

State of New Hampshire HOUSE RECORD

First Year of the 158th Session of the General Court Calendar and Journal of the 2003 Session

Vol. 25 Concord N.H Friday, January 24, 2003 No. 10

Contains: Reports and Amendments for January 30, Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, January 30, at 10:00 a.m. In addition to the Consent Calendar and Regular Calendar we will be voting on an amendment to House Rules. The House will tentatively meet on Thursday, February 6.

Many members use a Legislative E-mail address maintained in the State House for all their legislative correspondence. These addresses are in the form `FirstName.LastName@leg.state.nh.us` and are published to the public on the legislative web site: www.gencourt.state.nh.us. All incoming e-mail to the State House is automatically scanned for computer viruses and if any known viruses are detected they are removed before the e-mails are passed on to recipients. The antivirus software at the State House is diligently kept current.

Computer viruses have become very sophisticated and can cause the loss of data and can damage a computer. New viruses are detected almost every single day. If you have a computer at home please be sure to keep your antivirus software current. This will protect yourself and others whose e-mail addresses you may be keeping on your computer. Legislators who wish to create a legislative e-mail account may do so by visiting room 31 in the State House. Your Legislative e-mail account can be easily read from any PC that has Internet access.

All members should be aware that the House Information Officer, in addition to assisting members with press releases, declaration, and public relations, is available to take photographs on the floor of the House during session for members. Please

feel free to give Danielle Grant at call at 271-3666 or danielle.grant@leg.state.nh.us.

There will be a break in all legislative meetings the week of February 24-28, 2003.

Chairmen and Vice Chairmen will meet on Tuesday, January 28, at 9:00 a.m. in Room 201 LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, **January 30** at 9:15 a.m. in Representatives Hall.

Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, **January 30** at 8:30 a.m. in Rooms 306-308 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE

LEGISLATIVE ETHICS COMMITTEE

All legislators and legislative officers are required to complete and file the annual "Financial Disclosure Form" with the Office of the Secretary of State no later than January 31, 2003. A copy of the form has been sent to each member of the House.

HOUSE DEADLINES

Friday, December 13, 2002, 3:00 p.m.	Last day to file LSR's with complete information.
Friday, January 17, 2003, 12:00 p.m.	Last day to sign-off on all House bills, including redraft requests.
Thursday, January 30, 2003	Last day to introduce all House bills.
	Last day to amend House Rules by majority vote.
Thursday, March 6, 2003	Last day to report all House bills being referred to a second committee.
Thursday, March 13, 2003	Last day to act on all House bills being referred to a second committee.
Thursday, March 20, 2003	Last day to report all House bills not in a second committee, except budgets.
Thursday, March 27, 2003	Last day to act on all House bills not in a second committee, except budgets.
Thursday, April 3, 2003	Last day to report all remaining House bills.
	Last day to hold public hearings on all House bills retained

	in committee.
	Last day for committees to report list of retained House bills.
Thursday, April 10, 2003	CROSSOVER -Last day to act on all remaining House bills.
Tuesday, April 22, 2003	Supplemental LSR filing period opens.
Thursday, April 24, 2003, 3:00 p.m.	Last day to file supplemental LSRs withcomplete information.
Thursday, May 8, 2003	Last day to report Senate bills being referred to a second committee.
Thursday, May 15, 2003	Last day to act on Senate bills beingreferred to a second committee.
Thursday, May 29, 2003	Last day to report all Senate bills for action in the first-year session.
	Last day to hold public hearings on all Senate bills retained in committee.
	Last day for committees to report list of retained Senate bills.
Thursday, June 5, 2003	Last day to act on all Senate bills in the first-year session.
Wednesday, June 11, 2003	Last day to form committees of conference.
Friday, June 13, 2003, 3:00 p.m.	Last day to sign-off all supplemental bills, including redrafts
Wednesday, June 18, 2003, 3:00 p.m.	Last day to sign committee of conference reports.
Tuesday, June 24, 2003	Last day to act on committee of conference reports.
	Last day to introduce supplemental bills.

