

State of New Hampshire HOUSE RECORD

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

Vol. 24 Concord N.H. Friday, March 29, 2002 No. 29

Contains: Notice of Reconsideration, Reports and Amendments for April 4, Governor's Veto Message, Hearing Schedule, Committee Meetings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

Members of the House:

The House will meet in session on the following dates at 10:00 a.m.: Thursday, April 4; Wednesday, April 17; and Thursday, May 2, depending on the workload. Tentative dates for session include Thursday, April 11; Thursday, April 18; and Thursday, April 25.

Thursday, April 4, is Tartan Day. Everyone is encouraged to wear their clan tartan or the state tartan. Scarves and ties are available in the State House Visitors Center.

Chairmen and Vice Chairmen will meet on Tuesday, April 2, at 9:00 a.m. in Room 201, LOB.

Gene G. Chandler, Speaker

Parliamentary Point

House Rule 22: There shall be three forms of deciding the question: voice, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

Once the question is put on any vote, members are not allowed to enter the hall. The question is deemed to be "*put*" when the Speaker announces for the last time, *prior* to parliamentary inquiries, "The question before the House is....."

This is not a new rule, but recent complaints from members regarding late arrivals to vote, has brought to mind that it is a rule that needs to be highlighted and enforced.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, April 4 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, April 4 at 9:00 a.m. in Rooms 306-308 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.

THURSDAY, APRIL 4

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 338, relative to ex parte orders in domestic relations cases. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill requires those seeking a restraining order in domestic relations cases to present specific facts about the expected harm. It also requires the party seeking the order to show an attempt to notify the affected party of a hearing. **Vote 13-0.**

COMMERCE

SB 370, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: RSA 384:5-A II (a) addresses certain exceptions to the basic concept of who can serve in dual roles in the financial community. The exception, among others, is one who holds office in more than one financial institution as of July 1, 1971. By the terms of SB 370 this exception to the conflict of interest law would now be repealed. **Vote 11-0.**

SB 399, regulating demand drafts under the New Hampshire Uniform Commercial Code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: The bill adds a definition of "demand draft" to Article 3 of the Uniform Commercial Code, and extends the presentment and transfer warranties in Articles 3 and 4 to include persons who transfer or present demand drafts for payment. The change effectively shifts the burden of loss in demand draft fraud cases from the payer bank to the depository bank. **Vote 11-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 186-FN, relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: SB 186-FN would allow county attorneys to grant police powers to their investigators. This is currently done by the county sheriff. Should a county attorney investigator make a felony arrest, the investigator makes a report to the deputizing sheriff. The testimony from the county attorney indicated that the sheriff does not need to be included in the report. The sheriffs disagree. It raised a number of concerns from the law enforcement community and there were a large number of people in attendance at the hearing voicing their positions both pro and con. Likewise, the sub-committee meeting drew a large group of people expressing their views. Given the time constraints and the complexity of the issues, it was the unanimous vote of the Committee to refer this bill to interim study so that all of the issues can be addressed and given the full consideration they deserve. **Vote 11-0.**

ENVIRONMENT AND AGRICULTURE

SB 353, relative to the definition of "sugar orchard" for purposes of the timber yield tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: With input from sugar producers, the Division of Forests and Lands, and the Department of Revenue Administration, this bill more precisely defines a sugar orchard and clarifies taxation of such sugar orchards. **Vote 14-0.**

EXECUTIVE DEPARTMENT AND ADMINISTRATION

SB 309-FN, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill, as amended, will provide for medical benefits for all Group II members of the retirement system injured in the line of duty who became members of their respective group up to and including July 1, 2003. While this bill is usually submitted every two years, the amendment extends it for a single year to accommodate police in addition to firemen and the reduced funding level available for the respective special accounts. **Vote 15-0.**

SB 331-FN, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The subject matter in this bill was covered in HB 1203 with amendment. Therefore, this bill is not needed. The committee had been approached about 2 non-germane amendments

that dealt with Executive Departments and Administration subject matters. These two subjects were combined into one amendment and after a public hearing on both amendments were attached to SB 331-FN. The first amendment dealt with increasing the number of alternates on the Joint Legislative Committee on Administrative Rules. The amendment increased the alternates from two to five from both the house and senate. This will insure a quorum being present for each monthly hearing. The second portion of the amendment deals with change in nomenclature for certain positions in the Department of Health and Human Services. The fiscal committee had the power to make technical changes in the "Hay Group" salary structure of the unclassified members. The committee felt this change was beyond their authority to do and should be done through legislation. The amendment changes the present position designations to the new system. There is not fiscal effect on the budget of state, county or local funds. **Vote 12-0.**

SB 420-FN-A, making an appropriation for the purpose of hiring a recreational ride and lift investigator. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: The bill, as amended, adds one full time inspector to the division of safety services for the purpose of inspecting recreational rides and lifts as well as investigating problems involving those rides and lifts. With our 138 lifts in 30 ski areas and 420 amusement rides owned by 55 companies, the committee felt that the present staff of 1.5 persons was not adequate to protect the public. **Vote 14-0.**

FISH AND GAME

SB 434, establishing the duties of the fish and game commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vincent E. Greco for Fish and Game: This bill as amended describes the duties of the Fish and Game Commission. It is the result of a three year Senate Study Committee and a Managerial Study on Policies and Procedures by the Fish and Game Commission. The Commission has instituted a new Policy Manual and intends to further establish a method of budget review that makes the original bill redundant and inflexible. **Vote 15-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 320, establishing a study committee to review independent living retirement communities. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a study committee to review independent living retirement communities. Its duties would be to review the operations of the retirement communities to determine: if there is a need for an oversight committee; if a better definition is required; if advertising and marketing strategies are appropriate; if written guarantees to seniors are required; and, if formulas used to establish entrance fees need revision. **Vote 17-0.**

SB 400, establishing a committee to study issues concerning the Poison Information and Control Center. **OUGHT TO PASS**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill establishes a study committee to address issues confronting the Poison Information and Control Center at Dartmouth Hitchcock Medical Center. The study shall include, but not be limited to, these three areas: (1) should the Center become certified; (2) should a clinical toxicologist be hired solely for the Center; and (3) to examine sustainable funding mechanisms for the Center. Last year the Center had 17,141 contacts and the Health and Human Services and Elderly Affairs Committee finds this to be an important service in the state and warrants a study committee to examine these issues. **Vote 16-0.**

JUDICIARY

SB 368, granting probate courts the power to issue attachments and levies of execution. **OUGHT TO PASS**

Rep. Larry G. Elliott for Judiciary: This bill gives Probate Courts the same powers that Superior Courts now have to issue attachments and levies of execution on real and personal property in cases within their jurisdiction. The Probate Courts were given many of the powers of the Superior Courts in the past and these necessary powers were inadvertently omitted in prior legislation. The procedures for levies and attachments exist in other statutes already on the books. **Vote 16-0.**

SB 369, relative to compensation of guardians and conservators for administrative expenses. **OUGHT TO PASS**

Rep. Peter S. Espieffs for Judiciary: Under RSA 554:19, "Priority of Charges", the estate of a decedent is first chargeable with

"the just expenses of the administration". This assures that the administrator or executor of the decedent will be reasonably compensated for his or her services in performing the necessary task of administering a decedent's estate. However, there is no similar provision of law protecting the services performed by guardians or conservators of incapacitated or disabled persons under RSA 464-A, which addresses guardianships and conservatorships. Consequently there are many instances where the funds of the incapacitated or disabled ward are expended to a degree that little or nothing remains for payment of the guardian or conservator. This situation has discouraged many from undertaking guardianships and conservatorships, with resulting hardship to persons needing these services. This bill is good public policy because it encourages persons to undertake the necessary administration of the affairs of incapacitated and disabled individuals by providing assurance that compensation for their services will be considered a priority charges of the ward's estate. Further, the estate is protected because all guardian and conservator compensation is routinely subject to Probate Court approval. **Vote 16-0.**

SB 435-FN, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. **OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill requires the Supreme Court to set up a pilot program in the Keene District Court which would allow for people facing misdemeanor charges who have been identified as mentally ill to be diverted from the criminal justice system into an appropriate mental health treatment program or service. The term "mentally ill" would include drug and alcohol addiction for the purpose of this program. The rules under which the program will function will be made by a committee reporting to the Supreme Court and it is intended that input will be obtained from the District Court and law enforcement, and the local mental health provider community. The bill also creates a legislative oversight committee consisting of three members of the House and three members of the Senate who will make recommendations on continuing, funding and expansion of the program to other counties. **Vote 15-0.**

LEGISLATIVE ADMINISTRATION

SB 411, extending the reporting dates of certain study committees. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: The committee recognized the need to extend the reporting dates of the following study committees: Affordable Housing Commission; Juvenile Shelter Care Facilities Commission; and the Temporary Assistance to Needy Families and Post Secondary Education Study Committee. This bill extends the report dates to November 1, 2002. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 177-FN-LOCAL, relative to computation of tax increments in municipal economic development and revitalization districts. **REFER FOR INTERIM STUDY**

Rep. James E. Twombly for Municipal and County Government: Tax Increment Finance Plan (TIF's) districts authorized in RSA 162 have been successful in revitalizing and encouraging economic development in towns and cities that have adopted them. As the property in a TIF district is improved, the property value increases and the tax on this increased value is dedicated to pay off the bonded debt incurred by the community to finance the improved infrastructure. The Statewide Property Tax eliminates the local incentive to adopt a TIF district. This bill was introduced to rectify the situation. Working closely with the Department of Revenue Administration and interested communities, it was determined that this bill as written needs work. The committee did not have the time to develop the correct bill and is therefore, recommending Interim Study. **Vote 12-0.**

SB 406, relative to animal control and animal population control fees for cats. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: Any resident of the state that has adopted a dog or cat from an animal shelter as defined in RSA 437:2 is eligible to participate in the spat/neuter program . This bill increases the fee from \$10.00 to \$15.00 for eligible participants who are enrolled in various non-profit programs. **Vote 12-1.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 356, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith. **OUGHT TO PASS**

