

# State of New Hampshire HOUSE RECORD

## Second Year of the 157<sup>th</sup> Session of the General Court Calendar and Journal of the 2002 Session

**Vol. 24 Concord N.H. Friday, March 15, 2002 No. 24**

Contains: Reports and Amendments for March 21, Hearing Schedule, Committee Meetings, Work Sessions and Notices

### HOUSE CALENDAR

#### NOTICE

Members of the House:

The House will meet in session at 10:00 a.m. on Thursday, March 21; Thursday, April 4; Wednesday, April 17; and Thursday, May 2. April 11, 18, and 25 are also tentative dates.

Chairmen and Vice Chairmen will meet on Tuesday, March 19 at 9:00 a.m. in Room 201,LOB.

Gene G. Chandler, Speaker

#### NOTICE

There will be a Republican Caucus on Thursday, March 21 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

#### NOTICE

There will be a Democratic Caucus on Thursday, March 21 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

# HOUSE DEADLINES

|                             |                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------|
| Thursday, January 24, 2002  | Last day to report retained bills and supplemental House bills being referred to a second committee. |
| Thursday, January 31, 2002  | Last day to act on retained bills and supplemental House bills being referred to a second committee. |
| Thursday, February 21, 2002 | Last day to report all remaining retained bills and supplemental House bills.                        |
| Thursday, March 7, 2002     | CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.             |
| Thursday, March 21, 2002    | Last day to introduce Senate bills.                                                                  |
| Thursday, April 18, 2002    | Last day to act on Senate bills.                                                                     |
| Thursday, April 25, 2002    | Last day to form committees of conference.                                                           |
| Friday, May 3, 2002         | Last day to act on committee of conference reports.                                                  |

# LAID 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.)

# THURSDAY, MARCH 21

# CONSENT CALENDAR

# COMMERCE

**HB 1467-FN**, relative to the cost of vaccines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The basic components to this bill as amended are the following: First of all it establishes the New Hampshire Vaccine Association which will be comprised of insurance companies writing health insurance in the state of New Hampshire. The Department of Health & Human Services is charged with the responsibility of purchasing the vaccine at a discount. The funding sources for the program will be a combination of contributions from the federal government, funds provided by the insurance companies through an assessment process, and funds from the state. The beneficiaries are all children, residents of the state under the age of 19. If there is a penalty assessed against an insurer who failed to pay the assessment, the minimum fine will be \$5000 and up to the maximum of 125% of the delinquency. As a formula for assessing insurers it will be based on the number of covered lives. The calculation will be accomplished by multiplying the ratio of the number of resident children with non-public health benefits to the total number of children by the estimated vaccine costs. **Vote 11-0.**

**SB 362`**, relative to the membership and duties of the New Hampshire film and television commission. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill reestablishes the New Hampshire Film and Television Commission of the Department of Cultural Resources. Through a glitch in some previous legislation, the commission has actually lapsed. The

Department of Travel and Tourism Development is ready to appoint new commission members as soon as this bill is passed. The committee was unanimous that this was an important function that needed to be addressed quickly. **Vote 13-0.**

**SB 394**, relative to the duties of the advisory committee on international trade. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill adds reporting duties to the advisory committee on international trade. International trade is worth 2 to 3 billion dollars to the economy of New Hampshire, which is an increase of 23% over the last year. Under this bill the committee will report to the Senate Energy and Economic Development Committee, the House Commerce Committee, the Senate President, the Speaker of the House, the Governor and others. **Vote 13-0.**

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 1469-FN**, relative to eligibility and requirements for state employees to receive a retirement allowance while in service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill deals with a retirement allowance while employed. The committee voted to repeal RSA 100-A, Section 3(c), which was passed last year. Those who have applied and received an allowance shall continue to receive his or her allowance. **Vote 13-1.**

**HB 1470-FN**, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: The subcommittee scheduled two work sessions on this bill. There remain considerable questions between the two agencies involved (Department of Revenue Administration and Liquor Commission) that remain unanswered. For example: what will the impact be on changing the licensure cycle to each year as opposed to a current two year term? Also, interest was raised because this bill increases vending machine fees by twenty times. These and other issues were sufficient for the committee to recommend interim study. **Vote 14-0.**

## **FINANCE**

**HB 1305-FN**, relative to the pollution prevention program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maryann N. Blanchard for Finance: The amendment to HB 1305-FN extends a sunset provision to 2010. This program was due to sunset in July 2002. It provides assistance to businesses, towns and schools to reduce hazardous waste using alternative processes or materials. (For example: oil based parts washer to water based parts washer.) The funding to sustain the program and the present two positions was budgeted for FY 2002-2003 from the Hazardous Waste Clean-Up Fund. No general funds are necessary. **Vote 20-0.**

**HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill as amended establishes a non-lapsing fund to be used for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement. The fund may receive moneys from state appropriations, federal and other non-state source grants or other funds received for this purpose.

The bill also establishes the position of Local Government Records Manager and sets forth the duties and responsibilities for this position. The amendment removes the appropriation in the original bill, and provides that if non-state appropriated funds are received prior to that date, those funds may be expended for the costs of this new position. Beginning July 1, 2003, this position shall be included in the operating budget of the department of state. **Vote 19-0.**

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**SB 342**, relative to the purpose of the certificate of need law. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: After a request by the Certificate of Need Board that monetary thresholds for purchase of equipment and facilities be increased in order to reduce the number of requests for Certificate of Need review, the Health and Human Services and Elderly Affairs Committee unanimously voted to approve SB

342 as amended. **Vote 16-0.**

**SB 413**, establishing a committee to study background checks for nursing home employees. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a committee to study whether background checks for nursing home employees are necessary and should be conducted or implemented. **Vote 13-0.**

## JUDICIARY

**SB 306**, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. **OUGHT TO PASS**

Rep. Alf E. Jacobson for Judiciary: This bill extends the reporting from the original date November 1, 2001 to November 1, 2002 for the commission to study the state's increasing appellate caseload. **Vote 11-2.**

**SB 383**, relative to the location of district courts within judicial districts and changing the names of certain judicial districts. **REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: After an extensive hearing on this bill and discussion by the committee, we felt that the bill in its present form could not be recommended to the House for passage. However, we did not want to recommend the bill as inexpedient to legislate because we felt that there were some significant issues that warranted further study by the committee. The reason we were unable to pass the legislation is that it is a significant departure from the current mechanisms for siting district courts in the state of New Hampshire. After an exhaustive study in 1991 created by Chapter Law 288, the legislature came up with a court consolidation plan which can be found in RSA 501-a (the results of SB 452 of 1992). Within this law, the legislature has designated which town(s) shall host the district courthouse. This legislation proposes to allow the Office of Administrative Services determine which town within the district the court will be located. The bill also states that there will be a district courthouse in each district. The committee was unable to reconcile this statement with the current plan because some districts have more than one court facility/satellite courts, and it was unclear that if we pass this legislation we would be eliminating some district court facilities inadvertently. Since we are in the second year of a biennium, and want to give our full attention to the concept of how district courts should be cited, we felt it would be best to study this legislation and its impacts over the summer. We would then be able to come back next year with a comprehensive understanding of the impact such a transfer of responsibilities would have on the citizens of our state. **Vote 14-0.**

## PUBLIC WORKS AND HIGHWAYS

**HB 1471-FN**, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C.W. Bouchard for Public Works and Highways: The committee, recognizing the importance of September 11, 2001, and the tragic results, voted that it is appropriate to commemorate victims of terrorism and their families, especially those New Hampshire citizens who lost their lives. The committee will consist of three members of the House, three members of the Senate, the Commissioner of Cultural Resources and the Commissioner of Administrative Services. The committee will select the design and location of the memorial subject to the approval of the Long Range Capital Planning and Utilization Committee. The committee will also advise and inform the governing body of the city or town in which the memorial is located as to its design and construction plans. The memorial will be privately funded. **Vote 13-0.**

**HB 1481-FN-L**, relative to a highway construction project in Nashua. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have required the city of Nashua to hold public hearings and conduct special elections on a purely local issue. The committee feels that all possible local remedies, such as bringing suit under the state's Right To Know Law, forcing the issue through a local referendum or election of new city officials, have not been exhausted. This bill would set a dangerous precedent and should not be approved. The Ten Year Highway Plan addresses issues such as this. We heard some residents of Nashua unhappy with a planned project, knowing how difficult it is to have a project added to the Ten Year Plan. Some support from Nashua must exist for this project. **Vote 16-0.**

## TRANSPORTATION

**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. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill sets up a committee to study the problems that New Hampshire is having with establishing a permit system for out of state vessels using NH lakes. This is a continuation of a past study committee. **Vote 11-1.**

**SB 405**, relative to special number plates for veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill is a clarification to the veterans plate legislation that will allow the Director of Motor Vehicles to accept any honorable discharge papers from the different branches of the armed services. **Vote 12-0.**

## THURSDAY, MARCH 21

### REGULAR CALENDAR

#### EDUCATION

**HB 1483**, relative to filling vacancies occurring on school boards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: In its original form, HB 1483 would have dictated in state law how cities and towns must fill vacancies on school boards. The bill would have rejected language in city charters across the state that was in conflict with the legislation. The committee felt the bill would have created more problems than it solved. In fact, there was so little support for the bill that one amendment was withdrawn and another failed for lack of a second. Rather than simply recommend "ITL", however, the committee adopted an amendment to address a different aspect of how we vote on school issues. After a separate public hearing as required by House Rules, the committee adopted an amendment clarifying that voters who wish to apply the provisions of the Municipal Budget Act to their local schools must place a warrant on the school ballot, rather than on the town ballot as is stated in present law. The committee felt that this change would help assure that voters were more fully informed as to how their vote would affect their schools. Consistent with current law, only one budget committee would be formed, which would cover the town and/or local school. All towns and all school districts currently subject to the Municipal Budget Act would continue to be covered by it unless the citizens vote to withdraw in a manner consistent with current law. **Vote 9-4.**

#### ELECTION LAW

**SB 1**, apportioning state senate districts. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: SB 1 is the Senate proposal for redistricting state senate districts. The NH Constitution requires that "the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place." The overall state population has increased dramatically since the last federal census. The average population requirement for each of the 24 senate districts increased from 46,219 to 51,491. Additionally population grew in the southern part of the state, decreased in the northern part of the state and decreased in many of the state's cities. So, given the population increase and shift, any redistricting plan would of necessity be significantly different from the current plan. The Committee heard testimony that a specific set of criteria was adopted by the Senate Redistricting Committee in order to ensure that the final proposed plan meets constitutional mandates and provides for fair representation for the citizens of the state. There is no one characteristic that makes a plan more perfect than another plan, including lower deviation. Although this plan represents the lowest average deviation and range of deviation than the 1980 and 1990 plans, the plan that has the lowest deviation isn't necessarily the best plan because additional requirements must be taken into account. It appears that many of the proposed plans meet the proposed criteria. It is also clear that many of the proposed plans meet constitutional requirements. It is inevitable that there are going to be new districts in every plan that some member does not like and that change is difficult. The Committee believes that the Senate created redistricting plan proposed in SB 1 clearly meets constitutional requirements and should be adopted. **Vote 10-5.**