AMENDMENT TO HOUSE RULES

2003-0042h

Amendment to House Rules

Proposed by the Committee on Rules

Amend House Rule 17 to read as follows:

17.(a) The following persons shall be admitted within the door of the Representatives’ chamber **or anteroom** while the House is in session: House members and officers, the Governor, Council members, [~~Senate members,~~] the Secretary of State, the Treasurer, **the President of the Senate**, and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the Speaker.

LAID ON TABLE

Proposed amendment to House Rule 63.

(Last sentence) With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting [~~devices~~] and/or receiving devices ***nor shall any member operate a video camera or a camera utilizing flash bulbs*** on the floor of the House, ***while the House is in session.***

thursday, january 30

consent calendar

COMMERCE

HB 102, relative to disclosures required in retail installment sales of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser Jr. for Commerce: The sponsor requested that this proposed legislation be withdrawn. The committee voted to report the bill as ITL. **Vote 16-0.**

HB 160, relative to removal or replacement of trustees. **OUGHT TO PASS**

Rep. Leo W. Fraser Jr. for Commerce: In 1998 lawmakers passed a bill to expand the circumstances under which beneficiaries or co-trustees could petition the probate court for the replacement or removal of an existing trustee. The bill was intended to apply to all trusts as defined in the Uniform Trustees' Powers Act (RSA 564-A), which is the chapter in state law that describes the powers conferred and exercised by trustees. The law that passed in 1998 amended an existing provision in RSA 564, which was the original New Hampshire statute governing the jurisdiction of the probate court as it applies to trusts and which contained a provision pertaining to the removal of a trustee. The intent of the bill passed in 1998 was that the removal and replacement provisions did apply to all trusts. This bill clarifies that the provision in state law allowing beneficiaries of a trust to petition the court for removal or replacement of an existing trustee applies to trustees of all trusts, as defined in the Uniform Trustees Powers Act, and not just trustees appointed by the probate court. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 64, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas K. Fish for Criminal Justice and Public Safety: This bill, as amended, creates a commission with the participation of all the departments and groups related to the information generated by the respective criminal justice agencies with the intention of sharing the information. The commission will determine whether the creation of such an integrated criminal justice information system would promote efficiency at a reduced cost while preserving privacy rights of individuals. The amendment adds a representative of the county corrections system and the Director of Police Standards and Training to the commission and sets forth the intention to protect the rights of individuals. **Vote 19-0.**

HB 71, establishing a committee to study regulations on the use and misuse of non-lethal weapons. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This would establish a committee to study regulations on the use and misuse of non-lethal weapons. The committee felt that this was an issue dealing with a single complaint and that a list of non-lethal weapons would be far too great to be workable, and would create a great deal of confusion trying to sort out what would be non-lethal. The committee also believes this is already covered by RSA 625:11. It was the committee feeling that we should not be dealing with "non-lethal weapons that haven't been developed" at this time. **Vote 19-0.**

HB 86, relative to the membership of the permissible fireworks review committee. **OUGHT TO PASS**

Rep. E. Albert Weare for Criminal Justice and Public Safety: The permissible fireworks review committee is presently an established committee of which the Senate has one (1) member plus an alternate. This bill makes the alternate a full member and able to vote on all matters before the committee. In addition, it also creates a committee with an odd number of members eliminating the potential for tie votes. **Vote 19-0.**

HB 89, establishing a committee to study airport security staffing. **INEXPEDIENT TO LEGISLATE**

Rep. George Winchell for Criminal Justice and Public Safety: The intent of this bill is to establish a committee to study security staffing at all airports in New Hampshire. The committee received no testimony indicating that a problem currently exists with the present system statewide. Testimony was received suggesting a new multi-jurisdictional police agency, with overlapping and competing jurisdictions, would create unintended consequences. **Vote 18-0.**