Rep. David M. Lawton for Resources, Recreation and Development: SB 356 will authorize a presently nameless body of water in Lake Winnepesaukee to be named "Hubbard Bay." The name "Hubbard" appears on several other landmarks in the vicinity of

the bay and is attributed to the historic farm estate owned by the Hubbard family. All testimony at the hearing was in support of this legislation. **Vote 15-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 361-FN, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill establishes a committee to study the feasibility of developing a computerized emergency warning system using the enhanced 911 database. The system could provide telephone subscribers with early emergency warnings. The committee agreed with the concepts involved and feels that a study committee would evaluate, among other things, the cost/benefit scenarios of such a system. **Vote 14-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 446, relative to rights and protections for New Hampshire national guard members called to state active duty. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: As a result of the attacks on this country on September 11, 2001 some changes are needed to keep whole those citizen soldiers who are protecting us. Those members of the guard who are called to duty by the state currently are not offered the same benefits, privileges and protections in employment as if they were called by the federal government when members are called for a period longer than thirty (30) days. This bill will protect these soldiers as provided by the Uniformed Services Employment and Re-employment Act. **Vote 14-0.**

TRANSPORTATION

SB 403-FN, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill allows a person who was awarded a purple heart to be issued an additional special number plate for a motorcycle. Additionally, this bill corrects the fees for special motorcycle licenses and motorcycle endorsements. Last year when we passed the added fees for driver licenses, we overlooked the impact on first time motorcycle endorsement. The amendment corrects this issue. This bill also changes the title of the Motor Vehicles Inspectors to Highway Patrol and Enforcement Officers. These amendments are at the request of the Department of Safety **Vote 12-0.**

WAYS AND MEANS

SB 312, relative to quarterly payment of estimated interest and dividends tax. **OUGHT TO PASS**

Rep. Vivian R. Clark for Ways and Means: This bill increases the threshold annual tax liability for which quarterly payments of estimated interest and dividends tax are required, from \$200 to \$500. Doing so will reduce paperwork for both the taxpayers and the Dept. of Revenue Administration. **Vote 16-0.**

SB 318, relative to transfers of funds from the sweepstakes fund for sweepstakes purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The Sweepstakes Commission is perhaps unique in not being able to transfer funds for unexpected personnel expenses with approval of the Fiscal Committee during the biennium. The latest salary and insurance cost raises made this situation untenable. This bill provides them this ability. The amendment limits these transfers to salary and retirement benefits, making the solution fit the problem. **Vote 16-0.**

SB 388, relative to bingo game operation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This bill encourages the restoration of traditional bingo games to the local church and firehouse by allowing bingo volunteers to play bingo only after finishing their work, following a 15-year prohibition on playing at all. It maintains a ban on playing by bingo chairs (callers), treasurers and providers of facilities or equipment. **Vote 14-0.**

THURSDAY, APRIL 4

REGULAR CALENDAR

COMMERCE

SB 52, relative to liquor liability insurance coverage and relative to liquor licensee training. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The bill as amended allows the Liquor Commission to require vendors of alcoholic beverages to purchase insurance or sufficient security in a minimum amount of \$100,000 for any one person or \$300,000 for all persons per incident. This requirement may be imposed only if a licensee has been found guilty of selling alcohol to a person under the age of 21 or to an intoxicated person twice within a 24-month period. The bill also requires the Liquor Commission to issue a report by July 1, 2005 summarizing the instances in which liability insurance was required and evaluating the effectiveness of this law. Finally, the bill addresses training requirements for one-day licensees and the suspension of licenses when the training requirement is not adhered to. **Vote 12-0.**

SB 402-FN-A, establishing a committee to study long-term care funding and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would create a committee to study the issue of long-term care funding and whether long-term care insurance is a viable option for the state of New Hampshire. The committee recognizes that long-term care is and will continue to be a concern for our senior citizens and an expense for the state, but the committee does not believe that this bill is the proper vehicle nor would it allow enough time to study the many complex facets of this important issue. **Vote 11-1.**

SB 422-FN, relative to the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The bill was introduced at the request of the New Hampshire Insurance Department. As amended it has seven sections including provisions relative to the premium tax; life, accident and health; property and casualty; and sales of insurance by financial institutions. In order to be consistent with current market conditions, an additional change reduces the annual annuity interest rate from 3% to 1 1/2%. This is effective only to July 1, 2004 when it will sunset. In the interim, the insurance industry is attempting to find a permanent solution. Beyond what has been reported above, the next section addresses rulemaking authority and finally the concluding sections involves unauthorized/unlicensed insurance and credentialing. **Vote 12-0.**

EDUCATION

SB 429, relative to the community technical college system. **REFER FOR INTERIM STUDY**

Rep. Steven J. Winter for Education: This bill had considerable support after its initial hearing but it was later discovered that the Executive Departments and Administration Committee has serious concern over some of the provisions contained in it. Although the concept of HB 429 has been the subject of previous studies, it appears that these issues have not been fully resolved. An interim study committee with members from both the Education and ED&A Policy Committees could resolve the conflict and produce a "clean" bill for next session. **Vote 7-6.**

EXECUTIVE DEPARTMENT AND ADMINISTRATION

SB 332-FN, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: This bill would provide a health insurance subsidy to minor children of firefighters retired on a disability pension. This subsidy is presently available only to a certifiably dependant child with a disability living in the household and being cared for by the qualified member, the member's spouse, or the qualified spouse. The funds for this program come from the medical sub trust. The effect of this bill on the medical sub trust is unknown at this time so the committee wished to study the impact upon the medical trust **Vote 9-3.**

SB 396-FN, relative to group II retirement status for criminalists employed by the department of safety. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: Group II was originally established to recognize the hazards that police officers and firefighters encounter on the job. The criteria for Group II eligibility has been gradually expanded beyond the hazardous duty positions such of police officers and firefighters. Further analysis of Group II eligibility requirements is needed before the committee can act on the proposal to add criminalists to Group II. **Vote 12-3.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 393, relative to expiration of contact lens and corrective lens prescriptions **INEXPEDIENT TO LEGISLATE**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: The sponsors of this bill came before our committee with urgent issues which seemed to be relevant to the prescription of contact and corrective lenses plus the expiration dates for those prescriptions. During the debate it became clear that the majority who opposed the bill did so, for fear of both anti-consumerism and competition for consumers but more importantly the possibility of an anti-trust activity because consumers would not have a choice as to where they could refill their prescriptions. Due to all the confusion on both sides of the bill, the committee majority felt it was inappropriate to pass this legislation. **Vote 11-7.**

JUDICIARY

SB 187-FN, establishing a committee to study eminent domain proceedings. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill establishes a joint House/Senate Committee to study the issues relating to eminent domain which is that process by which the state takes private property. **Vote 15-1.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 351, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: RSA 486-A currently provides public water supplies with financial aid in the form of a 20% or 30% state grant to provide water system upgrades for compliance with the Federal surface Water Treatment Rules. The Department of Environmental services believes that this study to determine if there is a need to expand this program by making hydrogeological investigation costs eligible for state aid grant funding is prudent and may provide long term protection for public water sources. The committee agrees. **Vote 11-2.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 315-FN, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bob Odell for Resources, Recreation and Development: The original legislation would have required non-members of organized snowmobile clubs to pay an additional registration fee of \$30. This would have required resident non-club members to pay an annual registration fee of \$77 per machine, non-resident non-club members would pay \$92 per year per machine. Registration fees for current club members would not increase. The objectives of the original legislation are laudatory: to increase volunteer participation in trail maintenance and development, and to raise funds for the clubs. The committee reviewed options for collecting different levels of fees for club members and non-members, methods insuring integrity in the sale of memberships by registering agents or by remitting a credit to club members from an across the board fee increase, and means by which to increase revenue at the club level. The majority of the committee believes that charging different registration fees based on whether a person is a club member or not was inappropriate and that the collection of fees and sale of club memberships by registering agents would be difficult to manage. To help meet the immediate financial needs of the clubs, the committee recommends a \$10 fee increase on all snowmobile registrations. The estimated \$650,000 of new revenue would be used 100% to lower match percentages required of snowmobile clubs to receive funds from the grant-in-aid program for snowmobile trails development and maintenance. **Vote 11-4.**

SB 398-FN, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New

Hampshire. **OUGHT TO PASS**

Rep. Judith T. Spang for Resources, Recreation and Development: This increase from \$1.00 to \$3.00 will enable the state Division of Parks and Science Center to accommodate the 80,000 yearly visitors. Current fees are inadequate for funding necessary capital improvements. The change in center management reflects the recent withdrawal of the Audubon Society from that function. **Vote 14-1.**

SB 419, relative to notification of groundwater contamination. **OUGHT TO PASS WITH AMENDMENT**

Rep. John T. Gallus for Resources, Recreation and Development: The committee felt this was Public Safety issue. SB 419 requires notification of property owners within 500 feet of a contaminated well. During hearings the Department of Environmental Services (DES) Representatives stated they will notify abutters as soon as possible, but amendment requires notification within 30 days. Bill also brings RSA's into line with current federal MTBE drinking water standards. **Vote 14-1.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 301, relative to an innovation initiative within the division of economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: After conducting a second public hearing the committee added a non-germane amendment to bar taxation of Internet and computer online services in New Hampshire. This amendment mirrors a similar federal moratorium on Internet taxation in effect through November 2003. The committee believes taxing Internet services would impede access to and enhancement of these increasingly important services. The Communications Services Tax had been applied to one provider since 1997 and there was in the committee's mind a very real question if this tax had been collected legally because the tax did not apply to all providers. The provider in question is not seeking restitution of taxes already paid (\$1.4million). Revenue loss in this budget cycle is estimated to be \$1.6 million; however litigation in the absence of this amendment is virtually certain so the revenue is in question in any case. The Commissioner of the Department of Revenue Administration testified in support of the bill. **Vote 14-0.**

SB 366, relative to biennial reports of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The Science, Energy & Technology Committee amended SB 366 by first of all increasing the distribution of the Public Utilities biennial reports by adding the President of the Senate, the Speaker of the House of Representatives, and appropriate standing committees of the House and Senate. This information would facilitate ideas, suggestions and recommendations for such legislation deemed necessary. The bill adds a staff engineer designated by the commissioners of the Public Utilities Commission to the site evaluation committee as a helpful addition. The bill also repeals the sunset of the energy consumption tax because the loss at this time of six million dollars per annum was not a wise option. **Vote 11-3.**