**SB 3**, apportioning congressional districts. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: SB 3 is the Senate proposal for redistricting the congressional districts. With the increased population in the state, each congressional district should have a population of 617,893. The lines were redrawn to meet the new population requirements, criteria adopted by the Senate, and constitutional requirements. There was no testimony in opposition to SB 3. **Vote 13-2.**

## ENVIRONMENT AND AGRICULTURE

**HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor. **OUGHT TO PASS**

Rep. John S. Cobb for Environment and Agriculture: The bill presented to the committee would extend the date for transfer of funds from the motor oil discharge cleanup fund to the oil pollution control fund. It will also establish new full time temporary positions for conducting compliance inspections and processing claims. **Vote 13-1.**

## FINANCE

**HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rogers J. Johnson for Finance: This bill requires the Judicial Conduct Commission to review every judge once every seven years, and it establishes the process to accomplish this goal. The amendment changes the date the reviews are to start to January 1, 2004. The amendment also requires additional support for the Commission from the Department of Administrative Services and the State Library. The Commission is further empowered to come before the Fiscal Committee for legal expenses. Finally, the lapse date in the Commission's current appropriation is changed to the end of the current biennium, rather than annually. **Vote 14-6.**

**HB 1102**, establishing a hazardous waste coordinator certificate program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill as amended establishes a hazardous waste coordinator certification program and makes a supplemental one-time \$40,625 appropriation from the existing hazardous waste fund. No general funds required. The amendment makes technical corrections, grammatical changes and reallocates funds to match the program's need and adjusts start-up dates to allow for program development prior to full implementation. **Vote 20-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1464-FN**, prohibiting human cloning in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alida I. Millham for the **Majority** of Health, Human Services and Elderly Affairs: Human cloning is an important issue for all of us to consider. The majority of the committee agrees, but felt HB 1464-FN is not a response that would offer an adequate policy statement for New Hampshire at this time. The whole committee expressed opposition to cloning for the purpose of producing a human live birth, but the majority of the committee felt the bill went too far in restricting/preventing research. The possibility of a study committee was discussed. The majority agreed that human cloning, (including definitions and determining where the issue of cloning begins) is a complex subject and requires work and understanding that goes beyond the capability of a legislative interim study. There was no evidence presented to the committee that any New Hampshire organization has cloned or is planning to clone for reproduction. Nor was there evidence presented that any other organization in this country has produced anything beyond several cell divisions. The debate surrounds the difference between appropriate valid, ethical medical research and cloning for reproduction. HB 1464, as written, would not allow any research on any human cells that may be considered "cloned". We are on the frontier of many aspects of biotechnology research. It is important that any legislation defining the parameters of that research be carefully crafted to include the kinds of research that can be supported ethically and prevent those activities that cannot be supported. Therefore, the majority of the Health and Human Services and Elderly Affairs Committee recommends Inexpedient to Legislate. **Vote 10-7.**

Rep. Fran Wendelboe for the **Minority** of Health, Human Services and Elderly Affairs: This legislation is not intended to prevent stem cell research, tissue regeneration or grafting. This bill would prohibit a research firm from producing human embryo clones. All clones so produced whether for "reproductive cloning" or "therapeutic cloning" always result in the

destruction of human beings at the embryonic stage of life when their stem cells are harvested. While the abortion issue tends to be mixed into this debate, it should be noted that the termination of an unintended pregnancy is far different from the purposeful creation of a human embryo with the clear intention of killing it after or during harvest. The Council for Responsible Genetics stated, "we are an organization who unequivocally support a woman's right to make her own reproductive decisions... Our organization's position against technologies that manipulate, clone, and genetically alter human embryos does not derive from any notion of the sanctity of the embryo, nor from attributing to its status of a human being." Their concern centers on the over-hyping of another scientifically questionable biotechnology driven by investor's hopes and will inevitably lead to calls to extend the lifespan of clonal embryos so as to permit harvesting developmentally more advanced embryos up to demands to use full-term clones from which to harvest organs. The prospect of creating new human life solely to be exploited (reproductive cloning) or destroyed (therapeutic cloning) in these ways is wrong to many on moral grounds and thought to display a profound disrespect for life. This is a slippery slope that our state should not embark on.

**HB 1478-FN-A**, relative to public health emergency preparation and response. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: September 11, 2001 frighteningly erased our hopes that bioterrorism would not strike this country. Now we are being warned that we may well be subject to further and more devastating attacks. This bill both enables the state to prepare for and respond to a potential bioterrorism event in New Hampshire. This amendment to HB 1478 amends existing statutes: Chapter 141-C regarding communicable disease and the Chapter 107-C which deals with the state's emergency response structure. This bill clarifies communicable disease reporting requirements to allow the Office of Community and Public Health to more quickly identify and respond to diseases that threaten public health. It defines the duties of the Department of Health and Human Services in identifying communicable diseases that could pose a threat to our citizens, providing prevention services and conducting such public health services as are needed prior to the declaration of an emergency. Also, it provides additional protections for confidential information reported to the state. The existing and new statutes, both before and during a declared emergency by the governor, attempt to protect New Hampshire citizens during a variety of public health emergencies without abrogating civil rights. A number of protections have been added, including a due process clause (141-C: 14(a)). Individuals ordered to undergo examinations, vaccinations, treatment, isolation or quarantine have the right to contest such an order utilizing a simple form provided to the person to be presented to the superior court which must act within 48 hours. This legislation also contains a sunset provision. The governor's authority to declare an emergency is terminated automatically unless the general court approves its extension. A joint legislative oversight committee is established so that the legislature can monitor the activities required by this bill and to study needed refinements to the statute and to recommend new legislation. A section is added to RSA 125-F establishing the Radiation User and Laboratory Fees Fund. Finally, it provides for legislative approval by legislative fiscal committee of new positions required to carry out the activities under this act. Federal funds will cover 100% of the costs of new positions. **Vote 16-0.**

**RESOURCES, RECREATION AND DEVELOPMENT**

**HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Cooney for the **Majority** of Resources, Recreation and Development: This bill, as amended, provides for a pilot program to move forward the development of Instream Flow Rules. The pilot program consists of the Lamprey and the Souhegan rivers. These rules will, in effect, determine who can draw water from our rivers, and how much they can draw, and when they can draw water, during low flow conditions. They will affect public water suppliers, agriculture, recreation, wildlife habitat, businesses, dam owners and our environment. The rules are designed to provide a fair and equitable process for all interests to "share the pain" of water restrictions during low flow conditions. These draft rules have had many public hearings and several major revisions over the past few years. It is now time to put them to the test. This bill requires an instream flow study and water management plan be developed for these two rivers. Two advisory committees are established for each river. Each committee consists of 11 members that include legislative members and members of each interest group. However, before these studies and plans are implemented, they must be approved by the legislature to allow for a public hearing with input from all interested parties and the public. Additional legislative oversight is maintained by extending the reporting date of the Committee to Study the Impact of Water Withdrawals on Instream Flows to December 1, 2004. This is necessary because the draft rules employ an innovative process where all water users on the river reach a consensus on how each should adapt to the low flow conditions. There is a concern that there may be problems with this approach and this legislature needs to be involved in setting these very important water policies. A report from the Department of Environmental Services (DES) to the legislature is required by July 1, 2005. This bill also provides \$660,000 for the fiscal year ending June 30, 2003 for this pilot program. **Vote 10-5.**

Rep. Judith T. Spang for the **Minority** of Resources, Recreation and Development: This bill is unnecessary. After over a decade of study and negotiations among conservationists, regulatory agencies and water users, from hydroelectric plants to public water suppliers, the Department of Environmental Services (DES) has drawn up Instream Flow Rules which do a much better job than this bill. Through significant compromise, these rules now reduce the Rivers Management and Protection Program to a pilot study of two rivers. However, under HB 1449-A, technical and scientific experts on advisory committees proposed by the rules are replaced by politicians and interest groups. The water management advisory committees no longer include local municipalities, nor the local river management advisory committees, appointed for just such responsibilities. But worst of all, both the scientific work and the water allocation negotiations achieved with the river's water users can be vetoed by the legislature. The minority feels that this jeopardizes local decision-making on the local rivers in the pilot. Federal funding sources have also indicated a reluctance to support the pilot program if HB 1449-A is adopted, since there would be no assurance that lengthy and expensive work would lead to actual implementation of balanced water management and conservation of river resources.

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. **OUGHT TO PASS**

Rep. John H. Thomas for Science, Technology and Energy: The committee recognizes the potential loss of some jobs in the forest products industry, and the majority of the committee felt that the viability of the wood plants is questionable. The committee also had questions as to whether or not funding from the systems benefit charge was the most fair and equitable solution for all rate-payers in the state. Because of these, and other concerns, the committee felt that a study committee, as proposed by the original legislation, was the best solution at this time. **Vote 10-2.**

## WAYS AND MEANS

**HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This bill was passed by the Resources, Recreation and Development Committee and then the House two weeks ago. The Ways and Means amendment cuts the fee increases proposed in the bill by \$13 per registration. It includes an amendment brought in after discussions between the sponsor, Resources members and snowmobile and ATV representatives, which clearly separates funding for, and use of, trails intended for snowmobiles, ATV's or trail bikes. Multi-use trails will still be permitted. The effect of the separation is to reduce the money needed for grants in aid to present levels for the foreseeable future. The money for trail right purchases is reduced in recognition of the fact that the total necessary will not be known until a five-year plan is available from the Bureau of Trails at the end of 2003. At that time the Bureau is directed to recommend any further fee increases (or decreases) to the legislature. The fee increases retained are \$4 for Bureau of Trails development of ATV trail plans and their execution; \$2 for purchase of easements; \$1 for the private agent who fills out the forms for the registrant; and \$10 for enforcement, compensating local police departments for the expense of acting on ATV-related complaints. A final item requested by the policy committee allows the local police to use the money to pay off-duty sheriffs and troopers for this purpose, also. Although the Ways and Means Committee is reasonably comfortable that the participating agencies do not now have a surplus that could be used for these purposes, it does have significant concerns with the methods and assumptions they use in budgeting their use of registration fees. Cooperation and coordination must be improved between the Department of Resources and Economic Development and the Fish and Game Department in order to budget the funds in a more appropriate and realistic manner. **Vote 9-4.**

**HB 1343**, relative to processing excavating and dredging permits. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Ways and Means: The report of the Ways and Means Committee agrees with the unanimous report of the Resources, Recreation and Development Committee on HB 1343 which passed the House on March 6th. This bill will insure the timely processing of permits for excavation and dredging permits by increasing fees to pay for the five existing positions. In the past year the backlog in application has been reduced only by using funds received from fines and fees related to the interstate gas pipeline project and others. Clearly, these resources will not be available in the future. The department is attempting to reduce its reliance on fines, an uncertain source, to fund approval of wetlands projects using a realistic fee structure. If the necessary administrative personnel are not available because fees are inadequate and the department fails to render a decision within the timeframes provided, the application will be deemed to be approved, RSA 482-A:3 XIV (e), then a major project is no longer covered by the State's agreement with the U. S. Corps of Engineers. The applicants will then need to

apply to the U. S. Corps of Engineers, and this will extend the permit approval time to 12 to 18 months. **Vote 11-4.**

**HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Ways and Means: The Ways and Means Committee gives its strong support to the unanimous recommendation of the Criminal Justice and Public Safety Committee whose committee amendment was adopted by the House on March 6th. It is extremely important that fees concerning explosives handling be increased to a realistic level to cover the cost of administration of this program which regards the license application, renewal and inspection of those dealing with explosives. The bill calls for improved procedures regarding acquisition, transportation and storage of explosive material in the state of New Hampshire. The fees generated by this bill will total less than \$16,000 and in most cases, will be less than those charged in surrounding areas. **Vote 15-1.**

## COMMITTEE MEETINGS

### MONDAY, MARCH 18

#### ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

2:00 p.m. Regular meeting.