HB 105, relative to sexual assaults committed by corrections officers, probation and parole officers and juvenile services officers against individuals under their supervision. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill is the result of a Supreme Court decision, *State v Foss*, that indicated that consent could be considered a defense in sexual assault of inmates by corrections officers. The court indicated in that decision that if the legislature wanted to eliminate that defense it should so indicate it in the law. The bill makes it clear that it is the intent of the legislature that no person should suffer a sexual assault by a Corrections Officer, a Probation and Parole Officer, or Juvenile Probation and Parole Officer who has supervision or custody of that person. The amendment simply makes two technical corrections, changing Juvenile Services Officers to Juvenile Probation and Parole Officers and removing two erroneous words. The committee felt that this is a necessary change to current law. **Vote 19-0.**

HB 157, relative to presentence investigations. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: After consideration of additional information, the sponsor and the constituents who asked for this bill requested that it be voted Inexpedient to Legislate. **Vote 20-0.**

EDUCATION

HB 231, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair D. Clarke for Education: This bill was requested by the Department of Education to help them bring together the necessary resources to plan and address the issue of the large number of students who are close to high school graduation and for whom the Federal Education Law requires that vocational services for finding career opportunities be provided. Presently, only about 20% of high school students are served. **Vote 20-0.**

ELECTION LAW

HB 80, relative to violation of the oath of office in certain cases. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill would require that any elected or appointed official take an oath of office as required by the constitution. It would also require any elected or appointed official who violates his/her oath of office be liable for all costs incurred as a result of his/her violation. The committee felt a certain redundancy or duplication of constitutional and statutory laws now in force would be created by this bill. **Vote 12-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 69, relative to the reinstatement of expired licenses for architects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill is a needed measure to allow architects whose licenses have expired to be reinstated by the joint board. Reinstatement will only be allowed if the licensee completes the requirements for continuing education and pays the appropriate late fee. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 57, relative to the use of inhalers by pupils and campers with asthma. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: It is estimated that 5.3 million children in America have asthma. In NH 76,000 people are at risk and the numbers have been growing at an alarming rate. Asthma is the most common cause of missed schools days. Although there is no known cause, there is a treatment that works and most often that treatment is the use of an inhaler prescribed by the patient's physician. What we have learned is that if an asthma sufferer has an asthmatic episode, many need the use of their prescribed inhaler as quickly as possible to enable them to breath properly. Any major delay in the use of the inhaler could put the child at mortal risk. Current administrative rules in NH require medications be dropped off at the nurses office in schools and camp offices. Dropping off this medication can put every asthmatic child at risk. This bill, with the signed approval of a physician and parent; allows the student or camper to possess and self administer their medication as instructed and trained by the physician and parent. Support for this bill comes from Dartmouth's primary pediatrician, Center for Disease Control in Atlanta, N.H. Medical Society, National Allergy and Asthma Network, N.H. Lung Assn., etc. The amendment simply eliminates several minor unnecessary steps in the bill that does not change the intent or the character of the original bill. **Vote 18 - 0** .

HB 92, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: People with life threatening allergies are aware that the consequences of anaphylaxis have been heightened by increasing reports of death in the U.S. Symptoms usually are difficulty breathing; a sudden drop of blood pressure or shock etc., all of which are potentially fatal if not immediately treated through the use of an auto-injector. Allergies can be triggered by food, insect stings, etc. and come on suddenly. Time of treatment is key. Any delay puts the person at risk. Under current administrative rules the auto-injector must be dropped off by students or campers at the designated schools or camp nurses office (or designed place), leaving the student at considerable risk at getting the treatment on time during an attack. This bill allows the student or camper to possess and self-administer the needed medication as instructed by a physician and parent. Instructions and approval to possess and self-administer are verified by the signatures of the physician and parent. This bill is supported by the pediatric unit at Dartmouth, NH Medical Society, Center for Disease Control in Atlanta. There was no negative testimony but lots of professional support. The bill simply puts the physician and parent back in charge. The amendment simply eliminates several minor unnecessary steps in the bill that does not change the intent or the character of the original bill. **Vote 18 - 0** .