SB 372, prohibiting the sale of reformulated gasoline in certain counties of the state. **INEXPEDIENT TO LEGISLATE**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: At the request of the prime sponsor the committee voted ITL on SB 372. The problem of the MTBE additive in gasoline continues to be of deep concern in the state and nation. The committee continues to actively pursue a resolution to the problem, however, at this time this particular bill was not the vehicle to do that. **Vote 13-1.**

TRANSPORTATION

SB 314-FN, relative to Selective Service Act Compliance through driver's license applications. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Letourneau for the **Majority** of Transportation: This bill came to the House Transportation Committee with a complicated and confusing Senate amendment. The subcommittee listened to all concerned parties and brought forward a simplified amendment. This amended bill provides that a person who is required under Federal law to be registered with the Selective Service System may authorize the Department of Safety to forward to the Selective Service System the necessary information for such registration. An opt-in check box to the driver's license application form with clear language to what the applicant was agreeing to would accomplish this. In regard to the Social Security numbers, this would not affect the DOS's ability to collect Social Security numbers under current law for driver's license purposes. The majority of the committee felt that

this bill, as written, would provide another useful avenue for those who are required to register under Federal law that has many sanctions attached to it if one fails to comply. The Commissioner of Safety is allowed to charge reasonable fees for the implementation of this service, to which the Selective Service System has agreed. **Vote 9-3.**

Rep. Brenda L. Ferland for the **Minority** of Transportation: Most New Hampshire males are in compliance in filing with the Selective Service. As a matter of fact about 96% do so. Let's talk about the 4% that don't. Unfortunately, a large portion of these young men are the homeless and high school dropouts. Another group are the ones serving time in prisons. Then we have the ones that don't want the government telling them what to do. And last, there are the ones that object to any military action. What is left is a very small percentage of 18-year-old males that forget. The Selective Service Board does admit that they do not now or don't ever plan on getting 100% compliance. After getting the original bill and other amendments that came to the committee, we now have one amendment to have the Department of Safety supply the Selective Service with the names of young men, and they automatically assume they are now in compliance. The DOS already supplies these names. Why pass a bill for something they are already doing. An initial driver's license applicant most likely will be 16 or 17 years of age. At that time those applicants cannot by law register for Selective Service. Pending legislation requiring the applicant to provide a Social Security number will be able to immediately opt-out. They would not be required to provide Social Security numbers upon renewal when they will be between 21 – 22 years of age, the age window when they are required to register for the Selective Service.

WAYS AND MEANS

SB 319, relative to participation in international lotteries. **OUGHT TO PASS**

Rep. Christine M. Konys for Ways and Means: Current law allows New Hampshire to engage in powerball games within the United States. Mexico has expressed an interest in joining powerball, and as the law currently exists, we would have to withdraw from powerball should Mexico join, thus losing us substantial revenue. This bill adds the word "international" to the description of lotteries in which we can engage. **Vote 10-6.**

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. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Ways and Means: There are many flaws with the proposal in this senate bill which would provide for the creation and use of business tax credits in return for certain donations to the Berlin Community Technical College. Despite many attempts to address the flaws as they were identified, more problems surfaced. Although the committee clearly agreed with the intent of the bill, the technical issues of the tax credit were simply too great to be addressed by the committee in the time available. The University system, as well as the Community Technical College System, are in agreement with the committee's report of inexpedient to legislate. **Vote 14-1.**

SB 423-FN-A, relative to fees collected by the department of safety and certificates of title. **OUGHT TO PASS**

Rep. Michael W. Downing for Ways and Means: This bill meets one of the important recommendations of the Governor's Commission on Domestic Terrorism by adding 5 motor vehicle inspectors for each of the next two fiscal years for needed commercial vehicle enforcement at the borders and during the evenings. The federal Highway Administration has asked all states to increase the vigilance over the movement of hazardous materials. Truck inspections are currently below desirable levels due to limited resources. The bill increases the title fee by \$5.00 which will raise approximately \$1 million per year for the highway fund, which would provide for approximately \$213,000 in increased highway fund revenue distributed to cities and towns. It also increases the salvage decal fee which would bring an additional \$175,000 to the highway fund and \$175,000 to the general fund. Due to the skyrocketing construction costs, additional funding is needed to complete the Dept. of Motor Vehicle testing building, which was approved by the Legislature in 1999, to reduce the congestion at the Department's main building at 10 Hazen Drive and for much needed commercial testing. This bill will allow for the construction to be completed without any additional charge to highway or general funds. **Vote 14-1.**

GOVERNOR'S VETO MESSAGE ON hb 622

March 26, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 622, an act relative to the time period for the Executive Council to confirm nominees to the supreme court.

I have vetoed H.B. 622 because I believe it violates the New Hampshire Constitution's specific provision concerning the nomination and appointment of judges, Part II, Article 46, as well as the separation of powers provision in our state Constitution, Part I, Article 37. I note that this veto of H.B. 622 is made with the approval of its sole sponsor, who is a strong proponent of the Constitution's careful separation of powers between the three branches.

Under Part II, Article 46 of the New Hampshire Constitution, the authority to nominate judges is granted exclusively to the Governor and the authority to confirm judges is granted exclusively to the Executive Council: "All judicial officers ... shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment." *See Opinion of the Justices*, 117 N.H. 398 (1977).

H.B. 622 would encroach on the powers granted by our Constitution exclusively to the Executive Council by requiring the Council to wait at least 60 days and to hold two public hearings before confirming a nominee to the Supreme Court.

I strongly support the holding of thorough and open public hearings on judicial nominees and believe the members of the Executive Council should take whatever time they deem necessary to consider a Governor's nomination to the Supreme Court. However, under our Constitution, it is the members of the Council, and not the legislature, who should determine how many hearings the Council should hold and the appropriate waiting period before acting on any judicial nominee.

The separation of powers provided for in our State Constitution is an important check on the powers of any one branch. It is a principle that must be protected. Thus, regardless of the public policy merits of H.B. 622, I am compelled to veto this bill.

Respectfully submitted,

Jeanne Shaheen

Governor

NOTICE OF RECONSIDERATION

This day, Friday, the 22nd of March, 2002, at 11:50 a.m., Representative Frank V. Sapareto, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it found **HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor, inexpedient to legislate.

Karen O. Wadsworth, Clerk of the House

LAI D ON TABLE

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

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

HOUSE BILLS AMENDED BY THE SENATE

CACR 5, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. (SJ 2/20/02)

- HB 134**, permitting challenges to judges. (SJ 1/24/02)
- HB 141-FN**, relative to regulation of junk yards. (House Concurred 3/21/02)
- HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (House Nonconcurrent; C-of-C 3/21/02)
- HB 266**, establishing a committee to study recodification of the election laws. (House Concurred 3/21/02)
- HB 295-FN**, relative to medicaid recoveries from third party settlements. (SJ 2/20/02)
- HB 380**, apportioning county commissioner districts. (SJ 3/21/02)
- HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members. (SJ 3/21/02)
- HB 463-FN**, relative to protective services to adults. (House Concurred 3/21/02)
- HB 498**, relative to standards for records filed with a registry of deeds. (House Concurred 3/21/02)
- HB 712-FN**, relative to the coordination of state, regional, and local planning efforts. (SJ 3/21/02)
- HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents. (House Concurred 3/21/02)
- HB 1414-FN-L**, relative to taxation of excavation areas. (SJ 3/21/02)

COMMITTEE OF CONFERENCE

- HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (Reps. Sargent, P. Katsakiores, O’Keefe and Knowles)

COMMITTEE MEETINGS

MONDAY, APRIL 1

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on **SB 415**, relative to the severing of joint tenancies in property by divorce.

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.

FISCAL COMMITTEE (RSA 14:30-a), Room 212, LOB

1:00 p.m. Subcommittee on Tax Simulation and Forecasting Models – Charles River Associates (CRA) update.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Department of Resources and Economic Development, 172 Pembroke Road, Concord

2:00 p.m. Regular meeting.

TUESDAY, APRIL 2

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 445-FN**, relative to a limited right to a jury trial for certain minors prior to

commitment to an adult correctional facility.

10:45 a.m. ***SB 433***, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases.

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

COMMERCE, Room 302, LOB

10:00 a.m. ***SB 447***, requiring the real estate commission to create agency disclosure form and an agency informational brochure.

11:00 a.m. ***SB 443-FN***, relative to the division of condominiums.

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

1:30 p.m. Subcommittee work session on ***SB 334***, relative to grounds for refusal or denial of hotel accommodations.

2:00 p.m. Subcommittee work session on ***SB 404***, changing certain limitations on investment management fees and investments by banks acting as fiduciaries.

3:00 p.m. Subcommittee work session on ***SB 345***, making the misrepresentation of the geographic location of a business a violation of the consumer protection act.

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 444***, relative to parents in the classroom.

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

Noon. Subcommittee work session on ***SB 321-L***, clarifying the right to public education for children of homeless families.

ELECTION LAW, Room 308, LOB

9:00 a.m. Rescheduled subcommittee work session on ***SB 112***, relative to election day registration and ***SB 336***, relative to disclosure of political contributions and expenditures.

FINANCE, Rooms 210-211, LOB

9:00 a.m. ***SB 455-FN-A***, relative to funding for district and probate court security.

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

Work and executive session on pending legislation, including, but not limited to, the following:

10:00 a.m. ***SB 140-FN-L***, relative to the formula for free and reduced-price lunches.

10:30 a.m. ***SB 425-FN-L***, revising the formula used to calculate the cost of an adequate education.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

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

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

10:15 a.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 436***, allowing municipalities to adopt a lower interest rate charged on property tax payments for property redemptions.

11:00 a.m. Executive session on pending legislation, including, but not limited to, discussion of a proposed amendment to ***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. The amendment relates to the filing dates for tax exemptions, tax credit and deferral applications.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

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

10:00 a.m. ***SB 437-FN-L***, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems.

1:30 p.m. ***SB 440***, relative to rules for water conservation.

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

WEDNESDAY, APRIL 3

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 105A, State House

9:30 a.m. Subcommittee work session on ***SB 358***, relative to the authority to assess administrative fines to ophthalmic dispensers.