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

2:00 p.m. Regular meeting.

#### ELDERLY AFFAIRS (RSA 17-H:2), Room 205, LOB

10:00 a.m. Regular meeting.

### TUESDAY, MARCH 19

#### CHILDREN AND FAMILY LAW, Room 206, LOB

8:45 a.m. Subcommittee work session on **SB 415**, relative to the severing of joint tenancies in property by divorce.

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

#### COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **SB 399**, regulating demand drafts under the New Hampshire Uniform Commercial Code.

9:30 a.m. Subcommittee work session on **SB 302**, relative to privacy in the relationship between financial institutions and customers.

10:00 a.m. Subcommittee work session on **SB 402-FN-A**, establishing a committee to study long-term care funding and making an appropriation therefor.

10:30 a.m. Subcommittee work session on **SB 422-FN**, relative to the insurance laws.

1:00 p.m. Subcommittee work session on **SB 52**, relative to liquor liability insurance coverage and relative to liquor licensee training.

#### EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee informational meeting on school building aid.

10:00 a.m. Continued public hearing on **SB 34**, relative to the process for nonrenewal of teacher

contracts.

1:00 p.m. ***SB 429***, relative to the community technical college system.

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

2:00 p.m. Subcommittee work session on ***SB 321-L***, clarifying the right to public education for children of homeless families.

**ELECTION LAW, Room 308, LOB**

10:00 a.m. ***SB 112***, relative to election day registration.

10:30 a.m. ***SB 336***, relative to disclosure of political contributions and expenditures.

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

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 105A, State House**

9:00 a.m. Subcommittee work session on ***SB 420-FN-A***, making appropriations for the purpose of hiring a recreational ride and lift investigator.

**Room 100, State House**

9:00 a.m. Subcommittee work session on ***SB 309-FN***, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system, ***SB 332-FN***, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and ***SB 396-FN***, relative to group II retirement status for criminalists employed by the department of safety.

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

**FISH AND GAME, Room 307, LOB**

10:30 a.m. ***SB 434***, establishing the duties of the fish and game commission.

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

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

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

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

11:30 a.m. Regular meeting.

**JUDICIARY, Room 208, LOB**

10:00 a.m. ***SB 339***, relative to approval of contingent fee agreements by the courts.

11:00 a.m. ***SB 391-FN***, relative to appeals from the compensation appeals board.

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. ***SB 316***, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions.

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. Subcommittee work session on ***SB 314-FN***, relative to Selective Service Act Compliance through driver's license applications.

**WAYS AND MEANS, Room 202, LOB**

- 10:00 a.m. ***SB 388***, relative to bingo game operation.
- 10:30 a.m. ***SB 318***, relative to transfers of funds from the sweepstakes fund for sweepstake purposes.
- 11:30 a.m. ***SB 319***, relative to participation in international lotteries.
- 1:30 p.m. ***SB 312***, relative to quarterly payment of estimated interest and dividends tax.
- 2:00 p.m. ***SB 350-FN-A***, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the department of regional community-technical colleges or the university system of New Hampshire or any component institutions, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs, and authorizing manufacturing technology training in the town of Littleton.

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

**WEDNESDAY, MARCH 20**

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

9:00 a.m. Regular meeting.

**CHILDREN AND FAMILY LAW, Room 206, LOB**

- 10:00 a.m. Subcommittee work session on ***SB 408***, governing records management of abuse or neglect reports.
- 11:00 a.m. Subcommittee work session on ***SB 409***, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry.

**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

10:00 a.m. Subcommittee work session on ***SB 360-FN***, establishing criminal penalties for the introduction of computer contaminants.

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

- 1:00 p.m. Subcommittee work session on ***SB 353***, relative to the definition of "sugar orchard" for purposes of the timber yield tax.
- 2:00 p.m. Subcommittee work session on recycling issues 2003.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 105A, State House**

- 9:00 a.m. Subcommittee work session on ***SB 358***, relative to the authority to assess administrative fines to ophthalmic dispensers.
- 9:30 a.m. Subcommittee work session on ***SB 412***, relative to the licensure of dietitians.

**Room 100, State House**

9:45 a.m. Subcommittee work session on ***SB 324***, urging a study of the operating efficiency of state government.

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

**FINANCE, Rooms 210-211, LOB**

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

**FINANCE - (DIVISION I), Room 209, LOB**

10:00 a.m. Work and executive session on pending legislation.

**FINANCE - (DIVISION II), ROOM 212, LOB**

10:00 a.m. Work and executive session on pending legislation.

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

10:00 a.m. Work and executive session on pending legislation.

**HOUSE FACILITIES COMMITTEE, Room 100, State House**

3:00 p.m. Regular meeting.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB**

10:00 a.m. ***SB 381***, relative to the employee benefits of employees of the Pease development authority.

11:00 a.m. ***SB 418-FN***, relative to unemployment compensation.

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

**LEGISLATIVE ADMINISTRATION, Room 307, LOB**

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

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

10:00 a.m. ***SB 406***, relative to animal control and animal population control fees for cats.

11:00 a.m. ***SB 430***, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

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 ***SB 419***, relative to notification of groundwater contamination.

**Rooms 305-307, LOB**

10:00 a.m. ***SB 410***, relative to large groundwater withdrawals.

**Room 305, LOB**

1:30 p.m. ***SB 356***, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith.

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

**SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

10:00 a.m. **SB 372**, prohibiting the sale of reformulated gasoline in certain counties of the state.

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

11:00 a.m. Full committee work session on studying methods of supporting the continued operation of wood-fired electrical generating facilities. The committee is going to look at a possible floor amendment.

**FRIDAY, MARCH 22**

**LONG-TERM CARE RATE ADVISORY COMMITTEE (RSA 151-E:6-a), Room 100, State House**

1:00 p.m. Regular meeting.

**MONDAY, MARCH 25**

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB**

2:00 p.m. Regular meeting.

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

2:00 p.m. Regular meeting.

**TUESDAY, MARCH 26**

**COMMERCE, Room 302, LOB**

10:00 a.m. **SB 348**, relative to the retail pricing of beer.

11:00 a.m. **SB 334**, relative to grounds for refusal or denial of hotel accommodations.

1:15 p.m. **SB 345**, making the misrepresentation of the geographic location of a business a violation of the consumer protection act.

2:00 p.m. **SB 371-FN**, relative to the regulation of manufactured housing parks.

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

**ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB**

1:00 p.m. Rescheduled regular meeting.

**WAYS AND MEANS, Room 202, LOB**

10:00 a.m. **SB 363**, establishing a committee to study economic distortions associated with property taxation.

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

**WEDNESDAY, MARCH 27**

**COMMERCE, Room 302, LOB**

10:00 a.m. ***SB 404***, changing certain limitations on investment management fees and investments by banks acting as fiduciaries.

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

**FRIDAY, MARCH 29**

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

8:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

**MONDAY, APRIL 1**

**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.

**WEDNESDAY, APRIL 3**

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

3:00 p.m. Regular meeting.

**MONDAY, APRIL 8**

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

10:00 a.m. Regular meeting.

**WEDNESDAY, APRIL 10**

**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

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

**FRIDAY, APRIL 12**

**GOVERNOR’S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 201-203, LOB**

9:30 a.m. Regular meeting.

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

9:30 a.m. Subcommittee work session.

**MONDAY, APRIL 15**

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

3:00 p.m. Board retreat.

**FRIDAY, APRIL 19**

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

9:00 a.m. Regular meeting.

**MONDAY, APRIL 22**

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

9:00 a.m. Regular meeting.

**FRIDAY, APRIL 26**

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

9:00 a.m. Regular meeting.

**MONDAY, APRIL 29**

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

9:00 a.m. Investment Committee

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

**OFFICIAL NOTICES**

**COUNTY DELEGATION NOTICE**

The Belknap County Delegation will meet on March 20 at 7:30 p.m. at the County Complex to vote on final passage on the 2002 budget.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

**COUNTY DELEGATION NOTICE**

The Hillsborough County Executive Committee will meet at the County Nursing Home at 9:00 a.m. on March 22<sup>nd</sup>.

Rep. Robert H. Milligan, Chairman

Hillsborough County Executive Committee

**COUNTY DELEGATION NOTICE**

The Merrimack County Delegation will hold a public hearing on Wednesday, March 20 at 7:00 p.m. in the lower level conference

room of the Merrimack County McDonnell Administration Building, 4 Court Street, Concord. A delegation meeting will follow after the public hearing. The purpose for this meeting is to discuss and vote on the 2002 Merrimack County Budget.

Rep. William E. Leber, Chairman

Merrimack County Delegation

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Copies of the Final Disposition of Bills for 2001 are available from the Sergeant-at-Arms Office.

Karen O. Wadsworth, Clerk of the House

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**REVISED FISCAL NOTES**

The following HBs have revised fiscal notes: HBs 179, 212, 213, 285, 295, 298, 329, 353, 392, 439, 463, 556, 557, 567, 581, 589, 592, 650, 656, 672, 675, 686, 706, 718, 744, 768, 1000, 1102, 1192, 1231, 1236, 1260, 1264, 1266, 1268, 1270, 1271, 1275, 1302, 1319, 1336, 1352, 1353, 1355, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1369, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1379, 1380, 1381, 1382, 1411, 1422, 1425, 1426, 1428, 1436, 1438, 1440, 1450, 1451, 1455, 1456, 1460, 1461, 1462, 1463, 1464, 1466, 1469, 1479, 1481 and 1482.

Karen O. Wadsworth, Clerk of the House

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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

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.

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From time to time the Speaker receives reports and audits from various committees, commissions, and departments. On the chance that some of these reports might be of interest to a member, he will periodically list the reports that are received in the Speaker’s office and available for viewing.

Reports most recently received include:

2001 Division of State Police Annual Report

Biennial Report for the NH Public Utilities Commission (1999-2001)

Gene G. Chandler, Speaker

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Samples of the 2002 class photo are available for perusal at the desk of the House Information Officer, State House, Room 308. This year, two photo sizes (as well as a varying sheet size) are being offered. The 4 x 12 photo is \$15, and the 6 x 18 is \$20. Checks and cash will be the accepted form of payment. All orders must be placed and paid for by April 5. Orders submitted after the deadline are subject to higher prices. Please place your orders as soon as possible to ensure the prints are ready for distribution by the end of session.

