meeting, Transportation Enhancement meeting.

Mar 13 – Woodsville Elementary School, 206 Central Street, Woodsville, 7:00 p.m. Public hearing special committee, Haverhill-Bath, reconstruct US 302 for NH 10 northerly approximately 1.8 miles.

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 **February 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	Grade/Size
Feb. 11	9:30, 11:00 & 12:30	Jaffrey Grade School	4/60
Feb. 12	9:30	St. Patrick’s School – Pelham	4 & 5/49
Feb. 12	11:00	Lisbon Elementary School	4/32
Feb. 13	10:00 & 11:30	Garrison School – Dover	4/60
Feb. 14	9:00	Pembroke Hill School	4/25
Feb. 14	10:00 & 11:30	Garrison School – Dover	4/60
Feb. 15	9:30 & 11:00	Interlakes Elementary – Meredith	4/80

Feb. 18	9:45 & 11:15	Merrimack Valley High School – Penacook	HS/50
Feb. 19	9:30 & 11:00	Parker Varney Elementary – Manchester	4/50
Feb. 20	9:30 & 11:00	Parker Varney Elementary – Manchester	4/50
Feb. 21	9:30 & 11:00	Crescent Lake School – Wolfeboro	4/55
Feb. 21	9:30 & 11:00	Crescent Lake School – Wolfeboro	4/55
Feb. 26	9:30 & 11:00	Paul School – Sanbornville	4/65
Feb. 26	1:00	Calvary Bible Church Girl’s Awana – Derry	3-6/30
Feb. 27	11:00 & 12:30	K.A. Brett School – Tamworth	3 & 4/60
Feb. 28	10:00	NHEOA – Youth Leadership	50
Feb. 28	12:30	Haverhill Cooperative Middle School	4/50

NOTICE

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

Carol J. Holahan, Director

SPONSOR	COUNTY	DISTRICT	LSR NUMBER
Arndt, Janet	Rockingham	27	2002-S-3194-R
Arnold, Thomas	Hillsborough	20	2002-S-3143-R
Bartlett, Gordon	Belknap	06	2002-S-3131-R
Batula, Peter	Hillsborough	18	2002-S-3185-R
Blanchard, MaryAnn	Rockingham	33	2002-S-3184-R
Burling, Peter	Sullivan	01	2002-H-2445-R
Clark, Martha Fuller	Rockingham	36	2002-H-2457-L
Clark, Martha Fuller	Rockingham	36	2002-H-2459-R
Clayton, William	Hillsborough	39	2002-H-2435-R
Clegg, Robert	Hillsborough	23	2002-S-3189-L
Cobb, John	Grafton	05	2002-H-2436-L
Dudley, Terri	Grafton	14	2002-S-3151-R
Estabrook, Iris	Strafford	08	2002-S-3189-L
Fairbanks, Chandler	Cheshire	18	2002-S-3131-R
Gallus, John	Coos	07	2002-H-2438-L

Gile, Mary	Merrimack	16	2002-S-3188-R
Gilmore, Gary	Strafford	11	2002-H-2452-R
Giuda, Robert	Grafton	03	2002-H-2436-L
Goley, Jeffrey	Hillsborough	37	2002-H-2420-R
Goley, Jeffrey	Hillsborough	37	2002-H-2435-R
Goley, Jeffrey	Hillsborough	37	2002-H-2442-R
Gonzalez, Carlos	Hillsborough	48	2002-H-2432-R
Guay, Lawrence	Coos	06	2002-H-2418-R
Guay, Lawrence	Coos	06	2002-H-2438-L
Guinta, Frank	Hillsborough	39	2002-S-3151-R
Guinta, Frank	Hillsborough	39	2002-S-3178-R
Henderson, Warren	Rockingham	20	2002-S-3189-L
Konys, Christine	Hillsborough	33	2002-H-2442-R
Martin, Mary Ellen	Hillsborough	34	2002-H-2432-R
Mears, Edgar	Coos	07	2002-H-2438-L
Morse, Charles	Rockingham	28	2002-H-2451-R
Packard, Sherman	Rockingham	29	2002-S-3131-R
Pappas, Marc	Hillsborough	48	2002-S-3178-R
Reid, Christopher	Strafford	12	2002-S-3132-R
Rozek, Michael	Coos	07	2002-H-2438-L
Scanlan, David	Grafton	11	2002-S-3169-R
Spang, Judith	Strafford	08	2002-S-3184-R
Spiess, Paul	Hillsborough	14	2002-H-2457-L
Welch, David	Rockingham	18	2002-H-2437-R
Welch, David	Rockingham	18	2002-S-3131-R
Wendelboe, Fran	Belknap	02	2002-H-2449-R
Wendelboe, Fran	Belknap	02	2002-H-2463-R

THURSDAY, FEBRUARY 14

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2001-2040h

Amendment to HB 379

Proposed by the Committee on Election Law - R

Amend the bill by replacing section 3 with the following:

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

2001-2042h

Amendment to HB 419

Proposed by the Committee on Election Law - C

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

1 Delegates to State Party Conventions. RSA 662:6 is repealed and reenacted to read as follows:

662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention as follows:

I. Belknap County

- Alton 1
- Barnstead 1
- Belmont 2
- Center Harbor 1
- Gilford 2
- Gilmanton 1
- Laconia 5
- Meredith 2
- New Hampton 1
- Sanbornton 1
- Tilton 1

II. Carroll County

- Albany 1
- Bartlett 1
- Brookfield 1
- Chatham 1
- Conway 3

- Eaton 1
- Effingham 1
- Freedom 1
- Hale’s Location 1
- Hart’s Location 1
- Jackson 1
- Madison 1
- Moultonborough 1
- Ossipee 1
- Sandwich 1
- Tamworth 1
- Tuftonboro 1
- Wakefield 1
- Wolfeboro 2

III. Cheshire County

- Alstead 1
- Chesterfield 1
- Dublin 1
- Fitzwilliam 1
- Gilsum 1
- Harrisville 1
- Hinsdale 1
- Jaffrey 2
- Keene 8
- Marlborough 1
- Marlow 1
- Nelson 1
- Richmond 1
- Rindge 2
- Roxbury 1
- Stoddard 1
- Sullivan 1

Surry 1
Swanzey 2
Troy 1
Walpole 1
Westmoreland 1
Winchester 1

IV. Coos County

Atkinson & Gilmanton Academy Grant 0
Bean’s Grant 0
Bean’s Purchase 0
Berlin 3
Cambridge 0
Carroll 1
Chandler’s Purchase 0
Clarksville 1
Colebrook 1
Columbia 1
Crawford’s Purchase 0
Cutt’s Grant 0
Dalton 1
Dix’s Grant 0
Dixville 1
Dummer 1
Errol 1
Erving’s Location 0
Gorham 1
Green’s Grant 0
Hadley’s Purchase 0
Jefferson 1
Kilkenny 0
Lancaster 1
Low & Burbank’s Grant 0

- Martin’s Location 0
- Milan 1
- Millsfield 1
- Northumberland 1
- Odell 0
- Pinkham’s Grant 0
- Pittsburg 1
- Randolph 1
- Sargent’s Purchase 0
- Second College Grant 0
- Shelburne 1
- Stark 1
- Stewartstown 1
- Stratford 1
- Success 0
- Thompson & Meserve’s Purchase 0
- Wentworth’s Location 1
- Whitefield 1

V. Grafton County

- Alexandria 1
- Ashland 1
- Bath 1
- Benton 1
- Bethlehem 1
- Bridgewater 1
- Bristol 1
- Campton 1
- Canaan 1
- Dorchester 1
- Easton 1
- Ellsworth 1
- Enfield 1

Franconia 1
Grafton 1
Groton 1
Hanover 4
Haverhill 1
Hebron 1
Holderness 1
Landaff 1
Lebanon 4
Lincoln 1
Lisbon 1
Littleton 2
Livermore 0
Lyman 1
Lyme 1
Monroe 1
Orange 1
Orford 1
Piermont 1
Plymouth 2
Rumney 1
Sugar Hill 1
Thornton 1
Warren 1
Waterville Valley 1
Wentworth 1
Woodstock 1

VI. Hillsborough County

Amherst 3
Antrim 1
Bedford 6
Bennington 1

Brookline 1

Deering 1

Francestown 1

Goffstown 5

Greenfield 1

Greenville 1

Hancock 1

Hillsborough 2

Hollis 2

Hudson 7

Litchfield 2

Lyndeborough 1

Manchester 35

Mason 1

Merrimack 8

Milford 4

Mont Vernon 1

Nashua 28

New Boston 1

New Ipswich 1

Pelham 4

Peterborough 2

Sharon 1

Temple 1

Weare 2

Wilton 1

Windsor 1

VII. Merrimack County

Allenstown 2

Andover 1

Boscawen 1

Bow 2

Bradford 1

Canterbury 1

Chichester 1

Concord 13

Danbury 1

Dunbarton 1

Epsom 1

Franklin 3

Henniker 1

Hill 1

Hooksett 4

Hopkinton 2

Loudon 1

New London 1

Newbury 1

Northfield 1

Pembroke 2

Pittsfield 1

Salisbury 1

Sutton 1

Warner 1

Webster 1

Wilmot 1

VIII. Rockingham County

Atkinson 2

Auburn 1

Brentwood 1

Candia 1

Chester 1

Danville 1

Deerfield 1

Derry 11

- East Kingston 1
- Epping 2
- Exeter 5
- Fremont 1
- Greenland 1
- Hampstead 2
- Hampton 5
- Hampton Falls 1
- Kensington 1
- Kingston 2
- Londonderry 8
- New Castle 1
- Newfields 1
- Newington 1
- Newmarket 2
- Newton 1
- North Hampton 1
- Northwood 1
- Nottingham 1
- Plaistow 2
- Portsmouth 7
- Raymond 3
- Rye 2
- Salem 9
- Sandown 1
- Seabrook 2
- South Hampton 1
- Stratham 1
- Windham 3

IX. Strafford County

- Barrington 2
- Dover 9

Durham 4

Farmington 2

Lee 1

Madbury 1

Middleton 1

Milton 1

New Durham 1

Rochester 9

Rollinsford 1

Somersworth 4

Strafford 1

X. Sullivan County

Acworth 1

Charlestown 2

Claremont 4

Cornish 1

Croydon 1

Goshen 1

Grantham 1

Langdon 1

Lempster 1

Newport 2

Plainfield 1

Springfield 1

Sunapee 1

Unity 1

Washington 1

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

2002-2341h

Amendment to HB 420

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

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

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

I. Belknap County.

District No. 1 Center Harbor

New Hampton 1

District No. 2 Meredith 2

District No. 3 Sanbornton

Tilton 1

District No. 4 Belmont 2

District No. 5 Belmont

Sanbornton

Tilton 1

District No. 6 Gilmanton 1

District No. 7 Alton 1

District No. 8 Barnstead 1

District No. 9 Gilford 2

District No. 10 Alton

Barnstead

Gilford 1

District No. 11 Laconia 5

II. Carroll County.

District No. 1 Bartlett

Chatham

Hart’s Location

Jackson 1

District No. 2 Conway

Hale’s Location 2

District No. 3 Bartlett

Chatham

Conway

Hale’s Location

Hart’s Location

Jackson 1

District No. 4 Albany

Eaton

Madison 1

District No. 5 Ossipee 1

District No. 6 Effingham

Freedom

Ossipee

Tamworth 2

District No. 7 Wakefield 1

District No. 8 Wolfeboro 1

District No. 9 Moultonborough 1

District No. 10 Brookfield

Moultonborough

Sandwich

Tuftonboro

Wakefield

Wolfeboro 3

III. Cheshire County.

District No. 1 Gilsum

Stoddard

Sullivan

Surry 1

District No. 2 Jaffrey 1

District No. 3 Dublin

Harrisville

Nelson

Roxbury 1

District No. 4 Dublin

Jaffrey

Harrisville

Nelson

- Roxbury 1
- District No. 5 Marlborough
- Swanzey 3
- District No. 6 Rindge 1
- District No. 7 Winchester 1
- District No. 8 Fitzwilliam
- Richmond
- Rindge
- Troy
- Winchester 3
- District No. 9 Hinsdale 1
- District No. 10 Chesterfield
- Westmoreland 1
- District No. 11 Chesterfield
- Hinsdale
- Westmoreland 1
- District No. 12 Alstead
- Marlow
- Walpole 2
- District No. 13 Keene Ward 1 1
- District No. 14 Keene Ward 2 1
- District No. 15 Keene Ward 3 1
- District No. 16 Keene Ward 4 1
- District No. 17 Keene Ward 5 1
- District No. 18 Keene Wards 1-5 2

IV. Coos County.

- District No. 1 Atkinson and Gilmanton Academy Grant
- Clarksville
- Colebrook
- Columbia
- Dix’s Grant
- Dixville