Room 100, State House

10:00 a.m. ***SB 441-FN-A***, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications.

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

JUDICIARY, Room 208, LOB

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

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

3:00 p.m. Regular meeting.

RESOURCES, RECREATION AND DEVELOPMENT, Room 303, LOB

10:00 a.m. ***SB 451***, relative to the shoreland protection act.

10:30 a.m. ***SB 453***, relative to setbacks in the shoreland protection act.

11:00 a.m. ***SB 452***, relative to fines for violation of the shoreland protection act.

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

1:00 p.m. Subcommittee work session on ***SB 410***, relative to large groundwater withdrawals.

THURSDAY, APRIL 4

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

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

FRIDAY, APRIL 5

TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h), Room 304, LOB

10:00 a.m. Regular meeting.

Subject: Verizon 271 application.

MONDAY, APRIL 8

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

10:00 a.m. Regular meeting.

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

2:00 p.m. Regular meeting.

TUESDAY, APRIL 9

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

2:00 p.m. Regular meeting.

ELECTION LAW, Room 308, LOB

10:00 a.m. Rescheduled executive session on pending legislation.

WAYS AND MEANS, Room 202, LOB

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

WEDNESDAY, APRIL 10

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

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

9:00 a.m. Regular business.

9:30 a.m. Audit: State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Cannon Mountain, financial and compliance audit report for the ten months ended April 30, 2001.

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.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 15

FISCAL COMMITTEE (RSA 14:30-a), Room 212, LOB

1:00 p.m. Subcommittee on Tax Simulation and Forecasting Models – Charles River Associates (CRA) update.

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.

TUESDAY, APRIL 16

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

2:00 p.m. Regular meeting.

FRIDAY, APRIL 19

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 22

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

1:00 p.m. Complaint hearing.

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.

TUESDAY, APRIL 23

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

2:00 p.m. Regular meeting.

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

10:00 a.m. Update on Department of Safety Construction Projects.

11:00 a.m. Update on University System of New Hampshire Construction Projects.

WEDNESDAY, APRIL 24

**TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19), Landergan Hall, Room 12, Department of Education,
State Office Park South, 101 Pleasant Street, Concord**

2:30 p.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.

TUESDAY, APRIL 30

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

2:00 p.m. Regular meeting.

OFFICIAL NOTICES

county delegation meeting

There will be a meeting of the Carroll County Delegation on Tuesday, April 2 at 3:00 p.m. in Room 301, LOB.

Rep. Betsey L. Patten, Chairman

Carroll County Delegation

LEGISLATIVE HEALTH SCREENING DAY

April 3, 2002 9:00 a.m. – 1:00 p.m.

in

Rooms 305-307 & 306-308, LOB

Room 101, LOB - Displays

All legislators and legislative staff are welcome and encouraged to attend the Legislative Health Screening Day. Blood pressure monitoring and screenings for diabetes, oral health, glaucoma, peripheral vascular disease, oxygen levels and spinal health will be available. Medications, cardiac health, osteoporosis, nutrition, and safety are just a few of the topics to be addressed. A variety of activities and demonstrations will offer learning opportunities for all.

More than 25 agencies and health care professionals from several areas of the state will be participating. Please - mark your calendars - and plan to attend! For more information, please call or visit Health Services, State House Room 30 (ext. 2757).

Barbara Leahy,RN

Margaret Lind,RN

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

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 134, 179, 212, 213, 284, 285, 295, 298, 329, 353, 392, 439, 463, 498, 556, 557, 560, 567, 581, 587, 589, 592, 650, 656, 672, 675, 686, 706, 718, 744, 768, 1000, 1100, 1102, 1192, 1231, 1236, 1259, 1260, 1264, 1266, 1268, 1270, 1271, 1275, 1302, 1305, 1317, 1319, 1336, 1349, 1352, 1353, 1355, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1369, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1379, 1380, 1381, 1382, 1393, 1409, 1411, 1422, 1425, 1426, 1428, 1436, 1437, 1438, 1440, 1450, 1451, 1455, 1456, 1460, 1461, 1462, 1463, 1464, 1466, 1469, 1472, 1478, 1479, 1481 and 1482.

Karen O. Wadsworth, Clerk of the House

When the House Clerk’s Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

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

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

Karen O. Wadsworth, Clerk of the House

MEMBERS’ NOTICES

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

From time to time 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 report that are received in the Speaker’s office and available for viewing.

Reports most recently received include:

Annual Report of the Juvenile Justice Advisory Board

Annual Report for the Telecommunications Equipment Assistance Program

Gene G. Chandler, Speaker

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

New Hampshire Legislators – 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

The Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment will be holding public forums in 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 April:

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

Catholic Medical Center (CMC), Roy Auditorium (Level C), 100 McGregor Street, Manchester, Tuesday, April 2 from 6:30 to 8:30 p.m.

Sammy's Paw Print Restaurant, Route 16, West Ossipee, Wednesday, April 17 from 6:30 to 8:30 p.m.

Rep. William E. Leber

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) will meet at 8:30 a.m. on April 1.

Rep. Paul M. Mirski

The Rockingham County Republican Committee Lincoln Day Dinner, will be held on Tuesday, April 2 at the Executive Court Restaurant in Manchester. Guest speaker will be Ann Wagner, the Vice-Chair of the Republican National Committee. The Republican Gubernatorial Candidates will also be given an opportunity to address the audience. Social at 5:30 p.m. Dinner at 6:30 p.m. Tickets are \$35 per person, and may be purchased from Rep. Pam Saia at 929-4990, or Rep. Kevin Chalbeck at 463-8363.

Rep. Kevin R. Chalbeck

Is the Session stress getting to you? Legislators and Staff are invited to A "Wellness Fair" at New Hampshire Technical Institute on Tuesday, April 2 from 11:00 a.m. to 2:00 p.m. at the Crocker Wellness Center on the NHTI campus. Come enjoy healthy exhibits, demonstrations, massages, refreshments, and more! Exhibits include chair and table massage, vision and blood pressure screening, senior services, color analysis, lung health, highway safety, personal trainer, yoga, and much more. Door prizes, free admission. To get to NHTI, take Route 393 to Exit 1. For more information, please contact 271-7153.

Rep. Tara G. Reardon

The Governor's Office of Energy and Community Service (ECS) will be holding public hearings throughout the state this spring to seek input from citizens about planning for our energy future. The New Hampshire Energy Plan (NHEP) initiative is the result of HB 443, enacted last year, which directs ECS to develop a state energy plan to be presented to the legislature in November. The first public hearing will be held on Wednesday, April 3 at 7:00 p.m. at the Manchester City Hall. More information about NHEP and directions to the hearing are available at the ECS website, www.nhecs.org. Future public hearings will be scheduled in other regions of the state and details will be available on the website in the coming weeks. For more information on public forums or the NHEP, contact Meredith Hatfield at the Governor's Office of Energy and Community Services at 271-2611 or by e-mail at mhatfield@gov.state.nh.us.

Rep. Terie T. Norelli

We will be celebrating New Hampshire Tartan Day on Thursday, April 4 during the House session. Our special guests will be the Honorable George Ferguson, British Consul General and Ralf Hartwell, designer of the New Hampshire Tartan. 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

The New Hampshire Order of Women Legislators will meet on Thursday, April 4 in Room 308, LOB during the lunch break from session. Brown bag lunch.

Rep. Julie M. Brown

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. **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

The NH Department of Health and Human Services, the NH Charitable Foundation and Network New Hampshire cordially invites you to the Annual Legislative Breakfast to celebrate the strengths of Family Resource Centers in New Hampshire on Tuesday, April 16 from 7:30 a.m. to 9:00 a.m. at St. Paul's Church, 21 Center Street, Concord. Please join us.

Rep. Barbara C. French

Legislators and staff are invited to attend the annual Osteoporosis Education and Prevention celebration on Wednesday, April 17 from 11:00 a.m. to 1:30 p.m. A variety of healthy foods will be available for lunch. Please join us in Room 105, State House.

Rep. Barbara C. French

The New Hampshire Order of Women Legislators will meet on Wednesday, April 17 in Room 307, LOB during the lunch break from session. We will have a speaker. Brown bag lunch.

Rep. Julie M. Brown

The Department of Education, in collaboration with the Commission to Establish an Education System for the Deaf and Hard of Hearing, invites you to the following Focus Group discussions in four different areas of the state. We are fortunate to have Dr. Susan E. Auerbach as facilitator of each event. She is highly regarded as an expert on such matters and we are sure she will lead us in the discussion of the purpose of these meetings around the state. The purpose of the forums is to gather information relevant to the education of the deaf and hard of hearing. The following meetings have been scheduled:

April 13 – Hillside Middle School Cafeteria, 112 Reservoir Avenue, Manchester from 10:00 a.m. to noon.

April 27 – Amherst Street School Cafeteria, 71 Amherst Street, Nashua from 10:00 a.m. to noon.

May 4 – Family Resource Center Community Room, 123 Main Street, Gorham from 10:00 a.m. to noon.

May 11 – Keene Public Library, Winter Street, Keene from 10:00 a.m. to noon.

Rep. Andre A. Martel

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 Wednesday, April 17th 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

The Department of Transportation will hold the following meeting:

Apr 2 – Windham Town Hall, 3 N. Lowell Road, Windham, 7:00 p.m. Public hearing (commission), Windham, reconstruction of 1700 feet of NH Route 111A.

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

Apr 9 – Newington Town Hall Function Room, 205 Nimble Hill Road, Newington, 7:00 p.m. Public informational meeting, Newington, review and discuss interim Spaulding Turnpike improvements to enhance safety of access to the Spaulding Turnpike at River Road and Nimble Hill Road.

Apr 11 – Bradford Town Hall, 75 West Main Street, Bradford, 7:00 p.m. Combined public officials informational meeting, Newbury-Bradford, proposed improvements on NH 103 beginning in Newbury near Colburn Farm Road proceeding south approximately 6.5 miles to the Bradford-Warner Town line.

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

Apr 17 – Highlander Inn Ballroom, 2 Highlander Way, Manchester, 2:00 p.m. Public informational/screening session, Bedford-Manchester-Londonderry-Litchfield-Merrimack, Manchester Airport access road.