HB 196, establishing a commission to study means to integrate services for people with co-occurring disorders. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: In recent years, there has been an increasing concern about persons who are struggling with more than one combination of addiction and mental illness. This bill forms a commission to study what is now known as co-occurring illnesses. The more serious of these individuals constitute a difficult treatment challenge. The study should review current research about the importance of integrated and collaborative treatment approaches particularly for those who are struggling at the highest level of severity. The study will review the way the various divisions within the Department of Heath and Human Services are functioning as to the promotion of integrated services for those with co-occurring illnesses. **Vote 15-0**.

HB 225, extending the task force on deafness and hearing loss and changing the task force's membership and duties. **OUGHT TO PASS**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: This bill extends the task force on deafness and hearing loss to November 1, 2005. The work of the task force strongly felt that their work is not finished and more education is needed for the deaf and the hard of hearing, so they have a clear understanding of the services that are available for them. The committee felt that this task force was important and must continue. **Vote 15-0**.

HB 237, relative to health care in certain health care facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: The committee was prepared to act on the bill, however, at the last minute the sponsor and co-sponsor asked the committee to I.T.L. the bill. The committee voted anonymously to honor that request. **Vote 16-0**.

HB 263, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. **OUGHT TO PASS**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill simply extends the life of the oversight committee for the allocation of funds disbursed for the developmental disabilities waitlist. The recent waitlist bill met with a sunset clause and the work of this very important committee is yet to be completed. The developmental disabilities waitlist in this state continues to grow and the wait time for services now exceeds the 200 day mark, in spite of recent legislation which calls for an end to the waitlist (beyond 90 days) in the year 2006. The oversight committee needs to complete its work on this urgent situation. **Vote 16-0.**

JUDICIARY

HB 59, relative to court reporting. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill is the result of a joint house and senate study established in HB 447 from last year's session- the intent being to investigate certifying both methods of court transcriptions, machine writing and voice writing, as certified court reporters. The committee met in several long sessions and worked out several compromises. Consequently, both voice and machine writers are certifiable under this bill. Every certified court reporter under this chapter shall have a seal containing the name of the certified court reporter, his or her place of business, and the words "Certified Court Reporter, State of New Hampshire" with which he or she shall stamp all transcripts prepared by him or her or under his or her supervision for use in this state. Certified court reporter's seals shall indicate the reporting method utilized as defined in this bill. The amendment grandfathers all reporters provided that "he or she has been actively and continuously engaged in the practice of verbatim reporting in the state at least two years prior to July 1, 2003". **Vote 16-0.**

HB 68, establishing a committee to study judicial review and judicial recall procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: This bill would establish a committee to study judicial review and judicial recall procedures. Per the sponsor, review would also include looking at and viewing judicial decisions of the courts to see if there is a "pattern." While the Judiciary Committee is fully supportive of the concept of judicial review, there is a consensus that this bill creates an unnecessary infringement on the separation of powers. Its not in the purview of the legislature to have oversight over the courts in their decision making function. Decisions of the court are made public for anyone to review. The Judiciary Committee has already passed a bill requiring judicial review that has been signed into law. There are other bills to come before the Committee later this session that will address the specific topics of review and removal. **Vote 14-0.**

HB 93, relative to the notice to quit and notice of intent to appeal in landlord tenant actions. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill sought to reduce the amount of time that a tenant has to pay rent owed at the time of the issuance of a notice to quit from seven days to three days for both residential and non-residential tenancies. It also sought to reduce the time to appeal a district court decision in a landlord/tenant case from seven to three days. Most witnesses testified that the system works well as is and that the full seven days is needed for many tenants to procure the rent due from city, town or other sources. The Committee felt that this measure may well increase landlord/tenant litigation and homelessness. **Vote 17-1.**