- Erving’s Location
- Pittsburg
- Second College Grant
- Stewartstown
- Stratford 2
- District No. 2 Berlin
- Cambridge
- Dummer
- Errol
- Milan
- Millsfield
- Odell
- Success
- Wentworth’s Location 4
- District No. 3 Kilkenny
- Lancaster
- Northumberland
- Stark 2
- District No. 4 Dalton
- Whitefield 1
- District No. 5 Bean’s Grant
- Bean’s Purchase
- Carroll
- Chandler’s Purchase
- Crawford’s Purchase
- Cutt’s Grant
- Gorham
- Green’s Grant
- Hadley’s Purchase
- Jefferson
- Low and Burbank’s Grant
- Martin’s Location

Pinkham’s Grant

Randolph

Sargent’s Purchase

Shelburne

Thompson and Meserve’s Purchase 2

V. Grafton County.

District No. 1 Bethlehem

Littleton

Monroe 3

District No. 2 Bath

Lisbon

Lyman 1

District No. 3 Benton

Franconia

Landaff

Sugar Hill

Warren 1

District No. 4 Easton

Ellsworth

Lincoln

Livermore

Waterville Valley

Woodstock 1

District No. 5 Haverhill

Orford

Piermont 2

District No. 6 Ashland

Campton

Holderness

Thornton 3

District No. 7 Plymouth 2

District No. 8 Alexandria

Bridgewater
Bristol
Hebron 2
District No. 9 Dorchester
Groton
Rumney
Wentworth 1
District No. 10 Hanover
Lyme 4
District No. 11 Canaan
Enfield
Grafton
Orange 3
District No. 12 Lebanon 4

VI. Hillsborough County.

District No. 1 Antrim
Deering 1
District No. 2 Antrim
Deering
Hillsborough
Windsor 1
District No. 3 Hillsborough
Windsor 1
District No. 4 Weare 2
District No. 5 Goffstown
Weare 1
District No. 6 Francestown
Greenfield 1
District No. 7 Goffstown 5
District No. 8 Peterborough
Sharon 2
District No. 9 Bennington

- Hancock 1
- District No. 10 Lyndeborough
- New Boston
- Mt. Vernon 1
- District No. 11 New Boston 1
- District No. 12 Temple Wilton 1
- District No. 13 Milford
- Temple
- Wilton 1
- District No. 14 Milford 4
- District No. 15 Amherst 3
- District No. 16 Amherst
- Mt. Vernon 1
- District No. 17 Bedford 6
- District No. 18 Litchfield 2
- District No. 19 Merrimack 8
- District No. 20 Greenville
- New Ipswich 2
- District No. 21 Brookline
- Hollis
- Mason 1
- District No. 22 Brookline
- Mason 1
- District No. 23 Hollis 2
- District No. 24 Hudson 7
- District No. 25 Pelham 3
- District No. 26 Hudson
- Litchfield
- Pelham 1
- District No. 27 Nashua Ward 1 3
- District No. 28 Nashua Ward 2 3
- District No. 29 Nashua Ward 3 3

- District No. 30 Nashua Ward 4 3
- District No. 31 Nashua Ward 5 3
- District No. 32 Nashua Ward 6 3
- District No. 33 Nashua Ward 7 3
- District No. 34 Nashua Ward 8 3
- District No. 35 Nashua Ward 9 3
- District No. 36 Nashua Wards 1-9 1
- District No. 37 Manchester Ward 1 3
- District No. 38 Manchester Ward 2 3
- District No. 39 Manchester Ward 3 3
- District No. 40 Manchester Ward 4 3
- District No. 41 Manchester Ward 5 3
- District No. 42 Manchester Ward 6 3
- District No. 43 Manchester Ward 7 3
- District No. 44 Manchester Ward 8 3
- District No. 45 Manchester Ward 9 3
- District No. 46 Manchester Ward 10 2
- District No. 47 Manchester Ward 11 2
- District No. 48 Manchester Ward 12 2
- District No. 49 Manchester Wards 10, 11, and 12 2

VII. Merrimack County.

- District No. 1 Andover
- Hill 1
- District No. 2 New London 1
- District No. 3 Danbury
- New London
- Wilmot 1
- District No. 4 Newbury
- Sutton
- Warner 2
- District No. 5 Bradford
- Henniker 2

District No. 6 Dunbarton

Hopkinton

Webster 2

District No. 7 Bow 2

District No. 8 Bow

Dunbarton

Hopkinton

Webster 1

District No. 9 Hooksett 4

District No. 10 Allenstown

Pembroke 4

District No. 11 Chichester

Epsom 2

District No. 12 Pittsfield 1

District No. 13 Loudon 1

District No. 14 Northfield 1

District No. 15 Boscawen 1

District No. 16 Boscawen

Canterbury

Loudon

Northfield

Pittsfield 2

District No. 17 Franklin

Salisbury 3

District No. 18 Concord Ward 1 1

District No. 19 Concord Ward 2 1

District No. 20 Concord Ward 3 1

District No. 21 Concord Ward 4 1

District No. 22 Concord Ward 5 1

District No. 23 Concord Ward 6 1

District No. 24 Concord Ward 7 1

District No. 25 Concord Ward 8 1

- District No. 26 Concord Ward 9 1
- District No. 27 Concord Ward 10 1
- District No. 28 Concord Wards 1-10 3

VIII. Rockingham County.

- District No. 1 Northwood 1
- District No. 2 Nottingham 1
- District No. 3 Deerfield 1
- District No. 4 Candia 1
- District No. 5 Candia
- Deerfield
- Northwood
- Nottingham 1
- District No. 6 Raymond 3
- District No. 7 Auburn 1
- District No. 8 Chester 1
- District No. 9 Auburn
- Chester
- Raymond 1
- District No. 10 Danville 1
- District No. 11 Sandown 1
- District No. 12 Fremont 1
- District No. 13 Danville
- Sandown 1
- District No. 14 Atkinson 2
- District No. 15 Hampstead 2
- District No. 16 Plaistow 2
- District No. 17 Hampstead
- Plaistow 1
- District No. 18 Derry 11
- District No. 19 Londonderry 7
- District No. 20 Windham 3
- District No. 21 Londonderry

- Windham 1
- District No. 22 Salem 9
- District No. 23 Epping 1
- District No. 24 Epping
- Fremont 1
- District No. 25 Exeter
- Kensington 5
- District No. 26 Brentwood 1
- District No. 27 East Kingston
- Kingston
- Newton 4
- District No. 28 Newfields
- Newmarket 3
- District No. 29 Stratham 2
- District No. 30 Greenland 1
- District No. 31 New Castle
- Rye 2
- District No. 32 North Hampton 1
- District No. 33 Hampton
- Hampton Falls 5
- District No. 34 Hampton
- Hampton Falls
- North Hampton 1
- District No. 35 Seabrook
- South Hampton 3
- District No. 36 Portsmouth Ward 1 1
- District No. 37 Portsmouth Ward 2 1
- District No. 38 Newington
- Portsmouth Ward 3 1
- District No. 39 Portsmouth Ward 4 1
- District No. 40 Portsmouth Ward 5 1
- District No. 41 Portsmouth Wards 1, 2, and 5 1

District No. 42 Newington

Portsmouth Wards 3 and 4 1

IX. Strafford County.

District No. 1 Farmington 1

District No. 2 Milton 1

District No. 3 Middleton

New Durham 1

District No. 4 Farmington

Middleton

Milton

New Durham 1

District No. 5 Rochester Ward 1 1

District No. 6 Rochester Ward 2 1

District No. 7 Rochester Wards 1 and 2 1

District No. 8 Rochester Ward 3 1

District No. 9 Rochester Ward 4 1

District No. 10 Rochester Wards 3 and 4 1

District No. 11 Rochester Ward 5 1

District No. 12 Rochester Ward 6 1

District No. 13 Rochester Wards 5 and 6 1

District No. 14 Rollinsford

Somersworth 5

District No. 15 Dover Ward 1 1

District No. 16 Dover Ward 6 1

District No. 17 Dover Wards 1 and 6 1

District No. 18 Dover Ward 2 1

District No. 19 Dover Ward 3 1

District No. 20 Dover Wards 2 and 3 1

District No. 21 Dover Ward 4 1

District No. 22 Dover Ward 5 1

District No. 23 Dover Wards 4 and 5 1

District No. 24 Durham 4

District No. 25 Barrington 2
District No. 26 Lee 1
District No. 27 Strafford 1
District No. 28 Barrington
Durham
Lee
Madbury
Strafford 1

X. Sullivan County.

District No. 1 Cornish
Plainfield 1
District No. 2 Croydon
Newport
Unity 2
District No. 3 Cornish
Croydon
Newport
Plainfield
Unity 1
District No. 4 Sunapee 1
District No. 5 Grantham
Springfield 1
District No. 6 Acworth
Goshen
Lempster
Washington 1
District No. 7 Charlestown
Langdon 1
District No. 8 Acworth
Charlestown
Goshen
Langdon

Lempster

Washington 1

District No. 9 Claremont Ward 1 1

District No. 10 Claremont Ward 2 1

District No. 11 Claremont Ward 3 1

District No. 12 Claremont Wards 1-3 1

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2002 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2002 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2000 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2001.

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

2002-2477h

Amendment to HB 557-FN-A

Proposed by the Committee on Ways and Means - C

Amend RSA 6:12, I (aa) as inserted by section 1 of the bill by replacing it with the following:

(aa) The assessments collected under RSA 188-F:31 and 651:63, V and the surcharges on state commissary purchases under RSA 622:7-b designated for the victims’ assistance fund which shall be credited to the victims’ assistance fund until that fund exceeds [~~\$750,000~~] **\$1,000,000**, at which time moneys in excess of [~~\$750,000~~] **\$1,000,000** shall be credited to the general fund.

2002-2386h

Amendment to HB 768-FN

Proposed by the Committee on Finance - C

Amend RSA 651-C:7 as inserted by section 1 of the bill by replacing it with the following:

651-C:7 Applicability.

I. The provisions of this chapter shall apply to those persons convicted of a violent crime, as defined in RSA 651-C:1, IX, on or after July 1, 2003, and to persons incarcerated in a state or county correctional facility, or on probation or parole, for a violent crime as defined in RSA 651-C:1, IX, on or after July 1, 2003.

II. The provisions of this chapter shall apply to those persons convicted of a sexual offense, as defined in RSA 651-C:1, VIII, on or after August 2, 1996, and to persons incarcerated in a state or county correctional facility for a sexual offense as defined in RSA 651-C:1, VIII, on or after August 2, 1996.

2002-2485h

Amendment to HB 1000-FN-A

Proposed by the Committee on Finance - R

Amend the bill by replacing section 4 with the following:

4 Acquisition of Certain Lands and Rights in Lands.

I. The governor is authorized to expend an amount not to exceed \$10,000,000 to purchase fee real estate and conservation

easement interests in Pittsburg, Clarksville, and Stewartstown, New Hampshire consisting of approximately 171,500 acres known as the Connecticut Lakes headwaters tract. The purchase price of such real estate and conservation easement interest shall not exceed the appraised value. The 171,500 acres known as the Connecticut Lakes headwaters tract shall be purchased by The Trust for Public Land, a not-for-profit corporation, from International Paper Corporation on or before March 29, 2002 and such conveyance shall be recorded in the Coos county registry of deeds. The state shall then purchase real estate interests in the tract.

II. Of the acreage described in paragraph I, the state's fee ownership of 25,000 acres in natural areas shall be subject to a conservation easement to be held by a qualified not-for-profit conservation organization or other qualified entity or both, and shall be managed in the public interest by the fish and game department. The conservation easement for such 25,000 acres shall be negotiated between the fish and game department and The Nature Conservancy, shall be substantially in the form of the February 6, 2002 Draft Grant of Conservation Easement, and shall be guided by the December 7, 2001 Final Report of the Connecticut Lakes Headwaters Partnership Task Force.

III. Of the acreage under paragraph I, 146,400 acres shall be sold to a private buyer subject to a perpetual conservation easement held by the state of New Hampshire under the jurisdiction of the department of resources and economic development. The conservation easement for such 146,000 acres shall be negotiated between the department of resources and economic development and the private buyer and approved by the commissioner of the department of resources and economic development, shall be substantially in the form of the February 6, 2002 Draft Grant of Conservation Easement, and shall be guided by the December 7, 2001 Final Report of the Connecticut Lakes Headwaters Partnership Task Force. One hundred acres shall be managed by the department of resources and economic development as an addition to the Deer Mountain campground.

Amend the bill by replacing section 8 with the following:

8 Appropriation. The sum of \$10,000,000 is hereby appropriated to the office of the governor for the purchase of a certain tract of land and conservation easements in the towns of Pittsburg, Clarksville, and Stewartstown, New Hampshire known as the Connecticut Lakes headwaters tract.

2002-2382h

Amendment to HB 1109

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) One representative of the office of homeless and housing services, department of health and human services, appointed by the commissioner of the department of health and human services.
- (d) One representative of the division of family assistance, department of health and human services, appointed by the commissioner of the department of health and human services.
- (e) Two representatives of the New Hampshire Local Welfare Administrators Association, appointed by that organization.
- (f) One representative of the New Hampshire Municipal Association, appointed by that organization.
- (g) One representative of the New Hampshire Coalition to End Homelessness, appointed by that organization.
- (h) One representative of the New Hampshire Council of Churches, appointed by that organization.
- (i) One representative of New Hampshire Legal Assistance, appointed by that organization.
- (j) One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by that organization.