Gene G. Chandler, Speaker

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New Hampshire Legislatures – Military Veterans. Has your mailing address or e-mail address changed? Please check the Military Veterans' List on the General Court's Web Site (<http://gencourt.state.nh.us/misc/legvets.html>). If this information is not correct or you are not listed then please contact Rep. Norman Major at the State House.

Rep. Norman L. Major

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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 18** from 9:00 to 11:00 a.m. at UNITIL, 6 Liberty Lane West, Hampton. **April 8** from 9:00 to 11:00 a.m. at Markem Corporation, 150 Congress Street, Keene. **April 29** from 9:00 to 11:00 a.m. at Fidelity Investments, One Spartan Way, Merrimack.

Rep. David W. Hess

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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:

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.

Concord Concord Hospital, Conrad Conference Center (Main Building), 250 Pleasant Street, Concord, Monday, April 1, 6:30 to 8:30 p.m.

Rep. William E. Leber

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The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 8:30 a.m. on March 20. They will also meet at 11:30 a.m. on Wednesday, March 27.

Rep. Paul M. Mirski

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President Don Wharton would like to invite all members of the General Court to the Annual Plymouth State College Breakfast on Thursday, March 21<sup>st</sup> at the Capitol Grille Restaurant (directly across from the State House). Breakfast begins at 7:30 a.m. A short program will be held at 8:00 a.m. followed by an opportunity for questions and answers. Adjournment is at 8:45 a.m. Please join us to learn more about this excellent North Country Institution.

Reps. Debra A. Naro and Mary R. Cooney

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The New Hampshire State Alliance of YMCAs cordially invites all legislators to attend a Legislative Breakfast in celebration of the YMCAs 150<sup>th</sup> Anniversary. This "Get To Know Your Y" breakfast will be held from 8:30 to 9:30 a.m. on Thursday, March 21<sup>st</sup>, at the Concord YMCA. Please join YMCA staff and board members from all of the statewide YMCA programs for breakfast and learn what the Y's are doing in your area. The Concord Y is located at 15 North State Street, two short blocks south of the Legislative Office Building.

Rep. Lawrence A. Emerton

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The 2001 Assembly, a nonpartisan social group exclusively for freshmen legislators for the biennium 2001-2002, will meet Thursday morning, March 21 in the Northeast corner of the State House Cafeteria at 8:00 a.m. On the agenda is NOTHING, as usual, but you will have an opportunity to get to know your fellow freshmen a little bit better. You may have an opportunity to meet a person who will become an important ally somewhere down the line; meet someone who has a different opinion about things than you do; or make the acquaintance of someone who will pay for your morning coffee, doubtful, but possible. Our only guarantee is that it is fun and it won't hurt. We will conclude in time for everyone to make his or her respective caucus. Full refund if not completely satisfied, no questions asked.

Rep. Edward R. Leach

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The New Hampshire Order of Women Legislators will meet during the lunch break from session on Thursday, March 21 in Room 307, LOB. The guest speaker will be Mary Linares, RN. Brown bag lunch. Everyone is welcome to attend.

Rep. Julie M. Brown

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The Manchester Republican City Committee will hold a St. Patrick's Day Corned Beef and Cabbage Dinner at Joe Kelly Levasseur's Restaurant, 866 Elm Street, Manchester, immediately following the St. Patrick's Day Parade in Manchester on Sunday, March 24. The parade starts at 1:00 p.m. and should be over around 2:30 or 3:00 p.m. Tickets are \$10 per person and are available from Rep. Bill Golding at 623-6562.

Rep. William M. Golding

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Following my work last year with the Earthquake Relief Mission, I will be returning to El Salvador to attend the Bilateral Trade Ceremony on March 24<sup>th</sup>. While there, I would like to make a donation of disposable diapers to the Abandoned Children's Unit. If you wish to assist in this effort, please call me at 647-2855 or voice mail at 661-6141. Thank you.

Rep. Rob Thompson

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New Hampshire Public Health Association and the New Hampshire SAFE KIDS Coalition cordially invites you to the Annual Legislative Briefing 2002 on Wednesday, March 27<sup>th</sup> at the NH Historical Society, 30 Park Street, Concord from noon to 1:30 p.m. A light lunch will be provided.

Rep. James P. Pilliod

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All legislators who are interested in joining a bipartisan caucus for those members under the age of 40 are invited to a luncheon. It will be held at the Upham Walker House on Thursday, March 28 during the lunch break. Bring your ideas and your appetite!

Rep. Larry G. Elliott

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We will be celebrating New Hampshire Tartan Day on Thursday, April 4 during the House session. All members are asked to wear the "Tartan" that day. New Hampshire tartan ties and scarves are available in the Gift Shop on the first floor.

Rep. Stephen G. Avery

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The New Hampshire Women's Lobby is pleased and honored to announce that Rep. Terie Norelli and Rep. Cynthia Dokmo will receive Meritorious Service Awards, Julianna Eades will receive the Citizen Award and Arnie Arnesen will receive the Media Award at our Annual "Spring Celebs" event on Thursday, April 17<sup>th</sup> from 4:30 to 6:30 p.m. at the Holiday Inn in Concord. All are invited to join us in honoring these outstanding New Hampshire citizens. Tickets are \$10 for members and \$15 for nonmembers and are available from members or from the NH Women's Lobby Office at 224-9105.

Rep. Beth Rodd

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The Department of Transportation will hold the following meeting:

Mar 18 – NHDOT, Rooms 112-113, JOM Building, Concord, 2:00 p.m. Public hearing, Congestion Mitigation and Air Quality (CMAQ) Advisory Committee Meeting.

Mar 21 – Pembroke Academy Cafeteria, Academy Road, Pembroke, 7:00 p.m. Public informational meeting, Allenstown-Pembroke, replacement of the US 3(double decker) bridge.

Mar 25 - NHDOT, Rooms 112-113, JOM Building, Concord, 2:00-5:00 p.m. and 6:00-8:00 p.m.. Public hearing, Transportation Enhancement (TE) Advisory Committee Meeting.

Apr 3 – NHDOT, Rooms 112-113, JOM Building, Concord, 2:00 p.m. Congestion Mitigation and Air Quality (CMAQ) Advisory Committee Meeting.

Apr 15 - NHDOT, Rooms 112-113, JOM Building, Concord, 3:00 p.m. Transportation Enhancement (TE) Advisory Committee Meeting.

Rep. Edwin O. Smith, Chairman

Public Works and Highways Committee

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

Kenneth Leidner, Director

| DATE     | TIME         | GROUP                                        | CLASS/Size |
|----------|--------------|----------------------------------------------|------------|
| March 18 | 9:45 & 11:00 | Matthew Thornton Elementary - Londonderry    | 4/100      |
| March 18 | 12:30        | Sant Bani School – Sanbornton                | 4/13       |
| March 19 | 9:30 & 11:00 | Troy Elementary                              | 4/40       |
| March 19 | 1:00         | White Mountain Christian Homeschool – Rumney | 25         |
| March 20 | 9:30 & 11:00 | Weston Elementary – Manchester               | 4/50       |
| March 20 | 10:30        | Perkins Elementary – Marlow                  | 4-6/37     |
| March 20 | 1:00         | Bow Elementary                               | 4/25       |
| March 21 | 9:30 & 11:00 | Weston Elementary – Manchester               | 4/50       |
| March 22 | 9:00         | Dunbarton Elementary                         | 4/30       |
| March 22 | 11:00        | East Kingston Elementary                     | 4/28       |
| March 22 | 12:30        | Maplewood Elementary – Somersworth           | 3&4/42     |

|          |               |                                           |       |
|----------|---------------|-------------------------------------------|-------|
| March 25 | 9:45 & 11:00  | Matthew Thornton Elementary – Londonderry | 4/100 |
| March 25 | 1:00          | Bow Elementary                            | 4/25  |
| March 26 | 8:30          | UNH-Dept. of Social Work Students         | 42    |
| March 26 | 10:00 & 11:30 | Main Dunstable Elementary – Nashua        | 4/50  |
| March 26 | 1:00          | Bow Elementary                            | 4/25  |
| March 27 | 9:00          | Concord Christian School                  | 1/20  |
| March 27 | 10:00 & 11:30 | Main Dunstable Elementary – Nashua        | 4/50  |
| March 27 | 1:00          | Bow Elementary                            | 4/25  |
| March 28 | 9:30 & 11:00  | Belmont Middle School                     | 5/46  |
| March 29 | 10:00 & 11:30 | Auburn Village School                     | 4/75  |
| March 29 | 1:00          | Bow Elementary                            | 4/25  |

THURSDAY, MARCH 21

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2002-2953h

Amendment to HB 1100-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to the judicial conduct commission and making an appropriation therefor.

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

3 New Sections; Administrative Support; Legal Costs. Amend RSA 494-A by inserting after section 17 the following new sections:

494-A:18 Administrative Support. Notwithstanding RSA 494-A:1, upon request of the commission, the department of administrative services shall assist the commission in matters related to personnel and benefits administration, purchasing, telecommunications, financial data management, and property management. Upon request of the commission, the state library shall assist the commission in development and maintenance of a web page on the official state website.

494-A:19 Legal Costs. With the approval of the joint legislative fiscal committee, the commission may employ counsel, attorneys, and other assistants, in case of reasonable necessity, and may pay them reasonable compensation. The governor is authorized to draw a warrant for the costs of such compensation out of any money in the treasury not otherwise appropriated.

4 Appropriation Made Nonlapsing. Amend 2001, 267:8 to read as follows:

267:8 Appropriation. The sum of [~~\$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year~~] **\$375,000 for the biennium** ending June 30, 2003 [~~are~~] **is** hereby appropriated to the judicial conduct commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said [~~sums~~] **sum** out of any moneys in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2004.

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

#### AMENDED ANALYSIS

This bill requires each judge to be reviewed by the judicial conduct commission every 7 years.

The bill authorizes the department of administrative services and the state library to assist the judicial conduct commission in certain areas. The bill permits the commission, with the approval of the legislative fiscal committee, to employ counsel, attorneys, and other assistants, in case of reasonable necessity, and makes a continual appropriation for such purpose.

The bill also makes an appropriation to the judicial conduct commission for the 2002 fiscal year nonlapsing.

2002-2883h

#### Amendment to HB 1102

#### Proposed by the Committee on Finance - R

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5 by inserting after paragraph II the following new paragraph:

III.(a) Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal. Certification shall not be transferable. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing education requirements.

(b) Each application for initial or renewal of a hazardous waste coordinators certification shall be accompanied by a non-refundable fee of \$125 per year to cover department expenses for conducting the certification program.