HB 114, establishing a committee to study the constitutionality of current New Hampshire statutory enactments. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The study committee to be appointed under the bill would review the New Hampshire Revised Statutes Annotated in their entirety in order to identify- and presumably to recommend repeal of- all laws that are not considered to be in compliance with "constitutional constraints against interference with personal liberties." In unanimously voting this bill inexpedient to legislate, the Committee concluded, first, that the task of reviewing the RSAs in sufficient detail in their entirety would be prohibitively time consuming and would require the participation of contributors having a range of expertise at least as wide as the many specialized subjects the RSAs cover; and second, that by reason that even recognized experts on constitutional law can reasonably disagree in their interpretation of the Constitution as it applies to a given statute, the study committee's determinations would only reflect the point of view of its members, providing no assurance that the results of its long labors would satisfy the objectives of the bill's sponsor. The Committee concluded that the better, more efficient way to deal with statutes regarded as unconstitutional or otherwise objectionable, is to follow the normal procedure of framing individual bills specifically identifying each such statute and proposing specific remedial action. **Vote 14-0.**

HB 182, relative to unclaimed shares and advancements to heirs. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill changes the requirement now in the probate law by raising the threshold amount of

unclaimed shares in an estate from \$50 to \$500 which must be turned over to the state rather than being distributed to the other beneficiaries of the will. The bill also clarifies those conditions under which a gift to an heir should be considered an advance against the bequest. **Vote 16-0.**

HB 183, relative to a distribution from a decedent's estate to a minor. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: HB 183 requires that any distribution from an estate to a minor who is not under legal guardianship must be made in accordance with the Uniform Transfer to Minors Act. **Vote 16-0.**

HB 186, relative to the effect of divorce or annulment upon trusts. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill amends the section of law on the revocation of wills by inserting a new section which makes it plain that a divorce or annulment terminates any inheritance claim made by the former spouse made under the provisions of a trust established before the divorce unless the trust expressly provides otherwise. **Vote 18-0.**

HB 195, prohibiting all part-time district court judges from practicing law in the district courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: Currently there are 20 full time and 53 part time judges in the district court . These judges are either justices, associate justices or special justices. The associate justices sit in the larger city district courts. The smaller courts have part time justices and part time special justices. Many part time justices, associate justices and special justices conduct a law practice in addition to being a local judge. In order to avoid any real or appearances of impropriety, the law states that part time justices, associate justices and clerks cannot practice law in other district courts. This bill adds special justices to this prohibition. The Committee feels that this is an excellent policy. **Vote 17-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 94, relative to warrant articles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The subject matter of this bill dealing with the default budget is similar to the subject matter contained in HB 85. The entire content of this bill will be discussed with HB 85-FN-L. **Vote 15-0.**

HB 238, relative to the constitutionality of the presumption of procedural validity of municipal legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: Currently if a municipal ordinance or legislative action has been in effect for five years that ordinance or action is considered to be procedurally valid. The change requested would require that the municipal ordinance or action not limit a United States constitutional challenge. After reviewing RSA 31:129 which states that a municipal ordinance or action does not eliminate any "claim of invalidity which is founded upon the substance of the municipal legislation" under "the federal and state constitutions and laws"... the Committee understood that the procedure could not be challenged after five years but the subject matter could be challenged at any time. Since the RSA 31:129 already states what the proposed change would require, the committee felt that this bill was unnecessary. **Vote 18-0.**

PUBLIC WORKS AND HIGHWAYS

HB 62-FN-A, relative to the repair or replacement of a certain bridge over the Merrimack River between Canterbury and Boscawen and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Public Works and Highways: The bridge between Canterbury and Boscawen was closed in 1965. Since that time, the populations have increased three-fold, placing a transportation burden on folks from Canterbury when they need to go to the county facilities, as well as the rescue squad from Boscawen that serves both communities. The committee sympathizes with the situation, but in this time of dwindling resources, we make the following suggestions: 1) work to get on the list for bridge aid; 2) work with the regional planning commission; 3) work with the various recreational users and office of OHRV; 4) think about getting a place on the 10-year plan. **Vote 15-0.**