(k) One representative of the New Hampshire Community Action Association, appointed by that organization.

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

2002-2139h

Amendment to HB 1148

Proposed by the Committee on Public Works and Highways - C

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

AN ACT naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway.

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

1 Meldrim Thomson State Office Complex. The state office complex on Hazen Drive in the city of Concord is hereby named the Meldrim Thomson State Office Complex in honor of former governor Meldrim Thomson A suitable marker may be erected or placed at the site.

2 Highway Named. Pursuant to RSA 4:43, the segment of New Hampshire route 25A from its junction with New Hampshire route 25 in Wentworth to its junction with New Hampshire route 10 in Orford is hereby named the Governor Meldrim Thomson Scenic Highway. A suitable marker may be erected or placed at the site.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 or 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

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

AMENDED ANALYSIS

This bill names the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and also names New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway in honor of former governor Meldrim Thomson.

2002-2184h

Amendment to HB 1151

Proposed by the Committee on Education - R

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

AN ACT establishing a commission to examine and assess the status of civic education in New Hampshire.

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

1 Purpose. The general court recognizes that an active and informed citizenry is the foundation for preserving personal liberty and democratic society under a republican form of government, and wishes to explore and improve the means by which the state seeks to promote civic understanding and engagement among its residents. The general court also recognizes that developing and maintaining an informed and engaged citizenry ultimately requires educating youth at both the primary and secondary levels in the principles, organization, and operation of federal, state, and local government. Moreover, the general court is concerned by New Hampshire department of education data indicating that 35 percent of 6th graders and 45 percent of 10th graders scored at the novice level in civics and government examinations, as well as the implications such data may have for democratic governance and civil society in future years. The general court therefore establishes a commission to examine and assess the status of civic education in New Hampshire.

2 Commission Established. There is established a commission to examine and assess the status of civic education in New Hampshire.

3 Membership and Compensation.

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

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of education, or designee.
- (d) The secretary of state, or designee.
- (e) One primary school educator and one secondary school educator, appointed by the commissioner of the department of education.
- (f) A representative from the university system of New Hampshire, appointed by the chancellor of the university system of New Hampshire.
- (g) A representative from the New Hampshire Institute of Politics at Saint Anselm College, appointed by the president of the College.
- (h) A representative from the business community, appointed by the president of the senate.
- (i) A high school student, appointed by the speaker of the house.
- (j) An undergraduate student from a college in New Hampshire, appointed by the president of the senate.
- (k) A naturalized American citizen, appointed by the governor with the consent of the executive council.
- (l) A permanent resident who has applied for naturalization, appointed by the governor with the consent of the executive council.
- (m) A parent involved in home schooling, appointed by the speaker of the house.
- (n) A representative from Kids Voting USA, appointed by the president of the senate.

II. The members of the commission shall receive no compensation and shall not be entitled to reimbursement for expenses; provided, that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall examine and assess the status of civic education in New Hampshire, assess the status of existing curriculum requirements for educating students in the organization and operation of federal, state, and local government, and propose any changes to those requirements as deemed necessary.

5 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

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

AMENDED ANALYSIS

This bill establishes a commission to examine and assess the status of civic education in New Hampshire.

2002-2291h

Amendment to HB 1175

Proposed by the Committee on Judiciary - C

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

1 New Section; State Emblems, Flag, Etc.; New Hampshire Native. Amend RSA 3 by inserting after section 22 the following new section:

3:23 New Hampshire Native.

- I. A person may call himself or herself a native of New Hampshire either if such person was born in New Hampshire or if the person was not born in New Hampshire under any of the following circumstances:
- (a) The parents resided in New Hampshire but the nearest or chosen location for the birth was out of state;
 - (b) The birth occurred unexpectedly while the mother, although a New Hampshire resident, was traveling or visiting out of state;
 - (c) The birth occurred while the mother, although a New Hampshire resident, was out of state because one or both parents were in the armed services or in United States government service;
 - (d) The birth occurred while the mother, although a New Hampshire resident, was out of state because one or both parents were engaged in temporary employment out of state; or
 - (e) The birth occurred while the mother, although a New Hampshire resident, was a student in another state.
- II. Nothing in this section shall affect official records.

III. No person who in good faith proclaims himself or herself to be a native of New Hampshire pursuant to this section shall be charged with perjury.

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

2002-2441h

Amendment to HB 1182

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

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

AN ACT establishing a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities. The committee shall evaluate the progress of 1998, 388 (SB 409) in establishing an infrastructure for the development of home and community-based long term supports, based on the needs and desires of consumers of these services.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study:

- I. The progress made in implementing the goals of 1998, 388.
- II. The barriers to creating home and community-based long term supports for the elderly and adults with disabilities.
- III. The needs and preferences of consumers with regard to long term support.
- IV. The options for legislation to re-enact the goals of 1998, 388.

AMENDED ANALYSIS

This bill establishes a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

2002-2349h

Amendment to HB 1196

Proposed by the Committee on Municipal and County Government - R

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

AN ACT enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

Amend the bill by replacing section 3 with the following:

3 New Section; Property Tax Exemption for Deaf or Severely Hearing Impaired Persons. Amend RSA 72 by inserting after section 38-a the following new section:

72:38-b Exemption for Deaf or Severely Hearing Impaired Persons; Procedure for Adoption.

I. Any deaf person or person with severe hearing impairment shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in this section. For residential real estate owned by the spouse of an eligible person, the exemption shall be allowed if they have been married for at least 5 years. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

II. The exemption in paragraph I applies only to property which is occupied as the principal place of abode by the eligible deaf person or person with severe hearing impairment. For purposes of this section, "deaf person or person with severe hearing impairment" means a person who has a 71 Db hearing average hearing loss or greater in the better ear as determined by a licensed audiologist or qualified otolaryngologist, who may rely on a visual means of communication, such as American Sign Language or speech recognition, and whose hearing is so impaired as to substantially limit the person from processing linguistic information through hearing, with or without amplification, so as to require the use of an interpreter or auxiliary aid. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. No exemption shall be allowed under paragraph I unless the person applying therefor:

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

(b) Had in the calendar year preceding said April 1 a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraph I. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured.

(2) Expenses and costs incurred in the course of conducting a business enterprise.

(3) Proceeds from the sale of assets.

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, 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.

IV. Additional requirements for an exemption under paragraph I shall be that the property is:

(a) Owned by the resident;

(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;

(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed;

(d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.

V. In addition to the exemption provided in this section, a person may claim an exemption for improvements to assist persons who are deaf or severely hearing impaired as follows:

(a) Every owner of residential real estate upon which he or she resides, and to which he or she has made improvements for the purpose of assisting a person who is deaf or severely hearing impaired who also resides on such real estate, is each year entitled to an exemption from the assessed value, for property tax purposes, upon such residential real estate determined by deducting the value of such improvements from the assessed value of the residential real estate before determining the taxes upon such real estate.

(b) The exemption under this paragraph shall apply only in taxable years during which the person who is deaf or severely hearing impaired resided on the residential real estate for which the exemption is claimed on April 1 in any given year.

(c) No person shall be entitled to an exemption under this paragraph unless he or she has filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor, signed under the penalty of perjury, on a form approved and provided by the commissioner of revenue administration showing that the applicant is duly entitled and is the true and lawful owner and occupant of the property on which the exemption is claimed. If any person, otherwise qualified to receive an exemption, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing an application on or before April 15 of the year in which he or she desires the exemption, said officials may receive said application at a later date and grant an exemption thereunder for that year; but no such application shall be received or exemption granted after the local tax rate has been approved for that year.

VI. Any town or city may adopt the provisions of paragraphs I through V in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers. A public hearing shall be held at least 15 but not more than 60 days prior to the vote.

(b) In a city, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such city may vote to place the question on the official ballot for any regular municipal election.

VII. The vote shall specify the provisions of the exemptions provided in RSA 72:38-b. The exemption shall take effect in the tax year beginning April 1 following its adoption.

VIII. A municipality may rescind the exemptions provided by this section in the manner described in paragraph VI.

AMENDED ANALYSIS

This bill allows municipalities to adopt a property tax exemption for eligible deaf or severely hearing impaired persons.

Rep. Cummings, Merr. 9

2002-2415h

Amendment to HB 1207

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Sections; Fire Suppression System Regulation; Advisory Committee. Amend RSA 153 by inserting after section 5 the following new sections:

153:5-a Fire Suppression System Regulation.

I. The state fire marshal, in consultation with the advisory committee established in RSA 153:5-b, shall adopt rules pursuant to RSA 153:5, as the fire marshal deems suitable for the regulation of persons engaged in the inspection, installation, and servicing of fire suppression, fire extinguishing, and fire alarm systems in this state. Such rules may include the issuance of various types and classes of certificates, and any reasonable fee for such issuance, for the following:

- (a) An individual or firm engaged in the business of servicing portable fire extinguishers or inspecting, installing and servicing fixed fire extinguishing systems.
- (b) An employee of a firm engaged in the business of servicing portable fire extinguishers or inspecting, installing or servicing fixed fire extinguishing systems who services extinguishers or fixed systems.
- (c) An individual or firm performing hydrostatic testing of fire extinguishers.
- (d) An individual or firm engaged in the installation or servicing of water sprinkler systems.
- (e) An individual or firm engaged in the installation or servicing of fire alarm systems.

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

- (a) The filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale.
- (b) The servicing by a firm of its own portable extinguishers or fixed systems by its own personnel specially trained for such servicing.
- (c) Firms engaged in the selling at wholesale or retail of portable fire extinguishers but not engaged in the installation or recharging of them.
- (d) Fire departments recharging portable fire extinguishers as a public service where no charge is made; provided, however, that the member of the fire department is trained in the proper filling and recharging of the fire extinguishers.

153:5-b Advisory Committee on Fire Suppression System Regulation. The state advisory board of fire control established in RSA 153:2 shall establish a committee to advise and assist the board and the state fire marshal on the rulemaking requirements and implementation of the certification of persons engaged in the inspection, installation, and servicing of fire suppression, fire extinguishing, and fire alarm systems in this state provided for in RSA 153:5-a. Notwithstanding RSA 21-G:11-a, the state advisory board of fire control shall appoint the members of the advisory committee, with the state fire marshal serving as an ex-officio member, as follows:

- I. Two representatives of the sprinkler system industry.
- II. Two representatives of the New Hampshire Plumbing and Mechanical Contractor’s Association, nominated by the association.
- III. Two representatives of the portable fire extinguisher industry.
- IV. One person experienced in the design of fixed extinguishing systems.
- V. One representative of the New Hampshire Association of Fire Chiefs, nominated by the association.
- VI. One representative of the New Hampshire Fire Prevention Society, nominated by the society.
- VII. One representative of the Alarm Installers Association, nominated by the association.

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

AMENDED ANALYSIS

This bill requires the state fire marshal to adopt rules for the certification of persons engaged in the servicing and installation of fire suppression systems in this state. The bill also establishes an advisory committee.

2001-1955h

Amendment to HB 1231-FN

Proposed by the Committee on Education - R

Amend RSA 188-E:14 as inserted by section 1 of the bill by replacing it with the following:

188-E:14 Pre-Engineering Technology Curriculum.

- I. The department of education shall develop and implement a pre-engineering technology curriculum in the public high schools to provide statewide opportunities for high school students interested in careers in engineering, or allied engineering fields, to enroll in a high quality engineering technology curriculum.
- II. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to course content, curricular requirements, and general procedures for implementing the pre-engineering technology curriculum. At a minimum, the curriculum shall include the following courses:
 - (a) Introduction to engineering design
 - (b) Digital electronics
 - (c) Principles of engineering
 - (d) Computer integrated manufacturing
 - (e) Engineering design and development
- III. In developing and implementing a pre-engineering technology curriculum, the efforts of the department of education shall complement existing public and private actions, and shall include the pursuit of innovative public-private partnerships with businesses, nongovernmental organizations, academic institutions, and other appropriate groups. Such partnerships shall at a minimum consist of a 50/50 match of public and private funds. Teachers teaching in the pre-engineering technology curriculum, shall be certified to teach the course work as required in this curriculum.
- IV. The department of education shall include in its biennial capital budget request, funding for the planning, construction, renovation of equipment necessary for the operation of pre-engineering technology curriculum in the regional vocation education centers.
- V. Public schools which implement the pre-engineering technology curriculum shall be responsible for maintaining the program with funding requests made through the budgetary cycle.

2002-2462h

Amendment to HB 1236-FN

Proposed by the Majority of the Committee on Judiciary

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

- AN ACT establishing a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution.
- Amend the bill by replacing all after the enacting clause with the following:
- 1 Committee Established. There is established a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution. Part 2, article 76 of the New Hampshire constitution states that "All causes of marriage, divorce and alimony; and all appeals from the respective judges of probate shall be heard and tried by the superior court until

the legislature shall by law make other provisions."

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the adjudication of divorce cases, pursuant to part 2, article 76 of the New Hampshire constitution. In making its study and recommendations, the committee shall consider:

I. The caseload of each court and the effect shifting divorce cases between courts would have on each court's caseload.

II. The allocation of resources to each court, including but not limited to:

(a) Financial resources.