Apr 17 – Highlander Inn Ballroom, 2 Highlander Way, Manchester, 6:00 p.m. NHDES & ACOE public hearing (wetland permit), Bedford-Manchester-Londonderry-Litchfield-Merrimack, Manchester Airport access road.

Apr 17 – Woodsville Elementary, 206 Central Street, Woodsville, 7:00 p.m. Public hearing special committee, Haverhill-Bath, reconstruct US 302 from NH 10 northerly approximately 1.8 miles.

Apr 18 – Goshen Town Hall, Route 10, Goshen, 7:00 p.m. Public informational/officials meeting, Goshen, bridge rehabilitation.

Rep. Edwin O. Smith, Chairman

Public Works and Highways Committee

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in **April 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
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April 1	9:30 & 11:00	Bridgewater Hebron School	4/40
April 1	11:00	Greenfield Elementary	4/17
April 2	9:30 & 11:00	Lincoln St. Elementary - Exeter	4/60
April 2	1:00	Chichester Central School	2/25
April 2	2:15	Indian Head Resort Tour Group	45
April 3	9:30 & 11:00	Towle Elementary - Newport	4/51
April 3	12:30 & 1:30	Centerwoods Elementary - Weare	4//50
April 4	10:00 & 11:15	Bakersville Elementary - Manchester	4/75
April 4	12:30	North Walpole Elementary	3 & 4/19
April 5	9:30 & 11:00	Presentation of Mary -Hudson	4/67
April 5	1:00	St. Michael’s School - Berlin	6-8 th /17
April 8	8:30	Conant Elementary - Concord	4/25
April 8	9:30 & 11:00	Towle Elementary - Newport	4/51
April 8	12:30 & 1:30	Centerwoods Elementary - Weare	4/50
April 9	8:30	Conant Elementary - Concord	4/25
April 9	9:30	Newfields Elementary	4/35
April 9	10:00	Lafayette Regional School - Franconia	4/27
April 9	11:00	Marston Elementary - Hampton	4/50
April 10	8:30	Conant Elementary - Concord	4/25
April 10	9:30 & 11:00	Marston Elementary - Hampton	4/75
April 10	12:30 & 1:30	Centerwoods Elementary - Weare	4/50
April 10	2:30	Leadership Concord	30
April 11	9:30 & 11:00	Symonds School - Keene	4/50
April 12	8:30	Conant Elementary - Concord	4/25
April 12	9:30 & 11:00	Marston Elementary - Hampton	4/100
April 15	9:00	Henniker Elementary	4/25
April 15	11:00 & 12:30	Antrim Elementary	4/44
April 15	2:00	Teen Pact – Rhode Island	Teens/45
April 16	9:30	Newfields Elementary	5/35
April 16	10:00 & 12:00	Lincoln-Akerman Elementary – Hampton Falls	3 & 4/75
April 17	9:30 & 11:00	East Rochester Elementary	4/60

April 17	1:00 & 2:00	Hinsdale Elementary	4/75
April 18	9:30 & 11:00	Pleasant St. Elementary - Laconia	4/60
April 19	9:30 & 10:45	Henry Moore School - Candia	4/60
April 19	12:00 & 1:00	Maple St. School - Contoocook	4/88
April 22	10:00 & 11:15	Canaan Elementary	4/60
April 23	9:30 & 11:00	John Fueller School – North Conway	4/50
April 24	9:30 & 11:00	Hanover St. School - Lebanon	4/80
April 24	1:00	Trinity Christian School - Concord	5 & 6/34
April 25	9:30 & 11:00	Ray School – Hanover	3/104
April 26	10:00	Cornish Elementary	4/12
April 26	10:00	Freedom Elementary	4/13
April 26	11:30	Madison Elementary	4/28
April 26	2:00	CHOSNH-Christian Home School - Hollis	30
April 29	9:30 & 11:00	Epsom Central School	4/60
April 29	10:00	Seminary Hill Elementary – West Lebanon	4/40
April 30	10:00 & 11:30	Thornton Ferry -Merrimack	4/50
April 30	11:00	Danbury Elementary	3 & 4/26

THURSDAY, APRIL 4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2002-3117h

Amendment to SB 52

Proposed by the Committee on Commerce - R

Amend the bill by replacing section 1 with the following:

1 New Section; Alcoholic Beverages; Liquor Licenses and Fees; Insurance for Liquor Liability.

Amend RSA 178 by inserting after section 2 the following new section:

178:2-a Insurance for Liquor Liability.

I. If the commission finds that a licensee or applicant has twice within 24 months violated RSA 179:5 under circumstances not involving enforcement activity initiated solely for the purpose of verifying noncompliance with RSA 179:5, the commission may require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant furnish sufficient security for liquor liability of the licensee of up to a limit of \$100,000 for any one person and \$300,000 for all persons per incident. Such security may be provided by:

- (a) A continuous certificate of an insurance company or surety company authorized to transact business in this state, attesting to such coverage, which shall remain in effect unless cancelled or non-renewed in accordance with RSA 417-C, with a copy of notice of cancellation or non-renewal provided to the commission; or
- (b) The deposit with the commission of money or securities satisfactory to the commission. Such securities shall be of a type which may be legally purchased by a savings bank or trust funds. Money or securities so deposited shall be subject to execution to satisfy judgment for liquor liability, but otherwise shall not be subject to attachment or execution.

II. The commission shall adopt rules, pursuant to RSA 541-A, relative to procedures and criteria necessary for a certificate of insurance for liquor liability to be required for the issuance of a liquor license.

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

3 Liquor Licenses and fees; Training Required; License Suspension. Amend RSA 178:2, V to read as follows:

V. The commission ~~shall~~ **may** suspend, **pursuant to RSA 541-A:30, III**, the license of any person who holds a license under the provisions of this chapter for failure to comply with the requirements of paragraph IV. The license shall not be reissued until the required training is completed.

4 Applicability; Insurance for Liquor Liability. No violations of RSA 179:5 occurring prior to the effective date of this act shall be considered by the liquor commission in determining whether to require a licensee or applicant to furnish security pursuant to RSA 178:2-a.

5 Insurance for Liquor Liability; Report by Liquor Commission. The liquor commission shall submit a report by July 1, 2005 to the speaker of the house of representatives, the president of the senate, and the chairpersons of house and senate committees having jurisdiction over liquor licensing summarizing the commission's implementation of RSA 178:2-a. The report shall include, but not be limited to, a summary of violations of RSA 179:5 during the 3-year periods preceding and following the enactment of RSA 178:2-a, a summary of those cases where the commission has required licensees to furnish security pursuant to RSA 178:2-a including the type of security provided, a description of each type of security available to licensees required to furnish security pursuant to RSA 178:2-a including the cost of each, and an evaluation of the effectiveness of requiring security pursuant to RSA 178:2-a.

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

AMENDED ANALYSIS

This bill permits the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide security for liquor liability of the licensee if the licensee or applicant has twice within 24 months violated the prohibition on serving minors or intoxicated persons. The liquor commission is required to file a report by July 1, 2005 summarizing its implementation of this requirement. This bill also requires that a management representative of an applicant for a one-day liquor license attend a training program prior to the effective date of the license, and modifies the provision relating to license suspension for persons failing to complete the required training.

2002-3002h

Amendment to SB 301

Proposed by the Committee on Science, Technology and Energy - R

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

AN ACT relative to an innovation initiative within the division of economic development, the creation of the New Hampshire e-commerce advisory commission, and a moratorium on Internet taxation.

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. In October 1998, the United States Congress enacted Public Law 105-277, the Internet Tax Freedom Act, which imposed a 3-year moratorium on certain Internet-related taxes. In November 2001, the United States Congress enacted Public Law 107-75, extending that moratorium through November 1, 2003.

II. Social, educational, and economic benefits result from creating and expanding free and unfettered access to the Internet and computer on-line services.

III. New Hampshire is committed to studying and encouraging through its public policy electronic commerce and the development, growth, and deployment of high-speed Internet access to its citizens and businesses.

IV. Technology-based innovations are critical to the growth and economic development of the state. Rapidly developing technological innovation and deployment will be encouraged by a state public policy restraining government intervention, including taxation.

V. The exercise of the taxing powers of the state of New Hampshire in relation to emerging Internet and computer on-line services will impede the future accessibility, viability, and enhancement of such services in New Hampshire, to the detriment of the citizens of the state.

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

3 Communications Services Tax; Definition of Communications Services; Certain Internet Services Excluded. Amend RSA 82-A:2, III(b) and (c) to read as follows:

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by ~~him~~ **the communications services provider** to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services; ~~or~~

(c) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave, or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received~~;~~ **or**

(d) Internet services and computer on-line services delivered over a cable television system or any other medium so long as a federal moratorium on Internet taxes is in effect, including the moratorium imposed by the Internet Tax Freedom Act enacted by Public Law 105-277, and extended until November 1, 2003 by Public Law 107-75.

4 New Paragraph; Communications Services Tax; Definition of On-line Services Added. Amend RSA 82-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Computer on-line services" means the offering or provision of information, information processing, and products or services to a user via the Internet, whether or not they are offered as part of a package of services that are combined with Internet access and offered to the user for a single price, or provided and billed separately. "Online computer services" does not include telephone service or telecommunications services to the extent that the amounts paid for those services are determined by the Internal Revenue Service to be subject to tax under 26 U.S.C. section 4251.

5 New Paragraph; Communications Services Tax; Definition of Internet Services Added. Amend RSA 82-A:2 by inserting after paragraph V the following new paragraph:

V-a. "Internet services" means the offering or provision of the storage, computer processing, and transmission of information that enables the user to make use of the resources found via the Internet. "Internet services" does not include telephone service or telecommunications services to the extent that the amounts paid for those services are determined by the Internal Revenue Service to be subject to tax under 42 U.S.C. section 4251.

6 New Chapter; New Hampshire E-Commerce Advisory Commission. Amend RSA by inserting after chapter 12-L the following new chapter:

CHAPTER 12-M

New Hampshire E-Commerce Advisory Commission

12-M:1 Commission Established. There is hereby established the New Hampshire e-commerce advisory commission.

12-M:2 Membership and Compensation.