HB 118, prohibiting the commemoration of groups who take up arms against United States policies. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee realizes that in the recent past, a difference of opinion occurred concerning the placement of a plaque. The current system brought this placement out to public debate. The committee felt that this bill would duplicate the efforts of the Governor and Council and other groups who already have the responsibility of determining what commemoration may be suitable on state property. There are existing processes that deal with commemoration on state properties. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 75, relative to timber harvesting. **OUGHT TO PASS WITH AMENDMENT**

Rep. D.L. Chris Christensen for Resources, Recreation and Development: Testimony indicated that costly delays in timber harvests were the result of a logger being unable to obtain a copy of the "Intent to Cut" form after it had been signed by the assessing officials. This was especially true in small towns with little staffing and part time office hours. The main thrust of HB 75 is to allow posting of a copy of the submitted intent, with notification information clearly printed thereon. This is a modification to section 79:10 which would allow operations to proceed without diminishing oversight by state and local officials. It also provides better notice to the public. A cross-reference in RSA section 227:J-5 (logging procedures) was added to notify loggers of the pertinent sections of 79:10. Other minor changes were made to clarify language in related parts of 79:10. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 189, making daylight savings time permanent. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold for Science, Technology and Energy: Due to technical difficulties involved in instituting a different time schedule for daylight savings time, the sponsor asked, and the committee voted unanimously that the bill be inexpedient to legislate. **Vote 17-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 91, extending the telecommunications planning and development initiative and advisory committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold for Science, Technology and Energy: This bill, as amended, extends the life of the Telecommunications Planning and Development Initiative and Advisory Committee to 2008, and requires biennial reporting of accomplishments and expenditures. **Vote 11-1.**

HCR 3, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The committee, once again, unanimously voted to call upon the President and Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **Vote 13-0.**

TRANSPORTATION

HB 76, relative to neighborhood electric vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill establishes equipment and operation requirements for neighborhood electric vehicles. This bill allows these vehicles to be operated on a way where the posted speed limit is 35 miles per hour or less. These vehicles meet or exceed state and federal safety requirements in accordance with 49 C.F.R. Section 571.500. **Vote 15-0.**

HB 216, relative to motorcycle inspection stickers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would create confusion for owner, inspection station operator and inspectors, and police officers. The committee felt that the current law is working well, and there was no need to create confusion. **Vote 15-0.**

WAYS AND MEANS

HB 163-FN-A-L, relative to allowing cities and towns to permit slot machines and other games of chance. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: The committee agreed that there were a variety of problems with this concept, especially the negative impacts on neighboring towns, lack of oversight, and informed voter consent. Revenue estimates vary widely, and past and present Attorneys General have opposed legalization of machine gambling for law enforcement reasons. **Vote 18-0.**

HB 187-FN-A, establishing a credit for employer-paid insurance premiums against the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Frank W. Davis for Ways and Means: The sponsor wrote to the committee chairman indicating that HB 187 was not what he intended despite three drafting attempts and that the fiscal note was "way, way off". The letter also stated that the co-sponsors agreed that the bill should be voted Inexpedient to Legislate. No one appeared to testify at the hearing. While the Ways & Means Committee felt that this was an important issue, they voted to support the sponsor's request to ITL HB 187. **Vote 15-1.**

THURSDAY, JANUARY 30

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 171, establishing a commission to assess the operating efficiency of state government. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: HB 171 creates a 15-member commission to study the restructuring of New Hampshire government and develop recommendations to improve operating efficiencies. The commission will be made up of public and private sector individuals who will examine each executive agency, board and commission to access administrative efficiencies. The amendment to the bill changes the reporting dates to get the commission working immediately. Under the amendment, the commission will issue a preliminary report by July 1, 2003 and a final report by December 1, 2003. This represents a great opportunity for the legislative branch and executive branch to work together to identify areas of government improvement which will result in greater customer satisfaction at a potentially lower cost to taxpayers. **Vote 19-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 138-FN, relative to interpreters for the deaf in certain governmental or public proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This amended bill deals with the special needs of the hearing impaired who require translators or sign interpreters. The qualified interpreter in a legal setting will be able to interpret effectively, accurately, and impartially both receptively, and expressively, using any necessary specialized vocabulary including legal constructs. Qualified legal interpreters shall hold a specialized legal certificate awarded by the Registry of Interpreters for the Deaf or a level 5 Certification from the National Association of the Deaf, or shall hold certification from the Registry and successfully complete legal interpreter training. These interpreters will be included in proceedings involving criminal sanctions, forfeitures of property, interrogation, administration of the Miranda warnings, grand jury proceedings, arbitration or mediation services, depositions, probation or parole meetings or hearings, psychological evaluations, interests including communications related to medical attention during apprehension. This bill meets the requirements of the American with Disabilities Act and gives to law enforcement the resources it needs to protect the rights of the hearing impaired. **Vote 12-3.**