(b) Physical space.

(c) Personnel.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 4, 2002.

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

AMENDED ANALYSIS

This bill establishes a committee to study the adjudication of divorce cases pursuant to part 2, article 76 of the New Hampshire constitution.

2002-2437h

Amendment to HB 1249

Proposed by the Committee on Judiciary - R

Amend RSA 318-C:14 as inserted by section 1 of the bill by replacing it with the following:

318-C:14 Prejudgment Attachment and Execution on Judgments.

I. A plaintiff under this chapter, subject to paragraph II, may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant demonstrates that the assets will be available for a potential award or if the defendant posts a bond sufficient to cover a potential award.

II. Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

2002-2446h

Amendment to HB 1251

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

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

1 New Subdivision; Mercury Amalgam. Amend RSA 317-A by inserting after section 37 the following new subdivision:

Mercury Amalgam

317-A:38 Mercury Amalgam; Information.

I. A dentist shall present patients having dental restorative procedures with a standardized pamphlet developed by the board in consultation with the department of health and human services regarding the risks and benefits of dental materials, including mercury amalgam, and shall discuss with the patient the choices of restorative dental materials prior to their use.

II. The board may adopt rules pursuant to RSA 541-A concerning the environmentally-appropriate disposal of mercury under paragraph I.

2 New Paragraph; Mercury Amalgam; Information. Amend RSA 126-A:3 by inserting after paragraph V the following new paragraph:

VI. The department shall provide information to the citizens of New Hampshire, within its existing resources, about the risks and benefits of dental restorative materials including the use of amalgam in children under the age of 6.

3 New Paragraph; Mercury Amalgams. Amend RSA 125-M:3 by inserting after paragraph III the following new paragraph:

IV. Dental offices shall use environmentally appropriate disposal equipment for amalgam waste to trap and dispose of mercury.

4 New Paragraph; Rulemaking. Amend RSA 125-M:4 by inserting after paragraph II the following new paragraph:

III. The disposal of dental office amalgam waste under RSA 125-M:3, IV.

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

AMENDED ANALYSIS

This bill requires the department of health and human services to provide information on restorative dental materials, and requires dentists to dispose of mercury amalgam waste in an environmentally-appropriate manner according to rules established by the department of environmental services.

2002-2326h

Amendment to HB 1264-FN-LOCAL

Proposed by the Committee on Finance - C

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

AN ACT relative to district courts and pleas by mail.

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

1 Pleas by Mail; Procedure. The introductory paragraph of RSA 502-A:19-b is repealed and reenacted to read as follows:

In any case in which a defendant may, pursuant to RSA 149-M:17, II, RSA 206:34, RSA 262:44, or RSA 270:11-a, enter a plea by mail in a district or municipal court, the following procedure shall be followed:

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

AMENDED ANALYSIS

This bill adds a reference to RSA 502-A:19-b, making the introductory paragraph of the plea by mail procedure the same for computerized courts and non-computerized courts.

2002-2384h

Amendment to HB 1282

Proposed by the Committee on Ways and Means - R

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

AN ACT establishing a committee to study gaming options for New Hampshire.

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

1 Committee Established. There is established a committee to study gaming options for New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Investigate and take testimony concerning the various types of gaming available to the state.

II. Investigate various gaming models, including, but not limited to:

(a) Slot-machine-only casinos.

(b) State-owned casinos.

(c) Full casinos.

(d) The Canadian models, and casino operations in other states and countries.

III. Consider all issues related to gaming, including, but not limited to:

(a) The effect of the various gaming models on existing forms of gaming.

(b) How to maximize state revenue.

(c) How best to oversee and regulate gaming.

IV. Solicit testimony from various sources, including, but not limited to:

(a) The department of revenue administration.

(b) The attorney general's office.

(c) The department of resources and economic development.

(d) The department of health and human services.

(e) The sweepstakes commission.

(f) The pari-mutuel commission.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

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

AMENDED ANALYSIS

This bill establishes a committee to study gaming options for New Hampshire.

2002-2484h

Amendment to HB 1298

Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.

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

1 Sponsor-a-Highway Program. The subdivision heading preceding RSA 230:83 is repealed and reenacted to read as follows:

Sponsor-a-Highway Program

2 Sponsor-a-Highway Signage. RSA 230:83 is repealed and reenacted to read as follows:

230:83 Commissioner of Transportation to Establish Program; Rulemaking. In addition to the powers and duties of the commissioner of transportation under this title, the commissioner:

I. Shall establish a sponsor-a-highway program by directly involving citizens, groups, associations, and the business community in the beautification of the state's highways.

II. May recognize a citizen, group, association, or business that sponsors a section of highway by erecting a suitable recognition sign meeting the following criteria:

(a) The sign may consist of one or more panels, and shall be set in a location determined by the department to constitute no unreasonable safety risk to the public.

(b) The size, materials, method of installation, text, font, and color of the sign shall meet minimum standards of the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard in accordance with Title 23 U.S. Code, Sections 109(d), 114(a), 227, 315, and 402(a), and 23 CFR 655, 49 CFR 1.48(b)(8), 1.48(b)(33), and 1.48(c)(2), as the same may be amended from time to time, provided that no sign may exceed 20 square feet in size.

(c) The citizen, group, association or business shall be identified by name only in a single section or panel constituting no more than ½ of the total area of the recognition sign.

(d) The sign shall not include a slogan, logo, trademark, street address, telephone number, internet address, insignia, or any other item serving to advertise a product or service of a sponsor, or indicating an affiliation with any group of which the sponsor may be a part.

III. Shall adopt rules under RSA 541-A to implement the provisions of this subdivision, which rules shall permit:

(a) Any section of a recognition sign not in compliance with this section to remain in place only until existing written agreements with the sponsor have expired; and

(b) Any section of a recognition sign that describes the former adopt-a-highway program to remain until the sign has served its useful life.

3 Hugh Gallen State Office Complex. The portion of the New Hampshire state hospital campus which has been converted to

offices for state agencies and others, located on Pleasant Street in the city of Concord and currently known as the "state office park south," is hereby named the Hugh Gallen State Office Complex in honor of former governor Hugh Gallen. A suitable marker may be erected or placed at the site.

4 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 3 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under section 3 of this act shall be approved by the department of transportation.

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

AMENDED ANALYSIS

This bill establishes certain requirements for signs related to the sponsor-a-highway program and names a portion of the New Hampshire state hospital campus on Pleasant Street in the city of Concord, currently known as "state office park south," the Hugh Gallen Office Complex in honor of former governor, Hugh Gallen.

2002-2376h

Amendment to HB 1302-FN

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

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

1 Retirement System; Membership; Purchase of Prior Service. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, ***the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service.*** The amount determined by the actuary ~~[shall be the amount withdrawn plus]~~ ***to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for*** interest from the date of withdrawal to the date of payment ~~[for prior service credit at a rate to be determined by the board of trustees]~~ ***based on the interest rates in effect for each fiscal year.*** For all other prior service credit the amount determined by the actuary shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.

2 Management of Funds; Review by Legislature. Amend RSA 100-A:15, VIII to read as follows:

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature ~~[at least every 5 years. The review by the legislature, after acceptance by the general court, shall be published in the next comprehensive annual investment report of the retirement system. The legislative budget assistant shall inform the speaker of the house and the president of the senate when review is required under this paragraph. The legislative budget assistant shall also monitor compliance by the retirement system of the inclusion of any and all written reviews in the comprehensive annual investment report].~~

3 Retirement System; Administration; Report to Legislature. Amend RSA 100-A:14, IX to read as follows:

IX. In 1970, and at least once in each 5-year period thereafter, the board shall have an actuary make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and a valuation of the assets and liabilities of its funds, and taking into account the result of such investigation and valuation, the board shall adopt such mortality, service and other tables as shall be deemed necessary, and certify the rates of contribution payable under the provisions of this chapter. ~~[Commencing in the year 1971, and at 2-year intervals thereafter, the board shall report to the legislature by January 15 on the status of the system and the desirability of any change including a change in rates for members and employers on the basis of the then accumulated experience of the system.]~~

4 Retirement System; State Employees; Medical Benefits; Date Changed. Amend RSA 100-A:52-b, V and VI to read as follows:

V. As of [~~January 1, 2002~~] **July 1, 2001**, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

VI. As of [~~January 1, 2002~~] **July 1, 2001**, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph III, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Allows for retirement system members who have prior service for which accumulated contributions were withdrawn to purchase a partial amount of such prior service.

II. Removes requirements for legislative review of the investment practices of the retirement system assets.

III. Eliminates a biennial report to the legislature on the status of the retirement system.

IV. Changes the date of the application of certain provisions providing for the payment by the retirement system and the state of the cost of medical benefits for retired state employees.

2002-2358h

Amendment to HB 1310

Proposed by the Committee on Executive Departments and Administration - C

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

1 Permanent Retirement System for Employees of the city of Manchester. 1973, 218 as amended by 1976, 24 and 1999, 103, is repealed and reenacted to read as follows:

218:1 Short Title. This act shall be known as the "Manchester Employees' Contributory Retirement System Act."

218:1-a Purpose of Act. The purpose of this act is to amend and restate in its entirety the June 14, 1973 law, known as chapter 218 of the laws of 1973 which established the Manchester employees' contributory retirement system providing retirement benefits to employees of the city of Manchester, New Hampshire, as amended in 1976 by chapter 24, and in 1999 by chapter 103.

218:2 Transfer Of Members, Retirement Fund, And Benefits. Except as provided herein, the passage of this act shall not terminate or modify the benefits accrued by existing members of the Manchester employees' contributory retirement system under 1973, 218 as amended by 1976, 24 and 1999, 103.

218:3 Internal Revenue Code Qualification. The retirement system established in this act is intended to create a tax-qualified

governmental retirement plan under Sections 401(a) and 414(d) of the Code as amended.

218:4 Definitions. The following terms as used in this act shall have the following meanings unless a different meaning is plainly indicated by the context:

I. "Annualized Disability Earnings" means the earnings of the member for all weeks of service until the date of disability divided by the number of weeks of service, multiplied by 52.

II. "Beneficiary" means the person to whom the share of a deceased member's benefit is payable, subject to the provisions of section 19.

III. "Break in Service" means any period of time in which an employee is not credited with employment with the city.

IV. "Buyback interest" means the rate of interest determined from time to time by the retirement board compounded annually on the last day of the calendar year or to the date of payment by the member.

V. "City" means the city of Manchester, New Hampshire.

VI. "Code" means the Internal Revenue Code of 1986, as amended.

VII. "Disabled member" means a member who is receiving disability benefits under the provisions of section 15.

VIII. "Earnings" means the total salary or wages of a member for the member's employment with the city, including all grants and allowances for maintenance at such figures as may be determined by the retirement board. For members whose retirement date is after July 1, 1996, and members who on July 1, 1996 and thereafter terminated city employment and elected to defer their benefits until their normal retirement date but had not yet reached their normal retirement date, earnings shall include unused sick time included in the member's salary or wages at the member's date of termination of city employment. For members whose retirement date is after December 1, 1997, and members who on December 1, 1997 and thereafter terminated city employment and elected to defer their benefits until their normal retirement date but had not yet reached their normal retirement date, earnings shall include unused vacation time included in the member's salary or wages at their date of termination of city employment.

IX. "Effective date" means January 1, 1974.

X. "Final average earnings" shall mean the greater of (a) the average annual earnings received by a member during the 3 highest calendar years during the ten years preceding the member's normal retirement date, date of actual retirement or date of termination of employment, or (b) the average annual earnings received by a member during the highest 36 consecutive calendar months during the 10 years preceding the member's normal retirement date, date of actual retirement or date of termination of employment. The 3 highest years or highest 36 consecutive months shall be selected by the member, it being the intent and purpose of this method of computing final average earnings to afford the highest benefits to the member. If a member has not worked 10 years at the time of the commencement of benefits, the benefit shall be based upon the earnings during the greater of the highest 36 consecutive months or the three highest calendar years. This section shall be effective for members whose retirement date is after January 1, 2003.

XI. "Member" means any employee of the city who becomes covered under the retirement system as described in this act.

XII. "Normal retirement benefit" means the retirement benefit as described in section 12 of the act.

XIII. "Normal retirement date" means the first day of the month coinciding with or next following a member's sixty-second birthday.

XIV. "Regular interest" means the interest at the rate determined from time to time by the retirement board compounded annually on the last day of the calendar year or to the date of payment in the case of a refund of contributions.

XV. "Retirement board" and "the board" means the board of trustees created under this act responsible for the administration of the Manchester employees' contributory retirement system and such other duties as set forth herein.

XVI. "Retirement date" means the date the payment of retirement benefits commences in accordance with section 12, paragraph II of this act.

XVII. "Retirement fund" means the trust established and funded for the payment of retirement benefits to city employees

pursuant to this act.

XVIII. "Retirement system" means the plan for providing retirement benefits to city employees as established by this act.

XIX. "Service" means employment with the city until termination of employment.

XX. "Service buyback" means the purchase of service credit under the retirement system.

218:5 Retirement Board Personnel and Powers.