Amend the bill by replacing all after section 5 with the following:

5 Supplemental Appropriation to the Department of Environmental Services. Amend 2001, 130:1, 03, 04, 04, 01, 01 for fiscal year 2003 to read as follows:

03 RESOURCE PROTECT' N & DEVELOP' T

04 DEPT OF ENVIRONMENTAL SERVICES

04 DIVISION OF WASTE MANAGEMENT

01 HAZARDOUS WASTE PROGRAMS

01 HAZARDOUS WASTE CLEANUP FUND

#### FY 2003

10 PERSONAL SERVICES – PERMANENT [~~1,160,459~~] **1,199,069**

18 OVERTIME [~~68,074~~] **69,074**

20 CURRENT EXPENSES [~~72,002~~] **82,002**

22 RENT & LEASES OTHER THAN STATE 8,000

24 MAINT. OTHER THAN BUILD. & GRNDS 10,800

28 TRANSFERS TO GENERAL SERVICES D [~~61,001~~] **63,401**

30 EQUIPMENT NEW/REPLACEMENT [33,000] **36,000**

49 TRANSFERS TO OTHER STATE AGENCS D [240,854] **241,854**

50 PERSONAL SERVICE – TEMP/APPOINTE 27,659

51 CONSULTANTS-BENEFITED 1,052

59 PART –TIME – BENEFITED 346,059

60 BENEFITS [~~506,066~~] **518,421**

70 IN-STATE TRAVEL [~~15,000~~] **16,000**

80 OUT-OF STATE TRAVEL [~~20,000~~] **21,500**

90 HHW COLLECTION 250,000

91 REMEDIAL ACTION 10,000

92 CONTRACTS 100,000

93 USED OIL GRANTS 100,000

94 TUITION 7,000

**95 TECH ASSIST HW COORD 10,385**

96 MEDICAL MONITORING 12,100

97 DISPOSAL – TAINTED OIL 10,000

TOTAL [~~3,059,125~~] **3,140,376**

ESTIMATED SOURCE OF FUNDS FOR

HAZARDOUS WASTE CLEANUP FUND

03 REVOLVING FUNDS I [~~3,059,125~~] **3,140,376**

TOTAL [~~3,059,126~~] **3,140,376**

THE FUNDS IN THESE APPROPRIATIONS SHALL NOT BE

TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE

6 New Position. The department of environmental services is authorized to establish one waste management specialist IV, salary grade 26.

7 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2003.

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

2002-2969h

**Amendment to HB 1273-FN**

**Proposed by the Committee on Ways and Means - R**

Amend RSA 215-A:3, IX as inserted by section 5 of the bill by replacing it with the following:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the ~~[chairperson]~~ **chairpersons** of the ~~[wildlife and marine resources]~~ **fish and game committee, the resource, recreation and development committee, the transportation committee, the ways and means committee, and any other appropriate committee** of the house of representatives, ~~[and to]~~ the chairperson of the wildlife and recreation committee, **the ways and means committee, and any other appropriate committee** of the senate, **and the state library** which details their agency's ~~[performance]~~ **activities** relating to OHRV programs during the previous year. ***Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under RSA 215-A:3, IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle.*** Each report shall be submitted on or before January 15 of each year **and shall be made available to the public in a manner deemed appropriate by each reporting agency.**

Amend RSA 215-A:23, I as inserted by section 7 of the bill by replacing it with the following:

I. Individual resident registration-~~[\$26]~~ **\$42** for each 2-wheeled trail bike registration, \$45 for each snow traveling vehicle registration, or ~~[\$35]~~ **\$51** for each other OHRV registration upon presentation of **a** resident tax receipt, or a valid ~~[New Hampshire]~~ driver's license issued to a ~~[person]~~ **New Hampshire resident** 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, \$25 for each snow traveling vehicle registration, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or ~~[\$9.30]~~ **\$15.30** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 **from each snow traveling vehicle registration or \$19.70 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

Amend RSA 215-A:23, III as inserted by section 8 of the bill by replacing it with the following:

III. Individual nonresident registration-~~[\$36]~~ **\$63** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$72** for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, \$36 of each snow traveling vehicle registration, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$11.10]~~ **\$17.10** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 **from each snow traveling vehicle registration or \$30.90 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

Amend RSA 215-A:23, VI (b) as inserted by section 9 of the bill by replacing it with the following:

(b) Grants-in-aid shall be granted to ~~[organized nonprofit]~~ OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. ~~[All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public].~~ Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. ~~[The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV].~~ ***Use of trails on private land shall extend only to the specific type of OHRV permitted by the landowner.***

Amend RSA 215-A:23, VII (c) as inserted by section 10 of the bill by replacing it with the following:

(c) ***Land purchases, easements, and rights-of-way. A separate account shall be established into which \$2 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$2 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements and rights-of-way for ATV or trail bike trail and facility development.***

Amend RSA 215-A:23, VIII (f) as inserted by section 11 of the bill by replacing it with the following:

***(f) Contracting with state, county, and local law enforcement agencies to enforce the provisions of this chapter relative to ATV use. Ten dollars of each resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I(b), and \$19 of each nonresident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III(b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.***

Amend paragraph I of section 22 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Assess the level of funding necessary for grants-in-aid and purchases of land, easements, and rights-of-way for the purposes of the 5-year plan, and make recommendations for fee structure changes to the legislature.

2002-2893h

**Amendment to HB 1305-FN**

**Proposed by the Committee on Finance - C**

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

3 Prospective Repeal Date Extended. Amend 1996, 8:10, I to read as follows:

I. Section 9 of this act shall take effect July 1, ~~[2002]~~ **2010**.

4 Repeal. The following are repealed:

I. RSA 147-B:7, V, relative to the authorized use of the hazardous waste cleanup fund.

II. 1996, 8:9, II, relative to the repeal of the pollution prevention program.

5 Effective Date. This act shall take effect June 30, 2002.

**AMENDED ANALYSIS**

This bill extends the prospective repeal date of the pollution prevention program to 2010, and allows the use of hazardous waste cleanup funds for the pollution prevention program, and eliminates the \$115,000 cap on the use of those funds.

2002-2881h

**Amendment to HB 1449-A**

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

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

AN ACT establishing a pilot program to study insteam flow on the Lamprey River and the Souhegan River, and making an appropriation therefor.

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

1 Findings. The general court finds that it is in the interests of the state to do a comprehensive study regarding the establishment of protected instream flows and water management plans for 2 designated rivers and their tributary drainage areas. The general court finds that it is in the interests of the state to initially restrict instream flow rules to 2 rivers to ensure that adequate funding is available to develop the necessary protected instream flows and water management plans and to ensure that the department of environmental services will devote adequate attention to the effective and fair administration of

the first application of instream flow regulation under the provisions of RSA 483. The general court also finds that the proposed protected instream flow and water management plan for each river should be approved by the legislature to allow for a public hearing with input from affected water users and the public.

2 Pilot Program Established; Instream Flow Rules for the Lamprey River and the Souhegan River.

I. There is established a pilot program for the purpose of studying instream flow on the Lamprey River and the Souhegan River, and their respective tributary drainage areas.

II. The commissioner of the department of environmental services shall adopt instream flow rules pursuant to RSA 541-A relative to the Lamprey River, as designated in RSA 483:15, I, and the Souhegan River, as designated in RSA 483:15, XIII. For each of the designated rivers, the instream flow rules shall require that a protected instream flow study be conducted prior to the commissioner of the department of environmental services adopting a protected instream flow and a water management plan.

III. The commissioner of the department of environmental services shall not adopt rules relative to protected instream flows pursuant to RSA 483:9-c, or water management plans or rules relative to any other rivers designated in RSA 483:15 until the expiration of the pilot program.

3 Instream Flow Technical Review Committees; Establishment; Duties.

I.(a) There are established instream flow technical review committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, an instream flow technical review committee shall be appointed and convened. There shall be 11 members of the committee appointed as described by this paragraph.

(b) The duty of the committee shall be to advise the department on the preparation and conduct of the protected instream flow study. The committee may seek input from appropriate state and federal agencies as necessary.

(c) The committee shall serve until the department formally adopts and the legislature approves the protected instream flow for the river for which the committee was appointed.

(d) A committee member shall have either education or experience in instream flow protection. The members shall be as follows:

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

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

(3) Seven members, appointed by the governor and council, nominated by and representing the following interests: conservation, business interests on the river, recreational interests on the river, agricultural interests on the river, and dam owners on the river. There shall be at least one representative of each listed interest group, where applicable, provided that no interest group is represented by more than 2 members.

(e) The members of the committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(f) The instream flow technical review committee shall make annual reports regarding its progress and findings on or before November 11 of each year of its existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

II.(a) There are established water management planning area advisory committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, a water management planning area advisory committee shall be appointed and convened. There shall be 11 members of the committee appointed as described in this paragraph.

(b) The committee shall, with respect to the river for which the committee was appointed:

(1) Provide information towards the development of the protected instream flow and the water management plan;

(2) Review and comment on the water management plan; and

(3) Assist the department in hearings, negotiations, and public meetings related to the adoption of the protected instream flow and the water management plan.

(c) The committee shall serve until the department formally adopts and the legislature approves the water management plan relative to the river for which the committee was appointed.

(d) The members shall be as follows:

(1 Two members of the senate, appointed by the senate president.

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

(3) Seven members, appointed by the governor and council, nominated by and representing the following interests: conservation, business interests on the river, recreational interests on the river, agricultural interests on the river, and dam owners on the river. There shall be at least one representative of each listed interest group, where applicable, provided that no interest group is represented by more than 2 members.

(e) The members of the committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(f) A water management planning area advisory committee shall make an interim report regarding its progress and findings on or before November 11 of each year of its existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

III. The commissioner of the department of environmental services shall by November 1, 2005:

(a) Conduct protected instream flow studies and adopt protected instream flows and water management plans relative to the Lamprey River and the Souhegan River; and

(b) Submit a report that details the activities and results of the pilot program, including any recommendations for proposed legislation, to the senate president, the speaker of the house of representatives, the governor, and the state library. The report shall include the completed instream flow studies and the adopted protected instream flows and water management plans. No protected instream flows or water management plans shall take effect until approved by the legislature.

4 Position Established. There is established in the department an instream flow protection coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the pilot program. The instream flow protection coordinator shall serve as secretary and staff to the instream flow technical review committees and the water management planning area advisory committees.

5 Appropriation. There is hereby appropriated the sum of \$660,000 for fiscal year ending June 30, 2003 to the department of environmental services for the pilot program established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Committee to Study the Impact of Water Withdrawals on Instream Flows; Report Date Extended. Amend 2000, 242:5 to read as follows:

242:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, ~~[2002]~~ **2004**.

7 Repeal. Sections 1-4 of this act, relative to a pilot program for instream flow studies on the Lamprey River and the Souhegan River, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a pilot program in the department of environmental services to study instream flows for the Lamprey River and the Souhegan River, and makes an appropriation for the pilot program. The bill also establishes an instream flow technical review committee and a water management planning area advisory committee for each river designated for an instream flow and river management plan under RSA 483.

2002-2886h

**Amendment to HB 1440-FN-A-LOCAL**

**Proposed by the Committee on Finance - C**

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

AN ACT establishing a New Hampshire local government records management improvement program and fund.