HB 240, establishing a committee to study ways to prevent suicide among young people in New Hampshire. **OUGHT TO PASS**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The committee heard much supportive testimony on the need to continue work in the field of prevention of youth suicide. Very profound testimony was given by a youth deeply involved with the problem. The committee would be charged collecting and reviewing pertinent information; develop and enhance state programs, and research federal and private grants to augment the programs. After discussion, which included the possible best structure to address the issue, the committee voted – **OTP Vote 13-2**.

JUDICIARY

HB 125, relative to customer information of municipal utilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Robert H. Rowe for the **Majority** of Judiciary: Many municipalities have municipal water and sewer systems. A few municipalities have a municipal electric system. These municipal utilities are covered under the Right-to-Work Law (RSA 91A). To date there have been no complaints that the committee has heard as to abuses to the Right-to-Know Law as to municipal water, sewer and electric systems. The committee felt that the public’s right to know is such an important element in free government that changes in the law were unwarranted. **Vote 10-3**.

Rep. Gregory M. Sorg for the **Minority** of Judiciary: We believe that this bill, with certain modifications as to form, should be recommended "ought to pass." Information of municipally owned utilities concerning use by ultimate consumers, whose protection from disclosure under RSA 91-A is sought by this bill, is not relevant to the management, conduct or regulation of the utility. The features that the exemptions from the Right-to-Know Law found in 91-A: 5 have in common are that the disclosures concerned reach individual activity and invade individual privacy on matters for which there is no countervailing or offsetting public benefit to be derived from having the information available to other individuals. The subject matter of this bill differs materially from that of the real estate tax assessment, levy and collection process where the constitutional requirement of proportionality creates a direct connection among, and consequently a public interest in disclosure of, the figures for every individual specifically identifiable to each.

RESOURCES, RECREATION AND DEVELOPMENT

HB 63-FN, exempting OHRVs used solely for ice fishing on public bodies of water from registration requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would exempt ice fishermen’s Off Highway Recreational Vehicles from registration requirements if their machines are used exclusively for ice fishing. Testimony showed that more than 80% of snowmobile registration fees go to fund trail grooming and maintenance. Since these ice fishermen do not use groomed trails, the sponsor felt they deserve a break on the fees. The committee sympathizes with this concern and plans to use HB 143 to address these and other concerns regarding snowmobile registration fees. Therefore, this bill is not necessary. **Vote 19-0**.

COMMITTEE MEETINGS

MONDAY, JANUARY 27

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

9:00 a.m. Rescheduled regular meeting.

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

1:00 p.m. Complaint hearing.

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

9:00 a.m. Regular meeting.

PROBLEMS RELATED TO THE DELIVERY OF LOCAL ASSISTANCE (HB 1109, Chapter 184:1, Laws of 2002), Room 301, LOB

10:00 a.m. Regular meeting.

TUESDAY, JANUARY 28

CHILDREN AND FAMILY LAW, YDC, 1056 North River Road, Manchester

10:00 a.m. Visit to the Youth Detention Center.

COMMERCE, Room 302, LOB

9:50 a.m. Public presentation with Finance Committee chair.

10:00 a.m. **HB 207**, relative to information required in articles of incorporation.