I. Management of the retirement system shall be vested in the retirement board consisting of 7 members, composed as follows: the city finance director; a person appointed by the board of aldermen, 2 citizens of the city, one appointed by the mayor, one elected by the employee members, neither of whom shall be an officer or employee of the city or a member of any commission of the city; 2 members who are employees of the city, who are members of the retirement system and who shall be elected by the members. All members, including retired members and members with deferred benefits shall be permitted to vote in the elections for the board positions. Spouses of deceased members shall not be permitted to vote in the elections for the board positions. The mayor shall be an ex-officio member of the board who shall have a vote only to break a tie.

II. The finance director shall serve as a member of the retirement board during his or her term of office. The mayor shall serve as a member of the retirement board during his or her term of office. The member of the retirement board appointed by the board of aldermen shall serve a term of one year from the effective date of this act, provided his or her successors shall be appointed for 3-year terms and the term of office of each member shall continue until his or her successor is appointed and qualified. The citizen appointed by the mayor shall serve a term of 2 years from the effective date of this act, provided his or her successors shall be appointed for terms of 3 years and the term of office of each such member of the board shall continue until his or her successor is appointed and qualified. The 2 members of the board who are employees of the city shall be elected for terms of one year and 2 years respectively from the effective date of this act, provided their respective successors shall be elected for 3-year terms and the term of each office of each such member of the board shall continue until his or her successor is appointed and qualified. The citizen member of the board elected by the employees shall be elected for a term of 3 years from the effective date of this act, provided that his or her successors shall be elected for 3-year terms and the term of office for such member of the board shall continue until his or her successor is elected and qualified. The members of the retirement board shall serve without compensation. Employees of the retirement system are prohibited from serving on the retirement board.

III. A majority of voting members of the retirement board (4 members) shall constitute a quorum for the transaction of retirement board business; however, the mayor, as an ex-officio non-voting member of the retirement board shall not be counted towards such quorum. Retirement board meetings cannot begin, nor can business be transacted, until the chairperson ascertains a quorum is present. For the purposes of a retirement board meeting, until a quorum is present, no debate or motion shall be in order except to recess to locate absent members of the board. All matters coming before any meeting of the retirement board or its committees shall be decided by a majority of those retirement board members present and entitled to vote, a quorum being ascertained. Proxies shall not be permitted for voting or for obtaining a quorum.

IV. In the event of a vacancy on the retirement board, such vacancy shall be filled in the same manner as the member to be succeeded was appointed or elected and for the remainder of the unexpired term. In no event shall any person remain a member of the retirement board if he or she is no longer a member of the body from which he or she was appointed or elected.

218:6 Retirement Board Duties.

I. Contributions received by the retirement system pursuant to this act shall be deposited into the retirement fund. The finance director of the city shall be the treasurer of the retirement fund which shall be a trust. The retirement board shall be trustee of the retirement fund and shall have the obligation of a fiduciary of the retirement system and its members and beneficiaries. In the fulfillment of its duties and responsibilities hereunder, the retirement board shall act solely in the interests of the retirement system, the members and the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. As trustee, the retirement board shall hold legal title to all securities and assets of the retirement system and shall have full control and management of them with the power to invest and reinvest the same in accordance with the terms, conditions, limitations, and restrictions imposed by the general statutes of the state of New Hampshire governing the investment of trust funds. In addition to those powers, the retirement board, as trustee, shall also have the power:

(a) To collect and receive any and all monies and other property due and to give full discharge and acquittance therefor;

(b) To appoint advisory committees to aid the retirement board in its duties under this provision or to delegate to any corporate fiduciary or an insurance company within or without the state who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to affect decisions by or on behalf of the retirement system with the same legal effect as if performed by the retirement board;

(c) To authorize the payment of compensation to an agent for retirement fund management services;

(d) To settle or compromise any claims, debts or damages due or owing to or from the retirement system, and to commence or defend suits or legal proceedings whenever, in its judgment, any interest of the retirement system so requires employing suitable agents and counsel for this purpose and paying their reasonable expenses and compensation;

(e) To maintain records of receipts and disbursements and to pay benefits required under the retirement system to eligible members, or, in the event of their death, to their beneficiaries;

(f) To generally do all other things necessary and proper to carry out the purposes of this act.

II. The retirement board shall take all actions necessary for the proper administration of the retirement system, including operating an office in a location convenient and accessible to members, and hiring, dismissing and determining the compensation of employees. The retirement board shall engage expert actuarial, auditing and other professional service providers when, in the judgement of the board, it is advisable. The retirement board shall submit an annual report and audited financial statements to the city board of mayor and aldermen.

III. The retirement board shall administer the retirement system in accordance with the act and shall have discretionary and final authority to determine all questions concerning eligibility and benefits, to interpret and construe all terms of the act, including any uncertain terms, and to resolve any disputes arising from, and all questions concerning, administration of the retirement system. Any determination made by the retirement board shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary or capricious. No action taken by the retirement board under this act shall be construed or relied upon as precedent for similar action under similar circumstances.

IV. The retirement board's duties shall also include the general administration of the retirement system, including, but not limited to, the following:

(a) To compute, determine and certify the amount and kind of benefits to which any member shall be entitled hereunder;

(b) To authorize and direct all disbursements;

(c) To maintain all necessary records for the administration of the retirement system;

(d) To interpret the provisions of the retirement system;

(e) To compute and certify to the city from time to time the sums of money necessary to be contributed to the retirement system;

(f) To assist any member regarding that member's rights, benefits, or elections available under the retirement system.

V. The retirement board shall produce a summary plan description, bylaws, and administrative rules which are not inconsistent with this act. The summary plan description shall be a summary of the administrative rules and important provisions of this act, and shall be distributed to new members. Upon any material amendment of the act or administrative rules a summary of the changes or, at the discretion of the retirement board, a new summary plan description shall be distributed to all members. The administrative rules shall explain the requirements of this act, including the time frames and procedures that members must follow in placing claims for retirement benefits. The bylaws shall provide rules to govern the meetings held by the retirement board and shall contain a policy to prevent apparent or actual conflicts of interest. The administrative rules and bylaws shall be available for review by members at the retirement system's office during normal business hours.

VI. In the event any claim, suit, or proceeding brought regarding the retirement system, to which any member of the retirement board or retirement system employees are made a party, is resolved in favor of the retirement system, board member, or retirement system employee, the board member or retirement system employee shall be entitled to be reimbursed from the retirement fund for any and all costs, attorney's fees, and other reasonable expenses pertaining to said claim, suit, or proceeding personally incurred by them.

VII. The retirement system shall indemnify the members of the retirement board and employees of the retirement system for

liability it incurs in administering the retirement system and managing the retirement fund. The opinion of the retirement board's counsel shall be full and complete protection with respect to any action taken by the retirement board, or any member thereof, if taken in good faith and in accordance with such opinion. Provided, however, the retirement system shall not indemnify the retirement board or any members thereof, for fraud, willful or deliberate misconduct, or gross negligence.

VIII. The retirement board shall charge all administrative costs to the retirement fund. No city funds shall be appropriated for retirement system administrative costs. Such administrative costs include any expenses incident to administering the retirement system including, but not limited to, personnel expenses, rental and/or facility charges, office supplies and equipment, fees of accountants, actuaries, counsel, investment managers, and other professionals, specialists and their agents, as well as other costs of administering the retirement system.

218:7 Employees to Whom the Act Applies.

I. All full-time and permanent part-time employees of the city, including elected and appointed officials of the city, shall participate in the retirement system and receive benefits as provided by the act. Participation in the retirement system shall be a condition of employment with the city. The following employees of the city shall not be eligible to participate in the retirement system:

(a) Temporary employees;

(b) Members of boards and commissions who are not part-time or full-time employees of the city;

(c) Members of the fire and police departments who are eligible to participate in a state-administered retirement system; and

(d) Persons who are eligible to participate in the New Hampshire retirement system.

II. Temporary employees of the city who become permanent employees without incurring a break in service are eligible to participate in the retirement system as of their original date of hire if they complete a service buyback.

III. Any eligible employee in the employment of the city on January 1, 1974, who elected not to participate shall only be admitted to the retirement system upon completion of an application for participation, majority consent of the retirement board, passing a prescribed physical examination, and completion of a service buyback.

218:8 Contributions by the City. The city shall appropriate annually to the retirement board the amounts required to fund the benefits set forth in the act as determined by the retirement board on the basis of an actuary's valuation, which shall be based on sound actuarial funding methods, assumptions and principles.

218:9 Contributions by Employees.

I. The rate of contributions by each member participating in the retirement system shall be 3.75 percent of that portion of earnings received during each calendar year or portion thereof.

II. The earnings of each member participating in the retirement system shall be reduced by the contribution rate set forth in this section. Such contribution shall be transmitted immediately to the retirement board.

218:10 Service Credit and Service Buybacks.

I. Service rendered for the full normal working time in a period of 12 consecutive months shall entitle a member to one year of service credit. Time spent as a member of any of the various city boards, or in any other capacity rendering incidental employment to the city, shall not be counted as service for the purposes of this act. Absence from employment on account of active duty with the armed forces of the United States in time of emergency or war, or as directed by selective service or to meet selective service requirements, or as a member of the national guard, or organized reserves, to meet its requirements, shall be counted as continuous employment with the city, provided, that the employee returns directly to active employment with the city within 90 days after he or she becomes eligible for release from such active duty. Any such period of absence shall not be counted as service unless the employee completes a service buyback.

II. Absence from employment on account of a leave of absence authorized by the city shall not be considered a termination of employment, provided that the employee returns to service with the city at the end of such leave of absence. Any such period of absence shall not be counted as service unless the employee completes a service buyback.

III. A member who ceases to be a member, withdraws his or her member contributions pursuant to section 11 of this act, and

later becomes a member again, may make a request after the member's return to city employment for service buyback of prior service credit for the previous time served as a member. No benefits other than the right to withdraw member contributions pursuant to section 11 of this act shall accrue with respect to such previous period of service until the member shall have completed 5 years of continuous service in the current period of employment. If a service buyback is not made, the member's benefit shall be based solely on the member's years of service and final average earnings after the break in service.

IV. A member may also make a service buyback request to receive prior service credit for a period prior to becoming a member during which the member was employed by the city in a temporary position or out on worker's compensation, leave of absence, or engaged in CETA, model city program or any other capacity the retirement board determines should warrant service buyback. A service buyback for temporary service may only be made if the member became a permanent city employee without incurring a break in service. A service buyback is also available if, under the prior provisions of this act allowing employees to waive participation, an employee elected not to participate in the retirement system when hired and otherwise satisfies the requirements of section 7 of the act.

V. The retirement system shall enact rules for the administration of service buybacks. Buyback interest will be applied to the purchase of prior service credit. If a member does not purchase all available prior service credit, the service credit purchase must begin on the latest date of service available. Members are required to submit proof of employment in order to substantiate prior service.

VI. Upon a request for service buyback, the retirement board shall determine the cost of the requested service buyback, which amount shall include the contributions the member would have been required to make plus buyback interest, and provide a written statement to the member. The member shall pay all amounts related to the service buyback in one lump sum.

VII. Effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Code notwithstanding any provision of this chapter to the contrary.

218:11 Benefits Upon Termination of Employment Prior To Normal Retirement Date.

I. Any member whose employment is terminated prior to the completion of 5 years of service and who is not entitled to a disability retirement pension shall receive a refund of his or her contributions together with regular interest thereon to the date of payment. Such refund shall be in lieu of all other rights and benefits payable to the member under this act.

II. Any member whose employment is terminated prior to normal retirement date and after the completion of at least 5 years of service and who is not entitled to an early retirement pension or a disability retirement pension, and who does not elect to receive a cash refund of the member's contribution together with regular interest, will be entitled to receive, commencing on the normal retirement date, an annual pension computed in accordance with the provisions of section 12 of this act based on the member's total amount of service.

III. A member who is entitled to a deferred vested pension in accordance with the provisions of paragraph II of this section may, in lieu of all other rights and benefits under this plan, elect at any time prior to the member's retirement date to receive a cash refund of the member's contribution together with regular interest thereon to the date of payment.

218:12 Retirement Benefits.

I. Any member who either has attained the age of 62 years or having been in the service of the city on January 1, 1974, has completed at least 20 years of service, shall be eligible for a normal retirement benefit under the provisions of this act. Any such member may retire by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the date of filing thereof, the member desires to be retired, or the retirement board may, at its option, retire any such eligible member, furnishing written notice thereof at least 60 calendar days in advance of the specified date of such retirement.

II. The payment of retirement benefits to any member who is eligible to receive retirement benefits under any provision of this act, and who has filed all election forms with the retirement system, shall become effective the first day of the month following termination of employment pending approval by the retirement board. No changes to benefit elections are permitted after the commencement of the payment of benefits.

III. The retirement system shall not pay retirement or disability benefits to city employees who again become eligible to participate in the retirement system under the act. A member shall notify the retirement system of the member's rehire immediately. Upon rehire after a period of termination, all disbursements under the plan to that member shall cease and the member shall resume making contributions to the retirement fund as of the first pay period following the member's rehire. Rehired members shall have their benefits determined in accordance with section 13 of this act.