Amend RSA 5:48 and RSA 5:49 as inserted by section 2 of the bill by replacing them with the following:

5:48 Fund Established.

- I. There is hereby established a special fund to be known as the New Hampshire local government records management improvement fund. The fund shall consist of such moneys as may be appropriated or federal and other non-state source grants or funds received for the purposes of this subdivision. The fund shall be managed by the state treasurer, shall be nonlapsing, and shall be continually appropriated for the purposes of this subdivision.
- II. Use of the fund shall be used solely for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement as provided under RSA 5:51. Such programs shall be responsible for providing aid, advice, and assistance to local governments concerning the proper management and preservation of the public records in their custody and care, as state law requires. Funds shall be expended to support grants for local government records management improvement, and for administrative and other costs associated with the provision of consultative and technical services, including, but not limited to, education programming, technical publications, website development, and micrographics and digitization services.
- 5:49 Duties of Local Government Records Manager; Position Established. There is established in the division of records management and archives, department of state, the position of local government records manager who shall be a classified state employee. The local government records manager shall have the following duties:
- I. It shall be the responsibility of the local government records manager to advise local governments on planning and administering programs for the creation, maintenance, preservation, reproduction, retention, and disposition of their records; to advise local governments on the development of micrographics systems, automated data processing systems, and other systems that rely on technology to create, store, manage, and reproduce information or records; and to advise local governments on the preservation and use of vital records with enduring value for historical or other research purposes.
- II. It shall be the responsibility of the local government records manager to advise the municipal records board concerning local government records policies and procedures, state services and financial support needed to assist or advise local officials, regulations pertaining to local government records, and grants for local government records management improvement pursuant to RSA 5:51.
- III. The local government records manager is authorized to employ specialists in records management, archives, and administration, and other specialists necessary to provide advisory, consultative, and technical assistance to local governments from moneys available for this purpose in the fund.
- IV. The local government records manager shall provide a quarterly financial statement of the fund to members of the municipal records board and an annual financial and narrative report of the program to the state archivist for incorporation in the annual report of the division of records management and archives submitted to the secretary of state. Each year the municipal records board shall review and make recommendations on a proposed operational and expenditure plan for the fund prior to its adoption by the state archivist. The annual expenditure plan shall be subject to the approval of the secretary of state.

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

5 Applicability of New Position; Funding. The position of local government records manager established in RSA 5:49 as inserted

by section 2 of this act shall not be filled prior to July 1, 2003 unless sufficient moneys are received in the fund established in RSA 5:48 as inserted by section 2 of this act to cover the full cost of filling the position. The use of the local government records management improvement fund for the costs of the new position prior to July 1, 2003 is hereby authorized. Beginning July 1, 2003, the local government records manager position shall be included in the operating budget of the department of state.

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

## AMENDED ANALYSIS

This bill establishes a New Hampshire local government records management improvement program in the department of state. The bill also establishes a fund to provide grants to local governments for the purpose of records management.

2002-2947h

## Amendment to HB 1467-FN

### Proposed by the Committee on Commerce - C

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

#### 1 Statement of Intent.

I. The general court finds that the reduction or elimination of diseases due to the introduction of vaccines is one of the most significant achievements of modern medicine and is vital to maintaining the public health and the health of New Hampshire residents. New Hampshire is one of 15 states that is a universal provider of vaccine. As a universal provider state, New Hampshire purchases federally-approved vaccines at the federal discount rate and makes them available free of charge to any child from birth through 18 years of age.

II. The general court further finds that future funding for vaccines is in jeopardy due to the increasing costs of existing vaccines, the expected introduction of new and more costly products, and the unpredictability of financial participation by insurers. Therefore, it shall be the responsibility of the department of health and human services to purchase vaccines at the most economical price using a combination of general funds, federal funds, and funds provided by insurers through the New Hampshire vaccine association, and it shall be the responsibility of insurers to reimburse the state for the cost of vaccines that are provided to New Hampshire resident children with non-public health benefits.

2 New Chapter; Assessment of Fees For Vaccine Costs. Amend RSA by inserting after chapter 126-P the following new chapter:

## CHAPTER 126-Q

### NEW HAMPSHIRE VACCINE ASSOCIATION

126-Q:1 Definitions. In this chapter:

I. "Association" means the New Hampshire vaccine association.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Covered lives" shall have the same meaning as defined in RSA 404-G:2, V.

IV. "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines purchased at the federal discount rate by the department of health and human services.

V. "Health insurance" shall have the same meaning as defined in RSA 404-G:2, VII.

VI. "Licensed insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B. "Licensed insurer" shall not include the New Hampshire Individual Health Plan Benefit Association.

VII. "Vaccine" means any preparations of killed microorganisms, living attenuated organisms, or living fully virulent organisms that are approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and have been authorized by the commissioner of the department of health and human services for administration to children of the state of New Hampshire under the age of 19 years for the

purposes of producing or artificially increasing immunity to particular life-threatening and disabling diseases.

126-Q:2 Creation of Association. There is hereby created a nonprofit corporation to be known as the New Hampshire vaccine association. The association is formed to assess insurers for the cost of vaccines provided to certain children in New Hampshire.

126-Q:3 Membership, Powers, and Duties of the New Hampshire Vaccine Association.

I. The New Hampshire vaccine association shall be comprised of all licensed insurers currently writing or maintaining health insurance in New Hampshire.

II. The New Hampshire vaccine association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers of a not-for-profit corporation.

III. The board of directors shall include:

- (a) Three representatives selected from the licensed insurers having the most covered lives in New Hampshire.
- (b) Two health care provider representatives appointed by the commissioner.
- (c) The commissioner of the department of health and human services, who shall serve as an ex-officio member.
- (d) The commissioner of the department of insurance who shall serve as an ex-officio member.

IV. The directors' terms and appointments shall be specified in the plan of operation adopted by the New Hampshire vaccine association.

V. The board of directors of the association shall:

- (a) Prepare and adopt articles of association and bylaws.
- (b) Prepare and adopt a plan of operation.
- (c) Submit the plan of operation to the commissioner of insurance for approval after the consultation with the commissioner.
- (d) Conduct all activities in accordance with the approved plan of operation.
- (e) On an annual basis, no later than November 1 of each year, establish the amount of the assessment.
- (f) Enter into contracts as necessary or proper to collect and disburse the assessment.
- (g) Enter into contracts as necessary or proper to administer the plan of operation.
- (h) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person.
- (i) Appoint from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary.
- (j) Notify, in writing, each licensed insurer of the insurer's assessment by November 15 of each year.
- (k) Submit an annual report to the commissioner of insurance listing those licensed insurers that failed to remit their assessments.
- (l) Allow each insurer up to 90 days after the notification required by subparagraph (j) to remit its assessment or submit an assessment payment plan, subject to approval by the association and initial payment under an approved assessment payment plan.
- (m) Deposit annual assessments collected by the association less the association's administrative costs with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.
- (n) Perform any other functions as may be necessary or proper to carry out the plan of operation.

126-Q:4 Assessment Determination.

- I. The commissioner shall calculate the estimated vaccine cost no later than October 1 of each year.
- II. The board shall determine the amount of the potential assessment by multiplying the ratio of the number of New Hampshire resident children with non-public health benefits to the total number of New Hampshire resident children by the estimated vaccine cost. The aggregate amount assessed shall include credits for any surplus assessments from prior years, as well as reasonable costs for administering the assessment.
- III. Each licensed insurer shall be assessed in proportion to the number of its covered lives.

126-Q:5 Powers and Duties. In addition to the duties and powers enumerated elsewhere in this chapter:

- I. The commissioner of insurance shall fine any licensed insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.
- II. The commissioner and the commissioner of insurance may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.

126-Q:6 Examinations and Annual Reports. The board of directors shall submit to the commissioner, no later than 120 days after the close of the association’s fiscal year, a financial report in a form approved by the commissioner.

126-Q:7 Exemption from Taxes. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

126-Q:8 Immunity from Liability. There shall be no liability on the part of and no cause of action of any nature shall arise against any association member or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or the commissioner’s representatives, for any action or omission by them in the performance of their powers and duties under this chapter.

126-Q:9 Severability of Chapter. If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire vaccine association which shall assess insurers for the cost of vaccines provided to certain children in New Hampshire. Under this bill, these funds are to be used by the commissioner of the department of health and human services to purchase vaccines.

This bill resulted from the study committee established under 2001, 94.

2002-2950h

Amendment to HB 1469-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT repealing the provision allowing certain state employees to receive a retirement allowance while in service.

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

- 1 Repeal. RSA 100-A:3, I(c), relative to retirement allowance granted to members while in service, is repealed.
- 2 Application. Any member granted a retirement allowance under the provisions of RSA 100-A:3, I(c) prior to repeal by this act shall continue to receive his or her allowance.
- 3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the provision allowing unclassified or nonclassified state employees to receive a retirement allowance while in service as a state employee.

2002-2944h

**Amendment to HB 1471-FN**

**Proposed by the Committee on Public Works and Highways - C**

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

1 New Sections; Powers of the Governor and Council; September 11 Memorial. Amend RSA 4 by inserting after section 9-d the following new sections:

4:9-e September 11 Memorial.

I. There shall be a memorial to commemorate the victims and families of the September 11 tragedy especially New Hampshire citizens who lost their lives, and to commemorate other victims of terrorism. The governor is authorized to accept in the name of the state the September 11 memorial as a private gift upon its completion.

II.(a) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall act as the custodian of the September 11 memorial, and shall have charge of all matters relating to the care, maintenance, repair, and additions to the memorial.

(b) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall administer and disburse to the committee established in RSA 4:9-f the moneys in the special account established under RSA 4:9-f. No money other than necessary expenses prior to construction shall be disbursed until the governor and council approve and award the contract for the construction of the September 11 memorial.

4:9-f Committee Established; Special Account.

I. A committee is established to select the location and design for a September 11 memorial, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised. The selection of the location and design of the memorial shall be subject to the approval of the long range capital planning and utilization committee established in RSA 17-M:1. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to construct the memorial.

II. The gifts of money which are donated to construct the memorial shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the September 11 memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the committee.

III. The committee shall remain in existence upon the completion of the September 11 memorial for the purpose of approving any changes in the memorial, such as the addition of names to the memorial. Any site changes in the memorial shall be made under the supervision of the director of the division of plant and property management, according to the provisions of RSA 4:9-e, II.

4:9-g Committee Membership.

I. The members of the committee established in RSA 4:9-f 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.

(c) The commissioner of cultural resources, or designee.

(d) The commissioner of administrative services, or designee.

II. The members of the committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named house member. Ten members of the committee shall constitute a quorum.

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4:9-h Duties of the Committee. The duties of the committee established in RSA 4:9-f shall be as follows:

I. The committee shall select the design and location, subject to the approval of the long range capital planning and utilization committee established in RSA 17-M:1, for the September 11 memorial.

II.(a) The committee shall oversee the construction of the September 11 memorial.

(b) The award of the contract for the construction of the September 11 memorial shall be subject to the approval of the governor and council.