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

- (a) Two members of the house of representatives, at least one of whom shall be a member of the committee having jurisdiction over the telecommunications matters, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of revenue administration, or designee.
- (d) One member representing the New Hampshire Municipal Association, appointed by that organization.
- (e) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the governor.
- (f) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the president of the senate.
- (g) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the speaker of the house of representatives.

II. Members of the commission shall serve without compensation except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term which is coterminous with their elected office. The appointed members of the commission shall serve 3-year terms.

12-M:3 Duties. The commission's duties shall include, but not be limited to:

I. Studying the current use of electronic commerce in New Hampshire.

II. Studying the current trends in the development, growth, and deployment of high-speed Internet access to New Hampshire's citizens and businesses.

III. Identifying issues related to electronic commerce to be addressed at the federal level by Congress and the Federal Communications Commission.

IV. Analyzing potential incentives under New Hampshire law to encourage deployment of electronic commerce-related technology.

V. Assessing state policy options to encourage rapidly developing technological innovation and deployment, including tax policy.

VI. Adopting recommendations relating to electronic commerce policies under New Hampshire law.

12-M:4 Chairperson; Clerk. The members of the commission shall elect a chairperson and a clerk from among the members. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section.

12-M:5 Report. On or before November 1 of each year, the commission shall submit an annual report outlining the commission's activities and recommendations to the chairperson of the house committee having jurisdiction over telecommunications matters, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor.

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

AMENDED ANALYSIS

This bill directs the New Hampshire council on applied technology and innovation to collaborate with the division of economic development in creating the division's technology-based innovation initiative.

The bill also establishes a state moratorium on Internet taxes and establishes an e-commerce advisory commission.

2002-3005h

Amendment to SB 309-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 relative to payment of medical benefits costs for disabled group II members of the retirement system.

Amend the bill by replacing section 1 with the following:

1 Group II Disabled Members; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, ~~[2002]~~ **2003** or permanent firemen members of group II before July 1, ~~[2002]~~ **2003**. Such additional benefits shall not apply to other persons who become members of group II after ~~[June 30, 2002]~~ **the dates stated in this paragraph**, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill extends the years of eligibility of group II disabled members for the payment of medical benefits costs by the retirement system.

2002-3099h

Amendment to SB 314-FN

Proposed by the Majority of the Committee on Transportation - R

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

1 State College and University System; Selective Service Registration Awareness and Compliance Act; Application; Driver's License Added. Amend RSA 187-A:39 to read as follows:

187-A:39 Application.

I. No person who is not in compliance with the Military Selective Service Act as provided in 50 U.S.C. *app.* section 451 et seq. shall:

- (a) Be permitted to enroll in a state-supported institution of postsecondary or higher education.
- (b) Be eligible to receive a loan, grant, scholarship, or other financial assistance for postsecondary higher education supported by state revenue, including federal funds, gifts, or grants accepted by the state, or to receive a student loan guaranteed by the state.
- (c) Having attained the age of 18 years, be eligible for employment by or service to the state or any political subdivision of the state, including all state boards, commissions, departments, agencies, and institutions.

II. A person who has authorized the department of safety to submit information to the Selective Service System pursuant to RSA 263:5-c shall be considered to be in compliance with the Selective Service Act for purposes of this section.

2 New Section; Drivers' Licenses; Issuance of Licenses; Compliance With Federal Selective Service Requirements. Amend RSA 263 by inserting after section 5-b the following new section:

263:5-c Compliance With Federal Selective Service Requirements.

- I. When applying for a driver's license or driver's license renewal, any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age may authorize the department to register him with the Selective Service System in compliance with the requirements of section 3 of the "Military Selective Service Act", 50 U.S.C. app. section 451 et seq., as amended.
- II. The application form for a driver's license or driver's license renewal shall include a box to check off if the applicant is 18 years of age and wishes to authorize the department to submit the necessary information to the Selective Service System to register the applicant with the Selective Service System in compliance with federal law. The applicant shall not be required to provide his social security number for Selective Service registration purposes. The department shall not release any information pursuant to this section unless the Selective Service System has provided assurance to the department that the Selective Service System shall not transfer to any non-governmental agency; any information which the applicant submitted to the department for registration purposes.
- III. Failure to authorize Selective Service registration as provided in this section shall not be a basis for denying driving privileges to the applicant.
- IV. The commissioner may charge reasonable fees pursuant to RSA 260:14, XIII, for the collection and release of information to the Selective Service System under this section, provided that no such fee shall be charged to the applicant authorizing registration.

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

AMENDED ANALYSIS

This bill provides that a person who is required to be registered with the Selective Service System may authorize the department of safety to forward to the Selective Service System the necessary information for such registration.

2002-3126h

Amendment to SB 315-FN

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

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

AN ACT increasing the OHRV registration fee for snow traveling vehicles.

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

1 OHRV Registration Fees; Resident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-\$26 for each 2-wheeled trail bike registration, [~~\$45~~] **\$55** for each snow traveling vehicle registration, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, [~~\$25~~] **\$35** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

2 OHRV Registration Fees; Nonresident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, [~~\$60~~] **\$70** for each snow traveling vehicle registration, or \$45 for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, [~~\$36~~] **\$46** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

3 Grant-in-aid Program; Bureau of Trails; Fee Increase Designation. The bureau of trails in the department of resources and economic development shall initially use the \$10 fee increase for snow traveling vehicles under sections 1 and 2 of this act for the purpose of lowering the match percentages required of OHRV clubs to receive money under the grant-in-aid program for costs related to developing, improving, or maintaining trails or facilities used by snow traveling vehicles. The commissioner of the department of resources and economic development shall adopt or amend the grant-in-aid program rules as appropriate.

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

AMENDED ANALYSIS

This bill increases the OHRV registration fee for snow traveling vehicles and initially designates the revenue to the grant-in-aid program of the bureau of trails in order to lower the match percentages of OHRV clubs receiving money for snow traveling vehicle trail work.

2002-3140h

Floor Amendment to SB 315-FN

Proposed by Reps. Roberts, Zerba and Gallus

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

AN ACT increasing the OHRV registration fee for snow traveling vehicles and exempting persons who are members of an organized snowmobile club from the increased fee.

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

1 OHRV Registration Fees; Resident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-\$26 for each 2-wheeled trail bike registration, [~~\$45~~] **\$75** for each snow traveling vehicle registration, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older. ***An individual resident registering a snow traveling vehicle, who provides proof at the time of registration that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay \$45 for each snow traveling vehicle.***

(a) The first \$7 of each 2-wheeled trail bike registration, [~~\$25~~] **\$55** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

2 OHRV Registration Fees; Nonresident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, [~~\$60~~] **\$90** for each snow traveling vehicle registration, or \$45 for each other OHRV registration. ***An individual nonresident registering a snow traveling vehicle, who provides proof at the time of registration that the individual is a member of an organized New Hampshire nonprofit snowmobile club, which is a member of the New Hampshire Snowmobile Association, shall pay \$60 for each snow traveling vehicle.***

(a) The first \$13 of each 2-wheeled trail bike registration, [~~\$36~~] **\$66** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

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

AMENDED ANALYSIS

This bill increases the OHRV registration fee for snow traveling vehicles but exempts persons who are members of an organized snowmobile club from the increased fee.

2002-3071h

Amendment to SB 318

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to transfers of funds from the sweepstakes fund for salary and retirement benefits.

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

1 Sweepstakes Fund. Amend RSA 284:21-j to read as follows:

284:21-j Establishment.

I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

II. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the sweepstakes commission, the commission may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the sweepstakes fund for expenses related to salary and retirement benefits.

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

AMENDED ANALYSIS

This bill permits certain transfers from the sweepstakes fund to pay for expenses related to salary and retirement benefits, if approved by the legislative fiscal committee and the governor and council.

2002-3112h

Amendment to SB 331-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 changing the titles and pay grades for certain department of health and human services unclassified positions, granting authority for technical corrections to the unclassified salary structure, and increasing the number of alternates appointed to the joint legislative committee on administrative rules.

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

1 Unclassified Officers; Health and Human Services Position Titles Removed. Amend RSA 94:1-a, I(c) by deleting the following from:

I. Grade CC:

CC Department of health and human services, service specialist
office of administration

II. Grade DD:

DD Department of health and human services program specialist
DD Department of health and human services administrator, strategic planning

III. Grade EE:

EE Department of health and human services assistant director

IV. Grade GG:

GG Department of health and human services, director of special projects
office of the commissioner

GG New Hampshire hospital assistant superintendent professional SE

V. Grade HH:

HH Department of health and human services, physician in charge
division of behavioral health

2 Unclassified Officers; Health and Human Services Position Titles Added. Amend RSA 94:1-a, I(c) by inserting the following in:

I. Grade DD:

DD Department of health and human services systems analyst
DD Department of health and human services legal services director

II. Grade EE:

EE Department of health and human services administrator of finance
EE Department of health and human services senior systems analyst

III. Grade FF:

FF Department of health and human services director of MMIS

IV. Grade HH:

HH Department of health and human services director of application management
HH New Hampshire hospital director

3 Application. Any increase in salary for a person holding a position amended by sections 1 and 2 of this act shall have such new salary made applicable retroactive to December 28, 2001.

4 Salary Structure for State Officers; Codification of Technical Corrections. Amend 2001, 158:107 to read as follows:

158:107 Authority for New or Omitted Positions or Technical Corrections. The commissioner of the department of administrative services shall have the authority to submit any unclassified positions created in any act which becomes law

during the 2001 legislative session or any existing unclassified position omitted from RSA 94:1-a as amended by this act, or technical corrections to agree with the final report of the consultant, after consultation with the consultant on employee compensation for state officers, to the fiscal committee for approval of the proper placement of the unclassified position in the salary structure for state officers. ***The director of legislative services is hereby authorized to make changes to RSA 94:1-a, I(b) to include new positions, existing positions which were omitted, or other technical corrections, as approved by the fiscal committee pursuant to this section. The authority for the director of legislative services to make such changes to RSA 94:1-a, I(b) shall expire upon the printing of the 2002 supplements to the Revised Statutes Annotated.***

5 Joint Legislative Committee on Administrative Rules; Appointment of Alternates. Amend RSA 541-A:2, I to read as follows:

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and [4] **10** alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; [2] **5** alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than [one] **3** of whom shall be from the same party; and [2] **5** alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than [one] **3** of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the chair shall designate an alternate member to serve regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a chair and a vice-chair from among its members, provided that the chair shall rotate biennially between the house and senate members.