IV. Notwithstanding any provision of this act, the maximum pension payment payable to any member or beneficiary shall be limited to such extent as may be necessary to comply with the requirements of Sections 401(a)(16), 401(a)(17) and 415 of the Code. The retirement benefits payable hereunder shall be made in the form, at such time and otherwise in compliance with the distribution and rollover requirements of Sections 402(c), 401(a)(9) and 401(a)(31) of the Code.

V. Members who qualify for a normal retirement benefit shall receive an annual pension payable during the member's lifetime in an amount equal to the sum of:

(a) One and 1/2 percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed prior to January 1, 1999; plus

(b) Two percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed after December 31, 1998.

However, in the case of a member who both was in the employ of the city on January 1, 1974 and has completed not less than 20 years of service at the time of retirement, the annual pension payable during the member's lifetime shall be equal to the greater of the sum of the amounts determined in accordance with (a) and (b) of this paragraph, or 50 percent of final average earnings.

218:13 Restoration to Service Benefits.

I. If a formerly disabled member or any other member who has commenced receiving benefits from the retirement system again becomes eligible to participate, the member's benefits shall cease. The member shall resume making contributions to the retirement fund and the member shall become eligible to receive a normal retirement benefit determined in accordance with this section.

II. A member whose benefit is governed by this section shall receive a normal retirement benefit equal to the sum of (a) the benefit calculated based on years of service and final average earnings prior to the break in service and (b) the benefit calculated based on years of service and final average earnings after the break in service. If a member has less than 3 years of service after the break in service, the member's benefit after the break in service shall be based upon the earnings of the member for all weeks of service until the retirement date, divided by the number of weeks of service and multiplied by 52.

218:14 Early Retirement Option.

I. Each member whose age plus years of service equals or exceeds 80 may have the option, to be exercised by a written notice to the retirement board, to retire at any time thereafter, prior to the member's normal retirement date. The amount of retirement benefits payable to such retired member shall be computed as provided in section 12 of this act, except that the date of such early retirement shall be used in determining the member's service. If such retirement benefit is to commence prior to such member's normal retirement date, the retirement benefit shall be reduced in an amount determined by the actuary in accordance with accepted actuarial practice.

II. The contingent annuitant and 10-year certain options provided for in sections 17 and 18 of this act may be elected by a member who elects to retire early under this section, in which case the term "retirement date" shall be deemed to mean early retirement date wherever applicable in sections 17 and 18 of this act.

218:15 Disability Benefits and Their Payment.

I. Any member of the retirement system who, after 15 years of continuous service as an employee of the city, shall become totally and permanently disabled such that the member is incapable of performing the essential functions of his or her position prior to such disability, may be retired for disability according to the provisions of this act. The determination as to total and permanent disability shall be made by the retirement board upon review of an application for disability benefits submitted by the member and consultation with at least 2 impartial physicians selected by the retirement board who shall examine the member and submit written reports to the retirement board.

II. Members who retire for disability under this act shall be entitled to an annual disability benefit payable until the earlier of the termination of such disability or the member's death, computed on the basis of service completed prior to the date of disability in an amount equal to the sum of:

(a) One and 1/2 percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed prior to January 1, 1999; plus

(b) Two percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed after December 31, 1998.

The disabled member may also receive his or her disability benefit in the form of a contingent annuity as described in section 17.

III. If such total disability is shown, to the satisfaction of the retirement board, to have been sustained during the performance of duties pertaining to the member's employment by the city, the member shall be entitled to retirement for disability irrespective of the duration of employment. In order for a member to receive disability benefits under this section, the member shall submit an application for disability benefits within 60 days of termination of employment. However, any member receiving a disability benefit on account of total and permanent disability sustained during the performance of duties pertaining to employment by the city, as provided herein, shall receive a benefit equal to the greater of the sum of the amounts determined in accordance with (a) and (b) of paragraph II, or 50 percent of final average earnings. If a member has less than 3 years of service at the time of becoming totally disabled in the performance of duties pertaining to the member's employment by the city, the member's pension shall be based upon the member's annualized disability earnings. The disabled member may also receive his or her disability benefit in the form of a contingent annuity as described in section 17.

IV. At least once each year following the retirement of a member with a disability retirement pension and prior to the member's normal retirement date, the retirement board may require such retiree to undergo a medical examination to be made by or under the direction of a physician or physicians designated by the retirement board. Should any disabled member refuse to submit to such medical examination in any such period of the member's disability retirement, the disability retirement pension shall be discontinued by the retirement board until the withdrawal of the refusal. If the refusal continues for one year, all the member's rights in and to a disability retirement pension shall be revoked by the retirement board. If, upon such medical examination, the physician or physicians certify to the retirement board that the disabled member is physically and mentally able and capable of resuming employment with the city, the member shall be restored to city employment in either the same position previously held or a position comparable in duties, responsibilities and compensation and the member's disability retirement pension shall be terminated. If the member, after being declared physically and mentally capable of resuming employment refuses an offer of employment by the city in the member's previous position or a comparable position, the member's disability benefit shall be terminated.

V. Each disabled member shall, until his or her normal retirement date, submit a report each year to the retirement board indicating earnings from employment. If the retirement board finds that any disabled member is engaged in any substantial gainful employment other than for the primary purpose of rehabilitation, the member's disability benefit shall be reduced if such gainful occupation pays more than the difference between the member's annual disability benefit and final average earnings, after making allowance for changes in the cost of living as approved by the board. The amount of reduction shall be equal to one dollar of benefits for each 2 dollars of employment earnings in excess of the difference between the member's final average earnings (after making allowance for changes in the cost of living) and the annual disability benefit. The board shall have the right to suspend payments of a permanent disability pension if the disabled person fails to report earned income. Such suspension shall be for the period during which there is no satisfactory report, with restoration of benefits upon acceptance of such report, or until the member's normal retirement date, whichever occurs first.

VI. A member's disability retirement benefit shall be reduced by any amounts which may be paid or payable to, or on behalf of, any member or retired member for the same disability under the provisions of any city funded workers' compensation or similar plan, except that any city employee who is receiving both disability retirement benefits and workers' compensation benefits as of January 1, 1986, shall not be affected.

218:16 Benefits Upon Death of A Member.

I. In the event of a member's death prior to the member's retirement date and at a time when the member would otherwise have been eligible to begin receiving retirement benefits, retirement benefits shall be paid to the member's spouse for life, or, if there is no spouse, to the member's dependent children until every child dies or reaches his or her twenty-fifth birthday, as actuarially computed according to the member's length of service and the reduction in benefit payments computed for a 100 percent contingent annuitant option and for early retirement, if applicable. If the member dies without a spouse or children, the member's beneficiary shall receive a cash payment of the member's contributions together with regular interest thereon to the date of payment. If the member has not designated a beneficiary, the member's estate shall receive a cash payment of the member's contributions together with regular interest thereon to the date of the payment.

II. In the event of a member's death prior to the member's retirement date and at a time when the member would not have been eligible to begin receiving retirement benefits, the member's beneficiary shall receive a cash payment of the member's contributions together with regular interest thereon to the date of payment. If the member has not designated a beneficiary, the

member's estate shall receive a cash payment of the member's contributions together with regular interest thereon to the date of the payment.

III. If a member dies after benefits have commenced but before the member receives benefits at least equal to his or her accumulated contributions as of the retirement date, the retirement board shall pay the remaining contributions to the member's beneficiary. If there is no named beneficiary, the remaining contributions shall be paid to the member's estate. If a member has elected the contingent annuitant option and the member and the contingent annuitant both die before receiving benefits at least equal to the member's accumulated contributions as of the member's effective date of retirement, the retirement board shall pay the remaining contributions to the member's beneficiary. If there is no named beneficiary, the remaining contributions shall be paid to the estate of the member.

IV. In the event a benefit payment is to be made to a minor beneficiary, then such payment shall be made to the minor's legal guardian, or if none, to a parent of such minor or a responsible adult with whom the beneficiary resides, or to the custodian for such minor under the Uniform Gift to Minors Act or Gift to Minors Act, if such is permitted by the laws of the state in which the beneficiary resides. Such a payment to the legal guardian, custodian, responsible adult or parent of a minor beneficiary shall fully discharge the retirement board from further liability on account thereof.

218:17 Contingent Annuitant Option.

I. Instead of the normal form of monthly retirement benefit provided under section 12 of this act, a member may, prior to his or her retirement date, elect a contingent annuitant option providing, if the member does not die before his or her retirement date, for actuarially reduced monthly retirement benefits payable during his or her lifetime after retirement and for the continuance of such payments, or a part of them specified by the member, to such contingent annuitant for his or her life after the death of a retired member. Such election may be made by a member at any time prior to his or her retirement date and may not be changed after his or her retirement date. The death of the contingent annuitant at any time prior to the member's retirement date shall automatically revoke such election; and further provided that if the contingent annuitant is the spouse of the member, a divorce granted to either spouse at any time prior to the member's retirement date shall automatically revoke such election. II. If a member who has elected this option dies before his or her retirement date, no benefits shall be payable to the contingent annuitant under this option. In such circumstances, benefits, if any, are to be paid in accordance with sections 11 and 16 of this act. If the member dies after his or her retirement date, the contingent annuitant shall receive for life, commencing on the first day of the calendar month coinciding with or next following the retired member's death, the benefits specified by the retired member for the contingent annuitant.

III. If the contingent annuitant dies before the member's retirement date, the monthly retirement benefit normally provided under this act shall be payable to the retired member as if the option had not been elected. If the contingent annuitant dies after the member's retirement date, the amount of the payments which the retired member is then receiving or is entitled to receive will at that time (with no provisions for retroactive payments) revert back to what it would have been at the member's retirement date if the option had not been elected and will cease upon the retired member's death.

IV. Instead of the normal form of disability benefit provided under section 15 of this act, a disabled member may, prior to the start of disability benefits, elect a contingent annuitant option providing for actuarially reduced monthly disability benefits payable during his or her lifetime and for the continuance of such payments, or a part of them as specified by the disabled member, to such contingent annuitant for his or her life after the death of the disabled member.

V. Once the contingent annuitant option has been elected by a disabled member, it may not be changed or revoked except in the case of death of the contingent annuitant. If the contingent annuitant dies after the disabled member has started receiving disability benefits, the amount of the payments which the disabled member is then receiving or is entitled to receive shall at that time with no provisions for retroactive payments revert back to what it would have been at start of the payment of disability benefits if the option had not been chosen and will cease upon the disabled member's death.

218:18 Ten-Year Certain Option. Instead of the normal form of monthly retirement benefit provided under section 12 of this act, a member may elect an actuarially reduced monthly retirement benefit payable for 10 years certain and life thereafter. Such election may be made by a member at any time prior to his or her retirement date and may not be changed after his or her retirement date. under this option, 120 monthly payments will be made regardless of how long the member lives. If a member dies after his or her retirement date, but before 120 monthly payments have been made, the balance of the 120 monthly payments shall be made to the member's beneficiary. If the beneficiary, having survived the retired member, dies before all of said 120 payments have been made, then the commuted value of the balance of said payments shall be paid in a lump sum to the beneficiary's estate. If the member dies before his or her retirement date, no benefits shall be payable under this option. If the member survives beyond the 120 month guaranteed payment period, actuarially reduced monthly retirement benefits shall

continue until the death of the member at which point the benefit payments shall cease.

218:19 Designation of Beneficiaries. A member may, prior to his or her retirement date, designate a beneficiary or beneficiaries to receive any benefits, other than the annuity death benefit payable under section 16, paragraph I, payable on or after the member's death. The member shall designate his or her beneficiaries on a form satisfactory to the retirement board. The board shall be entitled to rely on a form that is witnessed by a board representative or a notary public and delivered to a retirement board representative. A member may at any time revoke his or her beneficiary designation or change his or her beneficiaries by completing a new form in accordance with the requirements of this section. The retirement board shall be entitled to rely on such designation for purposes of the payments of benefits under this act. In the event no valid designation of beneficiary exists at the time of the member's death, or all beneficiaries shall predecease the member, any benefits shall be payable to the member's estate.

218:20 Adjustments in Benefits for Retirees to Maintain Financial Parity. In order to maintain the economic value of a member's retirement income on a parity with the value of the monthly payments at the time of retirement, and to offset the impact of inflation in reducing the real income of the member's retirement payment, the retirement board may, as deemed necessary, adjust the payments to retirees to maintain their incomes at an approximate level with their real incomes at the time of retirement, provided, however, that payments to retired members shall not be less than the payment to which they were initially entitled at the time of retirement; provided further that sufficient funds are available to fund any additional benefits either through earnings of the retirement fund or through such special appropriation by the city as may be approved by the board of mayor and aldermen.

218:21 Limitations of Action. No action for amount due under the provisions of this act shall be brought by a member but within 3 years after the right of action accrues. Persons legally incapable of bringing an action when the right accrues may sue at any time within 3 years next after becoming legally capable of instituting suit. All amounts not claimed within said period shall remain a part of the retirement fund.

218:22 Exemptions from Taxation. The right of any person to a pension or to the return of contributions, any benefit or right accrued or accruing to any person under the provisions of this act, and the cash and securities held under this act, shall be exempt from any state or municipal tax, and exempt from levy and sale garnishment, attachment or any other process and shall be unassignable.