III. The committee shall advise and inform the governing body of the city or town in which the memorial is located as to the design and construction plans for the memorial.

IV. The committee shall privately raise all the money necessary for the planning, design, and construction of the September 11 memorial. Notwithstanding subparagraph II(b), the committee shall have the authority to expend the money which is raised without the approval of governor and council.

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

#### AMENDED ANALYSIS

This bill establishes a committee to design and construct a memorial to the victims of the September 11 tragedy and to other victims of terrorism. The bill requires that the location and design of the memorial shall be subject to the approval of the long range capital planning and utilization committee. The bill also establishes a special nonlapsing account in the state treasury for the purpose of the September 11 memorial.

2002-2954h

#### Amendment to HB 1478-FN-A

#### 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 Statement of Purpose. Following the terrorist attacks of September 11, 2001 and in the aftermath of the anthrax bioterrorism attacks, it is hereby recognized that additional steps must be taken to assure homeland security. The United States Government has recognized that homeland security is dependent on state and local emergency response and public health entities and the critical role they fulfill in responding to natural and man-made disasters, bioterrorist attacks, and infectious disease outbreaks. As evidenced in the wake of the 2001 terrorist attacks, comprehensive and coordinated statewide emergency response systems are crucial to New Hampshire's security. New Hampshire's constitution reinforces the roles that the governor, legislature and other state officials and agencies have in assuring the health, safety, and well-being of the citizens of New Hampshire. It is therefore the purpose of this act to:

I. Improve state and local capacity to plan and respond to natural and man-made disasters and public health emergencies by developing state specific, comprehensive emergency plans.

II. Upgrade core public health functions at the state and local level such as infectious disease surveillance and investigation and enhancing public health laboratory capacity to stay current with the latest scientific and technological advances that would assist in mitigating the destructive impact of a bioterrorist attack or other emergency.

III. Improve connectivity and timely communication among hospitals, emergency responders, local officials, and state departments to assure rapid detection and deployment of resources to respond to an emergency.

IV. Assess and enhance the readiness of hospital and other medical, community-based systems to deal with large numbers of casualties by creating regional hospital mutual aid agreements and clinical laboratory network agreements.

V. Assist in identifying and securing qualified, highly skilled personnel to participate in all levels of emergency preparation and response.

2 State of Emergency Declaration; Powers. Amend RSA 107-C:5 to read as follows:

107-C:5 State of Emergency Powers. ~~[The provisions of this section shall be operative only during the existence of a state of emergency. Such state of emergency may be proclaimed by the governor or by a joint resolution of the house and senate if the governor or the legislature in such resolution finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. During such period as such state of emergency exists or continues]~~

***I. The governor shall have the power to declare a state of emergency if the governor finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. A state of emergency shall be declared by an executive order that specifies the:***

***(a) Nature of the emergency;***

***(b) Political subdivisions or geographic areas subject to the declaration;***

***(c) Conditions that have brought about the emergency; and***

***(d) Duration of the state of emergency, if less than 7 days.***

***II. The state of emergency shall terminate as follows:***

***(a) The governor shall terminate a state of emergency by executive order on finding that it is no longer justified.***

***(b) Notwithstanding any other provision of this chapter, a state of emergency shall be terminated automatically after 7 days unless within that period its extension is approved by the legislature or, if either the senate president or the speaker of the house determines that the senate or the house of representatives is unable to meet, by the joint legislative facilities committee.***

***III. During the existence of a state of emergency, and only for so long as such state of emergency shall exist, the governor shall have and may exercise the following additional emergency powers:***

~~[I-]~~***(a)*** To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.

~~[II-]~~***(b)*** To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.

~~[III-]~~***(c)*** To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.

~~[IV-]~~***(d)*** Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under this chapter. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the governor may suspend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.

~~[V-]~~***(e)*** To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

~~[VI-]~~***(f)*** To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

3 New Sections; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 107-C by inserting after section 16 the following new sections:

107-C:17 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties which are in addition to those set forth in RSA 141-C:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the office of emergency management.

II. The commissioner may, with or without the approval of the governor's council, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may control, restrict and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may give preference to health care providers, disaster response personnel, and mortuary staff.

107-C:18 Safe Disposal of Corpses. The commissioner of health and human services, with the assistance of the chief medical examiner, may exercise the following powers relative to the safe disposal of corpses:

I. Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for emergency response.

II. Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.

III. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response.

IV. Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses as may be necessary for emergency response.

V. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the cause of death.

VI. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease.

VII. Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

107-C:19 Joint Legislative Oversight Committee.

I. A joint legislative oversight committee on the emergency management system is hereby established.

II. The committee shall consist of 9 members:

(a) Six members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house.

(b) Three senators, appointed by the senate president.

III. The committee shall elect from its membership a chairperson, a vice-chairperson and a clerk. All members shall be appointed to serve on the committee for a term coterminous with the term of their elected legislative office, and may be reappointed if reelected to the same office. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

- (a) Provide legislative oversight and serve as the legislative liaison for the emergency management system.
- (b) Develop, with the assistance of the department of health and human services and other appropriate agencies, a grid which outlines a gradation of emergency conditions and describes the powers authorized for each level of emergency.
- (c) Conduct a continuing study of the major problems and concerns regarding planning, testing, and implementation of states of emergency.
- (d) Hold such public hearings as may be necessary on matters pertaining to the emergency management system.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year, beginning November 1 of 2003.

4 Fees. Amend RSA 125-F:8, III to read as follows:

III. ***Except as provided in paragraph IV***, all fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

***IV. Any increase in fees after the effective date of this paragraph and collected under this section shall be deposited in the radiation user and laboratory fees fund established in RSA 125-F:8-b and shall be used solely for the administration of the department's responsibilities under this chapter.***

5 New Section; Radiation User and Laboratory Fees Fund. Amend RSA 125-F by inserting after section 8-a the following new section:

125-F:8-b Radiation User and Laboratory Fees Fund. There is hereby established the radiation user and laboratory fees fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees collected in accordance with RSA 125-F:8, IV. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter.

6 Definition; Communicable Disease. RSA 141-C:2, VI is repealed and reenacted to read as follows:

VI. "Communicable disease" means illness due to a microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

7 New Paragraph; Definition Added; Health Care Provider. Amend RSA 141-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Health care provider" means any person who or entity which provides health care services including, but not limited to, hospitals, medical clinics and offices, clinical laboratories, physicians, naturopaths, chiropractors, pharmacists, dentists, registered and other nurses, and nurse practitioners, paramedics, and emergency medical technicians.

8 New Paragraph; Definition Added; Protected Health Information. Amend RSA 141-C:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Protected health information" means any information, whether in oral, written, electronic visual, or any other form, that relates to an individual's physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identify of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized (either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information) to reveal the identify of that individual.

9 Rulemaking. Amend RSA 141-C:6, III to read as follows:

III. Reporting ~~[communicable diseases]~~ ***required*** under RSA 141-C:7.

10 New Paragraphs; Rulemaking Added. Amend RSA 141-C:6 by inserting after paragraph XVIII the following new paragraphs:

- XIX. Identifying laboratory isolates of reportable microorganisms to be retained or forwarded to the public health laboratories.
- XX. Establishing a registry of biological agents present in New Hampshire.

11 Reporting of Communicable Disease. RSA 141-C:7 is repealed and reenacted to read as follows:

141-C:7 Reporting of Communicable Disease. Upon the appearance of any communicable disease listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report the communicable disease immediately to the commissioner, and shall provide such additional information and periodic reports as required under RSA 141-C:9, I.

II. Any veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person engaged in the care of animals shall report animals having or suspected of having any disease that may cause a communicable disease in humans.

III. Any clinical laboratory director shall forward to the department’s public health laboratory isolates of reportable infectious microorganisms as specified by the commissioner. In addition, any clinical laboratory director performing any testing for reportable diseases shall retain the original patient specimens for 7 days after issuing a final test result for diseases specified by the commissioner and shall submit such specimens to the public health laboratories upon request.

IV. In addition to the foregoing requirements for health care providers, a pharmacist shall report, if required under rulemaking procedures by the commissioner, any unusual or increased types of prescriptions, or unusual trends in pharmacy visits that may be caused by a communicable disease. Prescription-related events that require a report may include, but are not limited to:

- (a) An unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints.
- (b) An unusual increase in the number of prescriptions for antibiotics.
- (c) An unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints.

12 Reportable Information. Amend RSA 141-C:8 to read as follows:

141-C:8 List of Diseases; Report Forms. The commissioner shall compile a list of reportable communicable diseases necessary to protect the citizenry. The commissioner shall develop and provide a form for the reporting of communicable diseases under this section. The form shall include, at a minimum, the name, age, address, occupation, and place of occupation of the person.  
***Reportable information shall not include psychiatric, psychological, or other mental health records or information.***

13 New Paragraph; Specimens or Samples. Amend RSA 141-C:9 by inserting after paragraph II the following new paragraph:

III. Any specimens or samples acquired or collected by the commissioner under this chapter shall be destroyed when they are no longer needed for the purpose for which they were acquired or collected. No such sample or specimen shall be subject to genetic testing as defined in RSA 141-H.

14 Disclosure; Confidentiality. RSA 141-C:10 is repealed and reenacted to read as follows:

141-C:10 Disclosure; Confidentiality.

- I. Any protected health information provided to or acquired by the department under this chapter shall be released only with the informed, written consent of the individual or to those authorized persons having a legitimate need to acquire or use the information and then only so much of the information as is necessary for such persons to provide care and treatment to the individual who is the subject of the protected health information, investigate the causes of disease transmission in the particular case, or control the spread of the disease in the particular case. Any release of information under this section without the informed, written consent of the individual shall be conditioned upon the protected health information remaining confidential.
- II. Analyses and compilations of data which do not disclose protected health information shall be available to the public under RSA 91-A.
- III. The physician-patient privilege shall not apply to information required to be reported or provided to the commissioner under

this chapter.

IV. Protected health information acquired or disclosed by the commissioner pursuant to this chapter shall be expunged by the commissioner and any person possessing such information when such information is no longer needed for the purpose for which it was acquired or disclosed.

15 Orders. RSA 141-C:12, III is repealed and reenacted to read as follows:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

16 New Paragraph; Evading Quarantine; Breaking Quarantine. Amend RSA 141-C:13 by inserting after paragraph II the following new paragraph:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

17 New Section; Due Process. Amend RSA 141-C by inserting after section 14 the following new section:

141-C:14-a Due Process.

I. Any person subject to an order for examination, vaccination, treatment, isolation, or quarantine, or any other order of the commissioner under this chapter may request a hearing in the superior court to contest such order. The commissioner shall provide, or cause to be provided, to the person both oral and written notice of the right to contest the order and the form for making the request, which form shall require no more than the person's name, address, and signature and the time and date of the signature.

II. Submission of the completed form to the law enforcement officer or other individual serving the order shall be considered a filing with the superior court and such officer or other individual shall promptly deliver the form to the superior court.