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

AMENDED ANALYSIS

This bill makes changes to position titles and salary grades for certain department of health and human services unclassified positions.

This bill allows the director of legislative services to add positions for unclassified state officers which were newly created or omitted from the revised salary structure for state officers or make other technical corrections submitted by the commissioner of administrative services and approved by the fiscal committee.

This bill also increases the number of alternates to the joint legislative committee on administrative rules.

2002-3089h

Amendment to SB 353

Proposed by the Committee on Environment and Agriculture - C

Amend the bill by replacing section 3 with the following:

3 Release From Taxes Clarified. Amend RSA 79:2 to read as follows:

79:2 Release From Taxes. All growing wood and timber except fruit trees, sugar orchards, nursery stock, Christmas trees, and trees maintained only for shade or ornamental purposes or for genetically-engineered short rotation tree fiber, ~~[which shall not be subject to the yield tax,]~~ shall be released from the general property tax ~~[and the school tax in unincorporated places provided for in RSA 198:16],~~ but the land on which such growing wood and timber stands shall be assessed. ***Fruit trees, nursery stock, Christmas trees, trees maintained only for shade or ornamental purposes or for genetically-engineered short rotation tree fiber, and trees harvested from sugar orchards for the purpose of enhancing maple sap production, shall not be subject to the yield tax under RSA 79:3.***

2002-3104h

Amendment to SB 366

Proposed by the Committee on Science, Technology and Energy - R

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

AN ACT relative to biennial reports of the public utilities commission relative to membership of the site evaluation committee, and relative to the electricity consumption tax.

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

1 Reports of Public Utilities Commission; Biennial; Recipients. Amend RSA 363:24 to read as follows:

363:24 Biennial. The commission shall publish and file with the governor and council, *the president of the senate, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives* a report not later than December 1 of each odd numbered year. Such report shall contain such account of its proceedings for the 2 years last preceding, and such suggestions and recommendations as to needed legislation or as to other matters affecting public utilities as the commission may desire to submit.

2 Energy Facility Evaluation, Siting, Construction, and Operation; Site Evaluation Committee; Membership. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the director of the office of state planning, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the director of the governor's office of energy and community services or deputy director as designee, the commissioner of the department of transportation or assistant commissioner as designee, ~~and~~ the commissioners ~~[and chief engineer]~~ of the public utilities commission, *and a staff engineer designated by the commissioners of the public utilities commission*. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

3 Repeal. 1997, 347:5, II, repealing the electricity consumption tax, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 29, 2002.

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

AMENDED ANALYSIS

This bill:

I. Requires that the public utilities commission file its biennial reports with the speaker of the house of representatives and the president of the senate.

II. Permits the public utilities commissioners to designate a staff engineer for membership on the site evaluation committee.

III. Repeals the prospective repeal of the electricity consumption tax.

2002-3127h

Amendment to SB 388

Proposed by the Committee on Ways and Means - C

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

1 Bingo and Lucky 7; Operation of Bingo Games. Amend RSA 287-E:7, V to read as follows:

V. No ~~[person operating a bingo game and no]~~ *bingo chairperson, bingo treasurer, or* person who has leased out a facility or sold or leased bingo paraphernalia or related equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date.

2 New Paragraph; Operation of Bingo Games; Exception. Amend RSA 287-E:7 by inserting after paragraph V the following new paragraph:

V-a. A person who volunteers to assist in the operation of a bingo game may play bingo after assisting with the operation of the game; provided that once a person has played bingo on a given date, that person may no longer assist with the operation of the bingo game on that date.

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

2002-2982h

Amendment to SB 399

Proposed by the Committee on Commerce - C

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 - 10 to read as 2 - 11, respectively:

1 Negotiable Instruments; Definitions; Demand Draft Added. Amend RSA 382-A:3-103(b) to read as follows:

(b) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance" Section 3-409.

"Accommodated party" Section 3-419.

"Accommodation party" Section 3-419.

"Alteration" Section 3-407.

"Anomalous indorsement" Section 3-205.

"Blank indorsement" Section 3-205.

"Cashier's check" Section 3-104.

"Certificate of deposit" Section 3-104.

"Certified check" Section 3-409.

"Check" Section 3-104.

"Consideration" Section 3-303.

"Demand Draft" Section 3-104

"Draft" Section 3-104.

"Holder in due course" Section 3-302.

"Incomplete instrument" Section 3-115.

"Indorsement" Section 3-204.

"Indorser" Section 3-204.

"Instrument" Section 3-104.

"Issue" Section 3-105.

"Issuer" Section 3-105.

"Negotiable instrument" Section 3-104.

"Negotiation" Section 3-201.

"Note" Section 3-104.

"Payable at a definite time" Section 3-108.

"Payable on demand" Section 3-108.

"Payable to bearer" Section 3-109.

"Payable to order" Section 3-109.

"Payment" Section 3-602.

"Person entitled to enforce" Section 3-301.

"Presentment" Section 3-501.

"Reacquisition" Section 3-207.

"Special indorsement" Section 3-205.

"Teller's check" Section 3-104.

"Transfer of instrument" Section 3-203.

"Traveler's check" Section 3-104.

"Value" Section 3-303.

2002-2987h

Amendment to SB 403-FN

Proposed by the Committee on Transportation - C

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

AN ACT relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses and motorcycle endorsements, and motor vehicle inspectors.

Amend the bill by replacing sections 2-3 with the following:

2 Registration of Vehicles; Special Number Plates for Veterans; Veterans Awarded the Purple Heart. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans. Individuals who qualify for special plates for certain veterans shall only be issued one set of plates pursuant to this section, ***except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.***

3 Driver's License Fees; Special Motorcycle License and Motorcycle Endorsement. Amend RSA 263:42 to read as follows:

I. For each youth operator's or original driver's license and examination or driver's license renewal, other than for a commercial vehicle ***or motorcycle-*** \$50; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; ***for each special motorcycle original license and examination or special motorcycle license renewal- \$50; for each original motorcycle endorsement- \$25; for each motorcycle endorsement renewal- no charge.*** For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Every license shall expire on the licensee's birthdate in the fifth year following the issuance of such

license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

AMENDED ANALYSIS

This bill:

- I. Changes the title of motor vehicle inspectors to highway patrol and enforcement officers.
- II. Establishes fees for special motorcycle licenses and motorcycle endorsements.
- III. Allows a person who was awarded a purple heart to be issued an additional special number plate for a motorcycle.

2002-3095h

Amendment to SB 406

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to animal control.

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

1 Eligibility of Owner of Dog or Cat to Participate. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, **and such person pays a fee of \$30**. The sterilization shall be performed by a participating veterinarian~~[- and the fee for the operation shall be \$25].~~

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of ~~[\$10]~~ **\$15**:

- (a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.
- (b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).
- (c) The ~~[Aid to Families with Dependent Children]~~ **Temporary Assistance for Needy Families** Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.
- (d) The aid to the needy blind program established under RSA 161:2, V.
- (e) The medicaid program established under RSA 167.
- (f) The old age assistance program established under RSA 167.
- (g) The aid to the permanently and totally disabled program established under RSA 167.

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

AMENDED ANALYSIS

This bill raises the fee for animal sterilization for animals adopted from animal shelters.

2002-3091h

Amendment to SB 419

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

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

AN ACT relative to notification of groundwater contamination and repealing certain MTBE notification requirements for public water systems.

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

1 New Section; Notification of Groundwater Contamination Required. Amend RSA 485-C by inserting after section 14-a the following new section:

485-C:14-b Notification of Groundwater Contamination Required.

I. Upon the discovery of groundwater contamination where one or more regulated chemical or radiological contaminants exceeds ambient groundwater quality standards, the commissioner shall require notification of the presence of the contamination to the following:

(a) The owners of all property which contains a water supply well and is within 500 horizontal feet of the well where the contamination is discovered.

(b) Public water suppliers, when the groundwater contamination falls within the wellhead protection area of the public water supply.

(c) The health officer of any municipality which contains property being notified.

II. Notification shall be made in writing within 30 days following confirmation of the contamination. Each property owner or public water supplier shall be notified at least once upon the discovery of contamination in an area. The commissioner may require additional notification as the extent of contamination at a site is further determined and remediation occurs. Where the cause of the contamination is known, the person responsible shall provide the notification required by this section. Where the cause of the contamination is unknown, the commissioner shall provide the notification. This section shall apply only to groundwater contamination confirmed by sampling conducted by the department or at its direction.

2 Repeal. RSA 485:16-a, II, relative to notifying customers about MTBE content in public water systems is repealed.

3 Applicability. Section 1 of this act shall apply only to groundwater contamination discovered on or after the effective date of this act.

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

AMENDED ANALYSIS

This bill requires notification of certain property owners, public water suppliers, and health officers when groundwater contamination is discovered. It also repeals the requirement that public water systems notify each customer about the MTBE content of the water if there is greater than 5 parts per billion of MTBE in the water the system is delivering.

2002-3023h

Amendment to SB 420-FN-A

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT making an appropriation for the purpose of hiring a recreational ride and lift inspector.

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

1 Position Established. The position of recreational ride and lift inspector, labor grade 16, is established in the department of safety, division of safety services.

2 Appropriation. The sum of \$1 is hereby appropriated for the fiscal year ending June 30, 2003 to the department of safety, division of safety services for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of safety, division of safety services. The commissioner of safety shall furnish suitable equipment to the recreational ride and lift inspector out of the sum appropriated herein. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill makes an appropriation to the department of safety, division of safety services for the purpose of hiring a recreational ride and lift inspector.

This bill is a request of the department of safety.

2002-3028h

Amendment to SB 422-FN

Proposed by the Committee on Commerce - R

Amend the bill by replacing section 9 with the following:

9 Continuing Care Communities; Audits. Amend RSA 420-D:23 to read as follows:

420-D:23 Audits. The commissioner or ~~his~~ **the commissioner's** agent shall audit the books and records of a facility subject to this chapter ~~as~~ **once every 5 years, or more** frequently as ~~he~~ **the commissioner** deems necessary to assure the accuracy of reports to him **or her** taking into consideration other independent audits required under this chapter.