218:23 Exclusive Benefit of Members and Beneficiaries. All contributions made by the city to the retirement system shall be for the exclusive purpose of providing benefits to the retirement system members and their beneficiaries, and no part of the assets of the retirement system shall revert to the city or other contributors, except if a contribution is made to the retirement system by the city under mistake of fact, such contribution shall be returned within one year after its payment and in the event of the termination of the retirement system, excess funds shall be returned to the city as provided in section 27 of this act.

218:24 Water Department Contributions and Employees' Eligibility. The employees and officials of the water department of the city shall be entitled to the benefits of, and subject to, the requirements of this act. The water department shall pay to the retirement fund annually such amounts as the retirement board determines to be necessary in accordance with sound actuarial principles, to defray the city share of the cost of pensions to which its employees and officials are or may be eligible hereunder.

218:25 Employees Previously Retired. All employees who are retired on January 1, 1974, shall continue to receive the benefits to which they were previously entitled under the provisions of the various enabling acts concerning pensions for employees of the city prior to the passage of this act. The board of mayor and aldermen of the city is authorized to appropriate this amount in the municipal budget on a yearly basis.

218:26 Review Of Retirement Board Orders.

I. Any member aggrieved by a decision of the retirement board denying the benefits provided by this act may request a hearing by filing a written petition no later than 45 days after the date of the decision. The petition shall include the name and address of the member, the denial of benefits being contested, legal basis on which the denial is being contested, and any documentation or exhibits which support the member's position. The retirement board shall grant or deny the hearing request within 14 days of the member's request. The rules and procedures for all hearings shall be set forth in the administrative rules.

II. All decisions of the retirement board following any hearing shall be sent to the petitioning member by certified mail, return receipt requested, within 45 days of the hearing. Any decision adverse to the member shall be made in writing and shall enumerate the findings of fact and conclusions of law upon which the decision is based. Any decision in favor of the member shall be transmitted to the employee in writing, but may be in summary form.

III. The procedure for review, rehearing and appeal of an order or decision of the retirement board with or without a hearing shall be that prescribed by RSA 541, as amended from time to time.

218:27 Termination or Merger of the Retirement System.

I. In the event of the merger or consolidation of the retirement system with, or the transfer of assets or liabilities to, another retirement plan qualified under Section 401(a) of the Code, each member shall be entitled to receive a benefit, upon termination of such other retirement plan after such merger, consolidation or transfer, which is at least equal to the benefit which the member would have been entitled to receive immediately before the merger, consolidation or transfer if the retirement system had been terminated at that time.

II. In the event of the discontinuance of the retirement system, or the complete discontinuance of contributions by the city, an actuarial study shall be made to determine the amount of reserve funds necessary to continue to fund those retirements then in effect, and such funds shall be reserved for that purpose, and any excess funds shall be returned to the city. members shall be vested as provided in accordance with the applicable provisions of Sections 411(e)(2) and 401(a)(7) of the Code notwithstanding any provision of this act to the contrary.

2 Referendum. At the election to be held in the city in November, 2002, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, some operating changes are needed. Are you in favor of the passage of an act of the General Court of 2002, amending the contributory pension system for employees of the City, based on Retirement Board and actuarial experience with the plan since January 1974?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective as of the date of the election, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

3 Effective Date. Section 2 of this act, relative to the referendum, shall take effect upon its passage. If the remaining provisions of this act shall be adopted as provided in section 2, said provisions shall be declared adopted and shall become effective on the date of the election.

2002-2212h

Amendment to HB 1354-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 314-A:2, III (b) as inserted by section 1 of the bill by replacing it with the following:

(b) Makes payment of fees required under RSA 314-A:6, III;

Amend RSA 314-A:3 as inserted by section 1 of the bill by replacing it with the following:

314-A:3 Apprenticeship. An apprentice license shall be issued if an applicant is unable to comply with any of the provisions of RSA 314-A:2. A person shall remain an apprentice for at least one year and until the supervising licensee attests that the apprentice is qualified to become licensed.

Amend RSA 314-A:6 as inserted by section 1 of the bill by replacing it with the following:

314-A:6 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to the practice of body piercing, branding, and tattooing and the operations of tattoo and body piercing establishments. Such rules shall include:

I. Standards of hygiene to be met and maintained by establishments and practitioners in order to receive and maintain a license to carry out the practice of tattooing or body piercing, and the manner in which records of period spore tests are to be maintained and reported. All records shall be maintained for a minimum of 7 years.

II. Procedures for granting, revoking, and reinstating a license.

III. Fines and fees.

IV. Inspection of body piercing, branding, and tattooing establishments.

V. The maintenance of records pertaining to parental consent for minors, including names, dates of birth, type of identification used, and any other evidence of parentage or guardianship.

Amend RSA 314-A:8, I and II as inserted by section 1 of the bill by replacing it with the following:

I. Branding and tattooing a person under the age of 18 is prohibited.

II. Body piercing a person under the age of 18 is prohibited without consent of that person's parent or legal guardian.

Amend RSA 314-A as inserted by section 1 of the bill by inserting after RSA 314-A:12 the following new section:

314-A:13 Minimum Standards. The provisions of this chapter represent minimum standards and shall not preclude any licensee from voluntarily exceeding these standards with more stringent provisions.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Applicability. Practitioners licensed under RSA 314-A prior to the effective date of this act shall be exempt from the provisions of RSA 314-A:3.

AMENDED ANALYSIS

This bill establishes licensing and training requirements for practitioners of body piercing, branding, and tattooing, and exempts practitioners licensed prior to the effective date of this bill from apprenticeship requirements.

2002-2486h

Floor Amendment to HB 1355-FN-LOCAL

Proposed by Rep. Guay

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

AN ACT establishing a commission to study and determine the ownership of unlocated land in Coos county.

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

1 Commission Established. There is established a commission to study and determine the ownership of unlocated lots in Coos county.

2 Membership and Compensation.

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

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

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

(c) Six members from the Coos county legislative delegation, appointed by the chairperson.

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

3 Duties. The commission shall research records and deeds from any source to determine ownership and disposition of unlocated land in the unincorporated areas of Coos county.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before

November 1, 2002.

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

AMENDED ANALYSIS

This bill establishes a commission to study and determine the ownership of unlocated land in Coos county.

2002-2434h

Amendment to HB 1364-FN

Proposed by the Committee on Finance - C

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

3 New Sections; State Treasurer and State Accounts; Trust and Agency Funds; Custodial and Escrow Accounts; Reporting Requirements for Dedicated Funds. Amend RSA 6 by inserting after section 12-b the following new sections:

6:12-c Trust and Agency Funds. All funds received or held by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with the terms and conditions of the referenced trust or account:

- I. The Caroline A. Fox fund of the department of resources and economic development.
- II. The Japanese charitable fund of the state treasurer.
- III. The rural rehabilitation corporation account of the state treasurer.
- IV. The Matthew Elliot memorial trust fund of the division of juvenile justice services, department of health and human services.
- V. The New Hampshire veteran’s home benefit fund of the New Hampshire veterans’ home.
- VI. The Sam Whidden trust of the state university system.
- VII. The Harriet Huntress trust of the department of education.
- VIII. The Hattie Livesey trust of the department of education.
- IX. The H. James Tyler scholarship fund of the regional community-technical college system.
- X. The New Hampshire regional community college combined scholarship fund of the regional community-technical college system.
- XI. The Snyder scholarship fund of the regional community-technical college system.
- XII. The Laconia state school account.
- XIII. The New Hampshire hospital account.

6:12-d Custodial and Escrow Accounts. All funds received or held by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with the terms and conditions of the referenced account:

- I. The Celtech escrow account of the Pease development authority.
- II. The financial responsibility account of the department of safety.
- III. The road toll bonds account of the department of safety.
- IV. The special fund for active cases account of the department of labor.
- V. The special fund for second injuries account of the department of labor.
- VI. The New Hampshire business development corporation account of the department of resources and economic development.

VII. The deferred compensation contributions escrow account of the state treasurer.

VIII. The dissolution of corporation account of the state treasurer.

IX. The foreign escheated estates account of the state treasurer.

X. The savings bond escrow account of the state treasurer.

XI. The unclaimed and abandoned property account of the state treasurer.

XII. The Guy Thompson account of the New Hampshire veterans' home.

XIII. The veteran's home members administrative account of the veteran's home.

XIV. The water resources council accounts of the department of environmental services.

XV. The Deloitte and Touche escrow account of the commissioner of the department of health and human services.

6:12-e Reporting Requirements for Dedicated Funds.

I. The administrator of each fund, account, or trust listed in RSA 6:12, RSA 6:12-b, RSA 6:12-c, and RSA 6:12-d shall complete and file a biennial report with the state treasurer on or before January 15, 2004, and every other year thereafter. The treasurer shall forward the reports to the relevant legislative policy committees of the house and senate as indicated on said reports by the administrator of each fund, account or trust. Each biennial report shall include, but not be limited to:

(a) Activities the fund, account, or trust is required or intended to carry out, and an identification of all revenues available to said fund, account, or trust.

(b) The amount of revenue deposited into the fund, account, or trust, and the amount expended from said fund, account, or trust during the prior 2 fiscal years.

(c) The balance of the fund, account, or trust at the close of the prior 2 fiscal years.

II. The administrator of each fund, account, or trust may file, in lieu of the biennial report, a current report that was prepared by the administrator for other purposes provided that the report contains the information required in paragraph I.

III. The state treasurer shall provide written notice of the reporting requirements in paragraphs I and II of this section to any fund administrator who fails to file a report within 30 days of the report's due date. The treasurer may grant, pursuant to the notice, up to a 5-month grace period for the fund administrator to comply with the provisions of paragraphs I and II of this section, after which time, if the report has not been filed, any moneys in the dedicated fund, account, or trust shall lapse to the general fund, unless the funds are otherwise ineligible for deposit in the general fund. For purposes of this section, ineligible funds include, but are not limited to, all federal funds and money held by the state on behalf of another person or entity.

6:12-f Inclusion of all Dedicated Funds, Accounts or Trusts.

I. Any dedicated fund, account, or trust that is to be maintained separately from the general fund shall be included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

II. Beginning on February 15, 2003, and every other year thereafter, it shall be the responsibility of the state treasurer, in consultation with the commissioner of administrative services and any other relevant department to submit a report of funds, accounts, or trusts not included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d to the speaker of the house for introduction in the next legislative session in order to include said funds, accounts, or trusts in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

III. Notwithstanding any other provision of law to the contrary, any fund, account, or trust contained in the report by the treasurer pursuant to paragraph II of this section that is not included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d within one year from the date of said report shall lapse to the general fund unless the funds are otherwise ineligible for deposit in the general fund. For purposes of this section, ineligible funds include, but are not limited to, all federal funds and money held by the state on behalf of another person or entity.

6:12-g Repeal of Inactive Dedicated Funds.

I. Beginning on February 15, 2003, and every other year thereafter, the state treasurer, in consultation with the commissioner of administrative services and any other relevant department, shall determine any fund, account, or trust listed in RSA 6:12, RSA 6:12-b, RSA 6:12-c, and RSA 6:12-d which has been inactive for a period of at least 3 years. For purposes of this section, inactive shall mean those funds, accounts, or trusts in which no revenue has been deposited, excluding interest earnings, and from which no funds have been expended or encumbered. The state treasurer shall provide notice of their determination to the relevant legislative policy committee of the house and senate, and the administrators of said inactive funds, accounts, or trusts.

II. Any inactive funds, accounts, or trusts, as determined by the treasurer pursuant to paragraph I of this section, shall be repealed, and any balance remaining shall lapse to the general fund within one year of the date of determination by the treasurer under paragraph I unless the funds are otherwise ineligible for deposit in the general fund. For purposes of this section, ineligible funds include, but are not limited to, all federal funds and money held by the state on behalf of another person or entity.

III. Upon notification under paragraph I of this section, said administrators may appeal to the relevant legislative policy committee of the house and senate, and said committee may recommend legislation for introduction in the next legislative session to waive the provisions of paragraph II of this section for any funds, accounts, or trusts.

4 Boating and Water Safety on New Hampshire Public Waters; Boaters Guide. Amend RSA 270-D:2-a to read as follows:
270-D:2-a Boaters Guide. The department of safety, division of safety services, shall publish the New Hampshire Boaters guide[~~and the director may charge a fee to recover the cost of publication~~].

5 Repeal. The following are repealed:

- I. RSA 227-C:23, relative to New Hampshire heritage trust fund.
- II. RSA 270-D:2-b and RSA 6:12, I (nnn), relative to New Hampshire boaters guide revolving fund.
- III. RSA 310-A:34, relative to the architects’ fund.
- IV. RSA 6:16, relative to forestry funds.
- V. RSA 19-D:4 and RSA 19-D:6, relative to the New Hampshire industrial heritage park fund.
- VI. RSA 187-A:37, relative to the inventors assistance program fund.
- VII. RSA 107-A:1-3, relative to the civil defense adult education program.
- VIII. RSA 200-C:17, relative to the disabled persons’ employment fund.
- IX. RSA 318:7, relative to the pharmacy fund.
- X. RSA 172:14, relative to the substance abuse treatment fund.
- XI. RSA 6:12, I(q), relative to the boiler and elevator inspection fund.
- XII. RSA 6:12, I(f)(2), relative to certain motor vehicle registration funds.
- XIII. RSA 6:12, I(mm), relative to the supplementary motor vehicle fund.