III. The superior court shall schedule a hearing and render a decision upon the request within 48 hours of the time the request was made. If the court determines that exigencies related to protection of the health of the public preclude a hearing and decision within the 48-hour period, the hearing and decision may take place within a suitable time as determined by the court, but in no event later than 120 hours after the time the request was made.

IV. No examination, vaccination, treatment, or other action shall be provided against the will of a person who has filed a request for a hearing until the court has issued a decision upholding the commissioner's order; however, the person may be held in isolation or quarantine pending the outcome of the court hearing, but may no longer be held if the court fails to render its decision within the time period required under paragraph III.

V. At the hearing the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the person poses a threat to public health and the order issued by the commissioner is thereby warranted to alleviate such threat.

VI. All orders issued under this chapter shall be in writing and a copy shall be provided to the person subject to the order at the time it is served. Every person who contests an order of the commissioner under this chapter shall be given a copy of the executed form contesting such order.

18 New Paragraph; Treatment, Care of Sick; Costs. Amend RSA 141-C:15 by inserting after paragraph V the following new paragraph:

VI. When an individual subject to an order for treatment by the commissioner refuses to undergo such ordered treatment, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing treatment, the nature of the treatment to be provided, and the place or facility where the treatment shall be provided. Upon being presented with such an order, any law enforcement officer shall take such individual

into custody and transport the individual to the place or facility where the treatment is to be provided.

19 New Section; Decontamination. Amend RSA 141-C by inserting after section 16 the following new section:

141-C:16-a Decontamination. The commissioner may close, direct and compel the evacuation of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 107-C:7.

20 Provisions for Personnel Subject to Legislative Approval. The federal government has provided and will provide funds to support states in their preparation for and response to bioterrorism attacks, man-made disasters, and other emergencies. Upon acceptance and receipt, and in accordance with the regulations governing the use of such funds, the commissioner of health and human services may establish one or more classified and unclassified positions to enable the department to carry out the activities necessary to meet the purposes for which the funds are provided. The establishment and the salary levels and labor grades of any such positions shall be subject to the approval of the legislative fiscal committee. No general funds shall be used to pay the salaries and benefits for the positions created under this section.

21 Repeal. The following are repealed:

I. RSA 107-C:17, relative to public health powers and duties.

II. RSA 107-C:18, relative to safe disposal of corpses.

22 Effective Date.

I. Section 21 shall take effect July 1, 2004.

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

#### AMENDED ANALYSIS

This bill:

I. Grants public health emergency authority to the commissioner of the department of health and human services which shall be exercised only when a state of emergency has been declared.

II. Establishes a fund to be used for the administration of the radiological health program.

III. Amends the communicable disease law to accommodate any illness or health condition that may be caused by a public health emergency.

2002-2943h

#### Amendment to HB 1483

#### Proposed by the Committee on Education - R

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

AN ACT relative to municipal budget committees.

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

1 Municipal Budget Law; Application; Budget Committee; School Districts. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters. RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in ~~[school districts or]~~ village districts located wholly within towns adopting that subdivision.

2 Municipal Budget Law; Budget Committee; Adoption; School District or Village District. Amend RSA 32:14, I(d) to read as follows:

(d) By any school district or village district which adopts its budget at an annual meeting of its voters~~[-but which lies wholly within a municipality that lacks authority to adopt this subdivision].~~

3 Municipal Budget Law; Budget Committee Membership; School Board Members. Amend RSA 32:15, I(b) to read as follows:

(b) One member of the governing body of the municipality and, if the municipality is a town, one member of the school board of each school district **which has adopted the provisions of this subdivision and which is** wholly within the town and one member of each village district wholly within the town, all of whom shall be appointed by their respective boards to serve for a term of one year and until their successors are qualified. Each such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member.

4 Municipal Budget Law; Budget Committee; Duties, Authority, and Limitations; School Districts. Amend RSA 32:16 through 32:18-a to read as follows:

32:16 Duties and Authority of the Budget Committee. In any town **or school district** which has adopted the provisions of this subdivision, the budget committee shall have the following duties and responsibilities:

- I. To prepare the budget as provided in RSA 32:5 for submission to each annual or special meeting of the voters of the municipality **or school district**, and, if the municipality is a town, the budgets of any school district **to which this subdivision applies** or village district wholly within the town, unless the warrant for such meeting does not propose any appropriation.
- II. To confer with the governing body or bodies and with other officers, department heads, and other officials, relative to estimated costs, revenues anticipated, and services performed to the extent deemed necessary by the budget committee. It shall be the duty of all such officers and other persons to furnish such pertinent information to the budget committee.
- III. To conduct the public hearings required under RSA 32:5, I.
- IV. To forward copies of the final budgets to the clerk or clerks, as required by RSA 32:5, VI, and, in addition, to deliver 2 copies of such budgets and recommendations upon special warrant articles to the respective governing body or bodies at least 20 days before the date set for the annual or special meeting, to be posted with the warrant.

32:17 Duties of Governing Body and Other Officials. The governing bodies of municipalities **or school districts** adopting this subdivision, or of **village** districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, at such time as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested.

32:18 Limitation of Appropriations. In any municipality **or school district** electing this subdivision, or any **village** district wholly within a town electing this subdivision, the total amount appropriated at any annual meeting shall not exceed by more than 10 percent the total amount recommended by the budget committee for such meeting. These totals shall include appropriations contained in special warrant articles. Money may be raised and appropriated for purposes included in the budget or in the warrant and not recommended by the budget committee, but not to an amount which would increase the total appropriations by more than the 10 percent allowed under this paragraph. The 10 percent increase allowable under this paragraph shall be computed on the total amount recommended by the budget committee less that part of any appropriation item which constitutes fixed charges. Fixed charges shall include appropriations for:

- I. Bonds, and all interest and principal payments thereon.
- II. Notes, except tax anticipation notes, and all interest and principal payments thereon.
- III. Mandatory assessments imposed on towns by the county, state, or federal governments.

32:18-a Legislative Body Override of Limitation of Appropriations.

I. Notwithstanding any other provision of law, in any municipality **or school district** electing this subdivision, or any **village** district wholly within a town electing this subdivision, if a bond request is not recommended in its entirety by the budget committee, the governing body of such municipality **or school district**, after a majority vote by the governing body of the municipality **or school district** in favor of the bond request at a duly posted meeting, shall place the bond request on the warrant.

II. The legislative body of any municipality **or school district** described in RSA 32:18-a, I, may approve a bond request despite the 10 percent limitation provided in RSA 32:18 in the following manner:

(a) The governing body shall place the following statement at the beginning of the warrant article for such bond request: "Passage of this article shall override the 10 percent limitation imposed on this appropriation due to the non-recommendation of the budget committee." Immediately below the bond request on the warrant shall be displayed (1) the recommendation of the governing body and (2) the recommendation of the budget committee, as included in the budget forms for the annual meeting pursuant to RSA 32:5, IV.

(b) If those voting "Yes" on the bond request satisfy the requirements of RSA 33:8, the bond request is thereby approved.

III. If the bond request is approved pursuant to RSA 32:18-a, the governing body of such municipality **or school district** shall forward a copy of the minutes of the duly posted meeting described in RSA 32:18-a, I to the commissioner of the department of revenue administration.

5 Municipal Budget Law; Budget Committee; At Special Meetings; School District. Amend RSA 32:20 to read as follows:

32:20 At Special Meetings. So long as the provisions of this subdivision remain in force in any municipality **or school district**, no appropriation shall be made at any special meeting for any purpose not approved by the budget committee, unless it is within the allowable 10 percent increase if RSA 32:18 has been adopted, except as provided in RSA 32:19 or 32:18-a.

6 Municipal Budget Law; Budget Committee; Exceptions; Village District. Amend RSA 32:21 to read as follows:

32:21 Exceptions. In cases where the town or a **village** district wholly within the town has been ordered by the department of environmental services, under the provisions of RSA 147, 485, or 485-A, to install, enlarge, or improve waterworks or to install, enlarge, or improve sewerage, sewage, or waste treatment facilities, the 10 percent limitation of RSA 32:18 and 20, shall not apply.

7 Municipal Budget Law; Budget Committee; Initiation of Removal Proceedings; School District. Amend RSA 32:23 to read as follows:

32:23 Initiation of Removal Proceedings. Upon receipt of the reports provided for by RSA 32:22, the budget committee shall examine the same promptly, and if it shall be found that the governing body or town manager have failed to comply with the provisions of this chapter concerning expenditures, a majority of the committee, at the expense of the municipality **or school district**, may petition the superior court for removal as provided in RSA 32:12.

8 Applicability. The provisions of RSA 32:14-23 shall continue to apply to school districts to which the provisions of RSA 32:14-23 applied prior to the effective date of this act by virtue of their being wholly within a town adopting the provisions of RSA 32:14-23. Any such school district may rescind the applicability of the provisions of RSA 32:14-23 pursuant to RSA 32:14.

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

#### AMENDED ANALYSIS

This bill eliminates the automatic applicability of the municipal budget committee laws to school districts located wholly within towns adopting those provisions.

2002-2949h

#### Amendment to SB 342

#### 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 relative to medical equipment under the certificate of need law.

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

1 Major Medical Equipment; Increase in Amount. Amend RSA 151-C:2, XXIV to read as follows:

XXIV. "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions which is used to provide medical and other health services and which costs more than ~~[\$400,000]~~ **\$1,500,000**. In determining whether medical equipment costs more than ~~[\$400,000]~~ **\$1,500,000**, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.

2 Standards; Equipment; Increase in Amount. Amend RSA 151-C:5, II(d) to read as follows:

(d) The purchase, lease, donation, transfer, or other comparable arrangement by or on behalf of a health care provider of diagnostic or therapeutic equipment for which the cost or, in the case of donation, the value is in excess of ~~[\$400,000]~~ **\$1,500,000** including standards for one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the board. The board shall not develop standards for the purchase of equipment which is substantially similar to equipment owned by the provider within the preceding 12 months, provided the equipment will not result in a substantial increase in operating costs above that of the existing or replaced equipment.

3 Exemptions; Equipment. Amend RSA 151-C:13, I(f) to read as follows:

(f) Facilities and services which are intended to serve only outpatients and which do not require construction of greater than the appropriate threshold level, as determined under RSA 151-C:5, II(a) or RSA 151-C:5, II(f) or new equipment costing ~~[more]~~ **less** than ~~[\$400,000]~~ **\$1,500,000**. 4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill increases the amount for major medical equipment from \$400,000 to \$1,500,000.

2002-2824h

#### Amendment to SB 405

#### Proposed by the Committee on Transportation - C

Amend RSA 261:87-b as inserted by section 1 of the bill by replacing it with the following:

261:87-b Special Number Plates for Veterans. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only upon application, ~~[and]~~ proof of honorable discharge from the armed services **as deemed appropriate by the director**, ~~[as evidenced by submission of a copy of the applicant's DD214 verification of service form.]~~ and ~~[upon]~~ payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran.

#### AMENDED ANALYSIS

This bill requires that the proof of honorable discharge required for issuance of special number plates for veterans be deemed appropriate by the director of the division of motor vehicles.