Amend the bill by replacing section 14 with the following:

14 Liability Insurance; Rates for Workers' Compensation Insurance; Prohibitions. Amend RSA 412:10 to read as follows:

412:10 Prohibitions.

- I. Subject to paragraph II***, no such insurer shall issue, renew, or carry any insurance against liability under the workers' compensation law at premium rates which are greater or less than or different from those so approved by the commissioner.
- II. Upon the written petition of an insured whose workers' compensation premium prior to the application of this paragraph is at least \$25,000, the commissioner may, for good cause, approve a premium for that insured only which is in excess of the premium the insured would pay in the New Hampshire workers' compensation assigned risk plan. The petition shall specify the reasons why it should be granted and shall include a statement that the insured is aware that coverage could be obtained at a lower rate, in the assigned risk plan. The petition shall be filed no less than 30 days after the effective date of coverage to be provided by the policy rated under this paragraph. The petition shall be deemed approved unless the commissioner, or designee, denies the same within 30 days of filing. The premium approved or deemed approved hereunder shall not exceed the maximum which would be charged based on application of the insurer's highest loss cost multiplier, schedule debit or other approved rating mechanism. Failure to secure approval hereunder shall enable the insurer to cancel the policy upon 30 days notice to the insured, the provisions of RSA 281-A:9 notwithstanding. If the petition is denied, the insurer shall charge no more than the premium rates which would have applied had the insured been written in the assigned risk plan.***
- III. Refusal by a risk to be placed into the assigned risk pool, for whatever reason is not sufficient for consent to rate the insured.***

Amend the bill by replacing sections 26 through 30 with the following:

26 Sales of Insurance By Financial Institutions; Confidential Customer Information. RSA 406-C:9 is repealed and reenacted to read as follows:

406-C:9 Confidential Customer Information. The financial institution shall not disclose any nonpublic customer information,

unless such disclosure is consistent with the provisions of the federal Gramm-Leach-Bliley Act and any applicable laws or rules adopted pursuant to RSA 400-A:15, I.

27 Sales of Insurance by Financial Institutions; Separation of Activities. RSA 406-C:7, I is repealed and reenacted to read as follows:

I. A financial institution shall, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public or credit transactions are conducted, identify the areas where insurance product or annuity sales activities occur, and clearly delineate and distinguish those areas from the areas where the bank’s retail deposit-taking activities or credit transactions occur; provided that this section shall not apply to the sale of credit life insurance, credit accident and health insurance, mortgage life insurance and mortgage disability insurance, credit involuntary unemployment insurance, and private mortgage insurance issued under a certificate of a bank policy.

28 Insurance Companies and Agents; Rulemaking Authority. Amend the introductory paragraph of RSA 402:30-a to read as follows:

The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A, ***which are reasonable and necessary for the implementation and administration of this chapter*** relative to:

29 Reinsurance Intermediaries; Rulemaking. Amend the introductory paragraph of RSA 402-F:11 to read as follows:

The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A ***which are reasonable and necessary for the implementation and administration of this chapter***, relative to:

30 Preferred Provider Agreements; Rulemaking. Amend the introductory paragraph of RSA 420-C:6, I to read as follows:

I. The commissioner ~~[shall]~~ **may** adopt rules under RSA 541-A ***necessary for the implementation and administration of this chapter***, relative to:

Amend the bill by replacing section 42 with the following:

42 Eligibility; High Risk Pool. Amend RSA 404-G:5-e, VI(e) to read as follows:

(e) After the second of 2 successive inquiries made by the plan concerning the person’s ~~[eligibility or]~~ place of residence to which the person does not reply, provided the person has 90 days to respond to each inquiry.

43 Application of Provisions of the Insurance Code. Amend RSA 404-G:5-f, II to read as follows:

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

44 New Paragraph; Minimum Nonforfeiture Amounts; Individual Annuities. Amend RSA 409-A:4 by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provisions of this section, for contracts providing flexible considerations issued on or after July 1, 2002 and before July 1, 2004, the rate of interest referred to in paragraph I shall be 1.5 percent per annum of percentages of the net considerations, adjusted in the manner set forth in paragraph I.

45 Rulemaking; Managing General Agents. Amend RSA 402-E:7 to read as follows:

402-E:7 Rulemaking. The commissioner of the insurance department ~~[shall]~~ **may** adopt rules, under RSA 541-A, necessary for the implementation and administration of this chapter.

46 Rulemaking; Disposal of Assets. Amend RSA 403-A:12 to read as follows:

403-A:12 Rules and Regulations. The insurance commissioner ~~[shall]~~ **may**, by regulation, prescribe the rules necessary for the

administration of this chapter.

47 Rulemaking; Conversion of Mutual Insurers. Amend RSA 403-B:9 to read as follows:

403-B:9 Rules. The commissioner ~~[shall]~~ **may** adopt rules, pursuant to RSA 541-A, as may be necessary for the administration of this chapter.

48 Rulemaking; Legal Services Insurance. Amend RSA 415-C:7 to read as follows:

415-C:7 Rulemaking. The commissioner ~~[shall]~~ **may** adopt under RSA 541-A such rules as are necessary to implement the mandates of this chapter.

49 Rulemaking; Delta Dental Plan. Amend RSA 420-F:17 to read as follows:

420-F:17 Rulemaking Authority. The commissioner ~~[shall]~~ **may** adopt rules in accordance with RSA 541-A, which are reasonable and necessary to administer and enforce the provisions of this chapter.

50 Rulemaking; Portability, Availability and Renewability of Health Coverage. Amend RSA 420-G:14 to read as follows:

420-G:14 Rulemaking Authority. The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A, necessary to the proper administration of this chapter.

51 New Subparagraph; Privacy Task Force; Member Added. Amend 2001, 256:8, I(k) by inserting after subparagraph (9) the following new subparagraph:

(10) Retail merchants.

52 Effective Date.

I. Sections 3, 4, 7, 8, 10, 11, 18-23, 44, and 51 shall take effect upon its passage.

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

2002-2986h

Amendment to SB 434

Proposed by the Committee on Fish and Game - C

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

1 New Section; Fish and Game Commission; Duties and Responsibilities. Amend RSA 206 by inserting after section 7 the following new section:

206:7-a Duties and Responsibilities.

I. In addition to other duties provided by law, it shall be the duty of the fish and game commission as the citizens' representatives to be the steward of the fish, wildlife, and marine resources of the state of New Hampshire and to set broad policy which will guide the fish and game department in the following matters:

(a) Conserving, protecting, and managing wildlife populations and habitat, collecting necessary scientific information and enforcing fish and game laws for the purpose of sustaining healthy populations of fish, wildlife, and marine resources.

(b) Developing, funding, and implementing a long range strategic plan to direct the operation of the fish and game department.

(c) Acquiring, developing, and maintaining public access to lands and waters for recreational use consistent with New Hampshire laws and rules.

(d) Educating the public, building awareness, and encouraging support for department programs and objectives.

(e) Establishing positions on all proposed legislation that directly affects fish and wildlife resources and the overall management of the fish and game department.

II. It shall be the duty of the commission to nominate the executive director in accordance with RSA 206:8, I(a).

2 Technical Changes; Subparagraphs Designated. Amend RSA 206:8, I to read as follows:

I. **(a)** The commission, following a comprehensive and equitable search, shall nominate, and the governor and council shall appoint, an executive director of the fish and game department. If the governor and council fail to appoint the nominee, the commission shall nominate another person. Each nominee shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, and restoration of the wildlife resources of the state and shall be a competent administrator.

(b) The executive director shall hold office for a term of 4 years from the date of appointment and until a successor is appointed and qualified. Notwithstanding RSA 21:33-a, a vacancy in such office shall be filled for a 4-year term from the date of appointment. The governor and council shall have the authority to remove the executive director at any time, but only for just cause pursuant to RSA 4:1. In such case, the governor and council shall deliver to the executive director a copy of the charges and afford an opportunity of being heard publicly in person or by counsel after being given not less than 15 days notice.

(c) The executive director shall not hold any other public office, and shall be entirely devoted to the service of the state in the discharge of the official duties of the position. The executive director shall receive the compensation prescribed in RSA 94:1-4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred in the discharge of official duties. Before entering upon the duties of the office, the executive director shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that no other public office is held nor any position under any political committee or party is held. Such oath shall be filed with the secretary of state.

(d) The executive director shall have general supervision and control of all activities, functions, and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources, and marine species, and shall exercise all necessary powers incident thereto.

3 References to Committees Changed. Amend RSA 206:9-b to read as follows:

206:9-b Annual Report; Moose and Bear Management Funds. The executive director shall submit an annual report by October 1 beginning with fiscal year 1995, to the fiscal committee, the chairperson of the **appropriate** house [~~wildlife and marine resources~~] committee, and the chairperson of the **appropriate** senate [~~fish and game/recreation~~] committee relative to all receipts and disbursements in the moose management fund established in RSA 208:1-a, III and the bear management fund established in RSA 208:24, IV. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public summarizing the receipts and disbursements regarding such funds. After submission to the general court, the report shall be available to the public.

4 Hearings; Commission References Added. Amend RSA 206:11 to read as follows:

206:11 Hearings to Receive Suggestions From the Public. Once each biennium, in the odd-numbered year, the executive director **and the commission** shall hold public hearings to hear suggestions from the public on changes in the fishing rules or on any other subject with respect to ~~his~~ **the department's** duties. Such hearing shall be held in Concord and in Lancaster. Public notice of said hearings shall be published at least twice in 2 newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the executive director **or the commission** may deem desirable. It shall be the duty of the members of the commission to be in attendance at such hearings. The executive director may ~~in his discretion~~ conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that ~~the executive director shall hold~~ **are held** in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the executive director under the provisions of this title shall be given full opportunity to be heard, and the executive director shall cause a complete record to be kept of all testimony taken.

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

AMENDED ANALYSIS

This bill establishes the duties of the fish and game commission as the steward of the fish, wildlife, and marine resources of the state.