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

2002-2258h

Amendment to HB 1367-FN

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

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

3 New Subparagraph; Duties of Commissioner. Amend RSA 130-A:2, I by inserting after subparagraph (k) the following new subparagraph:

(l) Develop educational materials in accordance with RSA 130-A:5.

4 Investigations. Amend RSA 130-A:5, II to read as follows:

II. The commissioner shall investigate cases of lead poisoning in children, reported under RSA 141-A, whose blood lead level meets or exceeds 15 micrograms per deciliter of whole venous blood as reported on 2 separate, consecutive tests when the blood samples have been collected at least 90 days apart. Such investigations shall include, but not be limited to:

(a) An inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed to by the department and the owner or owner's agent, for the purposes of identifying the presence of lead base substances. When a lead exposure hazard is determined to exist, the commissioner shall provide a notice to the owner or the owner's agent and shall also provide information on the health consequences of lead poisoning and procedures for lead hazard reduction. The notice shall also be provided to the occupant, the health authority, and the child's health care provider. The department shall not have the authority to issue an order of lead hazard reduction following inspections conducted under this paragraph.

(b) Failure, without good cause, on the part of the owner or owner's agent to appear at the inspection, at the mutually agreed to time, shall be subject to penalties set forth in RSA 130-A:14.

III. The commissioner may request health authorities to assist in such investigations.

5 Property Owner Notification. Amend RSA 130-A:6-a, I and II to read as follows:

I. The department shall make reasonable efforts to notify in writing the owner of a dwelling or dwelling unit where the child resides if lead levels of ~~[15]~~ **10** to 19.9 micrograms per deciliter are found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction.

II. Eviction of a tenant based on the presence in the dwelling or dwelling unit of a child with a blood level of ~~[15]~~ **10** to 19.9 micrograms per deciliter shall be unlawful. There shall be a rebuttable presumption that any eviction action, instituted by the owner within 6 months of receipt of the notice sent by the department pursuant to paragraph I, is based on the child's elevated blood lead level. If a court finds that an eviction is based on the child's elevated blood lead level, it shall deny the eviction and award damages to the tenant pursuant to RSA 540:14, II. However, if an owner in response to the notice from the department discovers a lead exposure hazard in the dwelling or dwelling unit, the owner may proceed with relocation of the tenants, provided that the owner meets the requirements of RSA 130-A:8-a, I or II.

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

AMENDED ANALYSIS

This bill makes the following changes to the lead paint poisoning prevention and control law:

(1) Amends certain definitions to conform to federal law.

(2) Requires the commissioner of health and human services to investigate certain cases of lead poisoning in children.

This bill is a request of the department of health and human services.

2002-2435h

Amendment to HB 1380-FN

Proposed by the Minority of the Committee on Judiciary - R

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

AN ACT relative to parental consent for abortions performed on children less than 17 years of age.

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

2002-2368h

Amendment to HB 1390

Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 1 with the following:

1 Proceedings of Hospital Committees; Quality Assurance Program; Confidentiality. Amend RSA 151:13-a, II to read as follows:

II. Records of a hospital committee organized to evaluate matters relating to the care and treatment of patients or to reduce morbidity and mortality and testimony by hospital trustees, medical staff, employees, or other committee attendees relating to activities of the quality assurance committee shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding~~[-except that in the case of a legal action brought by a quality assurance committee to revoke or restrict a physician's license or hospital staff privileges, or in a proceeding alleging repetitive malicious action and personal injury brought against a physician, a committee's records shall be discoverable].~~ *However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality assurance program, and any person who supplies information or testifies as part of a quality assurance program, or who is a member of a quality assurance program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:*

(a) A judicial or administrative proceeding brought by a quality assurance committee to revoke or restrict the license or certification of a physician or hospital staff member; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against a physician.

2002-2346h

Amendment to HB 1419-FN-A

Proposed by the Committee on Public Works and Highways - R

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

AN ACT increasing the capital appropriation made to the fish and game department for the Berry conservation camp building replacement and increasing a capital appropriation to the New Hampshire veterans' home to design and build a new facility.

Amend the bill by replacing all after section 3 with the following:

4 Capital Budget; Veterans' Home; Appropriation Increased. Amend 1999, 226:1, XIV to read as follows:

XIV. N.H. Veterans Home.

A. Design and build new facility [~~\$10,000,000~~] **\$11,900,000**

Less federal [~~-6,500,000~~] **7,150,000**

Net state appropriation subparagraph A [~~3,500,000~~] **4,750,000**

Total state appropriation paragraph XIV [~~\$3,500,000~~] **\$4,750,000**

The funds appropriated in subparagraph A shall not lapse.

5 Capital Budget; Total Amended: Amend 1999, 226:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1 [~~\$ 41,311,314~~] **\$42,561,314**

6 Capital Budget; Bonds Authorized; Total Amended: Amend 1999, 226:8 as amended by 2000, 132:4, to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$61,375,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

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

AMENDED ANALYSIS

This bill appropriates an additional bonded amount to the fish and game department for the replacement of the Barry conservation camp building. Payment of the cost of bonds or notes is from the fish and game fund.

This bill also increases the capital appropriation made to the New Hampshire Veterans’ Home to design and build a new facility.

2002-2496h

Amendment to HCR 28

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

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

That the general court of New Hampshire urges President Bush to join in NBCC’s mission to "Make Breast Cancer History" by:

Increasing federal funding for quality peer-reviewed breast cancer research; and

Guaranteeing access to quality breast cancer early detection and treatment for all women and men; and

Enhancing the involvement and influence of trained breast cancer consumer advocates in all aspects of breast cancer policy and research; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the house clerk to the President of the United States.

2002-2309h

Amendment to HR 21

Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs - R

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire is located in the New England region of the northeastern United States and is populated by over 1,200,000 persons, and maintains distinguished centers of higher learning, and is the site of advanced information and defense technology, and is noted for outstanding natural endowments of forests, mountains, and lakes, and derives considerable electrical power from nuclear energy; and

Whereas, the people of New Hampshire are conscious of the state’s assets and favorable future development for their children and future generations; and

Whereas, New Hampshire responded to the call at Bunker Hill with volunteers in the struggle for American independence and has contributed to national defense through its citizenry ever since; and

Whereas, the people of New Hampshire are aware of the global proliferation of ballistic missiles and weapons of mass destruction and their threat to our nation, our allies, and our armed forces abroad; and

Whereas, the United States does not possess a robust and effective defense against ballistic missiles bearing weapons of mass destruction, launched by anyone who opposes American ideals, interests, and influence throughout the world; and

Whereas, New Hampshire, the United States, and the international community are increasingly imperiled by the global proliferation of ballistic missiles and weapons of mass destruction and cannot defend against a hostile or accidental ballistic

missile attack; in consequence, New Hampshire asserts its leadership as one of 50; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby urges the President of the United States to take all actions necessary, within the limits of the considerable technological prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; and

That the New Hampshire house of representatives hereby urges the President to allow the United States the freedom to defend itself, it allies, and its armed forces abroad from ballistic missile attack, treaties and other agreements to the contrary notwithstanding; and

That the New Hampshire house of representatives hereby conveys to the President and Congress that effective national missile defense will require a robust and multi-layered architecture consisting of integrated land-based, sea-based, and/or space-based assets designed to deter future threats whenever possible and meet them whenever necessary; and

That copies of this resolution shall be sent by the house clerk to the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Joint Chiefs of Staff, and the President of the United States.

2002-2396h

Amendment to SB 64-FN-A

Proposed by the Committee on Finance - C

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

1 New Subparagraph; Special Fund; Probate Court Mediation Fund. Amend RSA 6:12, I by inserting after subparagraph (iiii) the following new subparagraph:

(jjjj) Moneys received under RSA 490:27, II, which shall be deposited in the probate court mediation fund.

2 Probate Court Mediation Fund. Amend RSA 490:27 to read as follows:

490:27 Probate Court Fees.

I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid to the register for the benefit of the state.

II.(a) There is established in the office of the state treasurer a separate fund to be known as the probate court mediation fund. The sum of \$5 shall be added to each entry fee collected in the probate courts and shall be deposited in the fund for paid mediation in the probate courts. Costs of probate court mediators may be paid from this fund, provided that:

(1) Participation in the mediation sessions is not mandated by the court; and

(2) Mediation reports shall not be released to any judge or other officer of the court who may later decide or rule on the case without the written consent of all parties participating in the mediation.

(b) Moneys in the fund shall be nonlapsing and continually appropriated to the probate court and used to pay probate court mediators subject to the conditions under subparagraph (a) and as recommended and approved by the administrative justice of the probate court.

(c) The administrative judge of the probate courts shall make an annual report to the house judiciary committee and the house finance committee on the activity of the probate court mediation fund during the prior fiscal year on or before September 1 of each year beginning with September 1, 2003.

3 Probate Court Mediation Fund. RSA 490:27 is repealed and reenacted to read as follows:

490:27 Probate Court Fees. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid to the register for the benefit of the state.

4 Contingency. If HB 1364-FN of the 2002 legislative session becomes law, RSA 490:27, II(c) as inserted by section 2 of this act shall not take effect. If HB 1364-FN does not become law, RSA 490:27, II(c) as inserted by section 2 of this act shall take effect 60 days after passage of this act.

5 Effective Date.

- I. Section 3 of this act shall take effect June 30, 2007.
- II. RSA 490:27, II(c) as inserted by section 2 of this act shall take effect as provided in section 4 of this act.
- III. Section 4 of this act shall take effect upon its passage.
- IV. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a probate court mediation fund, which is continually appropriated to the probate court for payment of mediators. The sum of \$5 shall be added to each entry fee collected in the probate courts and shall be deposited in this fund. This bill also prevents court-ordered mediation.

The fund is repealed on June 30, 2007.

2002-2129h

Amendment to SB 201-FN

Proposed by the Committee on Ways and Means - R

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

AN ACT relative to the job training program for economic growth.

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

- 1 Repeal. The following are repealed:
 - I. RSA 188-F:52, III, relative to the terms and compensation of grant review committee members.
 - II. RSA 188-F:52, V, relative to the \$25,000 cap on grant amounts that may be awarded by the commissioner upon the recommendation of the grant review committee.
- 2 Regional Community-Technical College System; Eligibility for Training Grants. Amend RSA 188-F:53, V to read as follows:
 - V. Priority shall be given for grants to small businesses ~~[in the manufacturing sector]~~ for the implementation of technological innovations.
- 3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the term length and compensation provision covering members of the grant review committee of the job training program for economic growth and repeals the \$25,000 cap on grants that the commissioner may award upon recommendation of the committee. It also gives priority for training grants to small businesses implementing technological innovations.

ADDENDUM

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, February 8, 2002 No. 13A

Contains: Committee Report Requested After Calendar Printing

ADDENDUM TO HOUSE CALENDAR

THURSDAY, FEBRUARY 14

COMMITTEE REPORT

REGULAR CALENDAR

FINANCE

HB 1411-FN-A, relative to transfer of funds for district and probate court security. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Finance: This bill asks the General Court to transfer from the Department of Corrections capital budget the \$300,000 required to offset the unanticipated costs of implementing district court security changes required by the budget. The Committee feels that monies for the operating budget should not be bonded, but rather come from general funds. Therefore, the amendment makes that change **Vote 18-0**.

2002-2475h

Amendment to HB 1411-FN-A

Proposed by the Committee on Finance

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

AN ACT making an appropriation to the judicial branch for district and probate court security.

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

1 Appropriation; Judicial Branch; District and Probate Court Security. In addition to any other sums appropriated to the judicial branch, the sum of \$300,000 is hereby appropriated to PAU 02, 01, 06, class 90, district and probate security, for the fiscal year ending June 30, 2002. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill makes an appropriation to the judicial branch for district and probate court security.

ADDENDUM

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, February 8, 2002 No. 13A

Contains: Committee Report Requested After Calendar Printing

ADDENDUM TO HOUSE CALENDAR

THURSDAY, FEBRUARY 14

COMMITTEE REPORT

REGULAR CALENDAR

FINANCE

HB 1411-FN-A, relative to transfer of funds for district and probate court security. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Finance: This bill asks the General Court to transfer from the Department of Corrections capital budget the \$300,000 required to offset the unanticipated costs of implementing district court security changes required by the budget. The Committee feels that monies for the operating budget should not be bonded, but rather come from general funds. Therefore, the amendment makes that change **Vote 18-0**.

2002-2475h

Amendment to HB 1411-FN-A

Proposed by the Committee on Finance

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

AN ACT making an appropriation to the judicial branch for district and probate court security.

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

1 Appropriation; Judicial Branch; District and Probate Court Security. In addition to any other sums appropriated to the judicial branch, the sum of \$300,000 is hereby appropriated to PAU 02, 01, 06, class 90, district and probate security, for the fiscal year ending June 30, 2002. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

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