11:00 a.m. **HB 259**, relative to the regulation of gift certificates under the consumer protection act.

1:15 p.m. **HB 265**, relative to the health care delivery system.

2:00 p.m. **HB 303**, relative to life, accident, and health technicals.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 212**, defining "terror" and "act of terrorism" for the purposes of criminal threatening.

10:30 a.m. **HB 215**, relative to expungement of records contained in the DNA database.

11:00 a.m. **HB 223**, relative to the temporary removal of inmates.

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 **HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 267**, relative to the collection of data on the status of air quality in public schools.

11:00 a.m. **HB 232**, repealing the one-year certificate of eligibility to teach.

1:00 p.m. **HB 252**, prohibiting schools from issuing out-of-school suspensions and establishing a committee to study the development of a community/school services program for suspended pupils.

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

ELECTION LAW, Room 308, LOB

10:00 a.m. **HB 305**, relative to time allowed for voting.

10:30 a.m. **HB 309-LOCAL**, relative to placement and removal of political advertising.

11:00 a.m. **HB 312**, relative to designating county delegates on state election ballots.

11:30 a.m. **HB 275**, establishing a committee to study ballot reform.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **HB 156**, relative to weights and measures.
- 10:30 a.m. **HB 162**, relative to remedies and penalties for injuries to domestic animals caused by dogs.
- 11:30 a.m. **HB 203**, establishing a committee to study the use of pesticides and herbicides in the state, and directing the commissioner of agriculture to issue a report on the use of funds from the pesticide control fund.
- 1:30 p.m. **HB 181**, relative to horseback riding as a recreational use of land in current use taxation.
- 2:30 p.m. **HB 220**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 9:00 a.m. Subcommittee work session on **HB 52-FN**, relative to the licensure of shampoo assistants by the board of barbering, cosmetology, and esthetics.
- 10:30 a.m. **HB 116-FN**, granting group II retirement system status to certain positions in the department of corrections.
- 11:30 a.m. **HB 90-FN**, relative to the costs incurred by the retirement system in evaluating proposed legislation.
- 1:00 p.m. **HB 117-FN**, relative to the purchase of permissive service credit in the retirement system.
- 1:45 p.m. **HB 229-FN**, relative to increasing the contribution amount of call, substitute, or volunteer firefighters eligible for certain disability benefits.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FISH AND GAME, Room 307, LOB

- 10:10 a.m. Informational presentation by the Department of Fish and Game regarding moose lottery.
- 10:50 a.m. Presentation from Finance re: Fiscal Note Bills
- 11:00 a.m. **HB 112-FN**, establishing a point system for the annual moose permit lottery.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

- 10:00 a.m. **HB 293**, establishing a commission to identify medical errors and their causes.
- 11:30 a.m. **HB 314**, establishing a committee to study the feasibility of buying pharmaceuticals on a statewide or regional basis.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

HOUSE FINANCE JOINT WITH SENATE FINANCE, Rooms 210-211, LOB

10:00 a.m. Health and Human Services Overview

1:00 p.m. Medicaid: Nature and Funding.

2:45 p.m. SB 409 Sunset.

JUDICIARY, Room 208, LOB

10:00 a.m. ***HB 199-FN-A***, establishing new special justice positions in the Manchester, Concord, and Nashua district courts and making an appropriation therefor.

11:15 a.m. ***HB 221-FN***, prohibiting the courts from charging fees.

1:00 p.m. ***HB 217***, relative to emergency powers of the supreme court.

2:00 p.m. ***HB 219***, relative to the assignment of judges to hear cases in the superior, district, and probate courts.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***HB 315***, establishing a committee to study methods for accelerating appeals of denials of residential development permits.

11:00 a.m. ***HB 295***, relative to information filed with the regional planning commissions.

1:00 p.m. ***HB 294***, relative to notification of abutting communities of ridge-line or above developments.

2:00 p.m. ***HB 343***, establishing a boundary commission to determine the boundary between New Hampshire and Maine.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. ***HB 253***, relative to the design build concept for certain projects.

1:30 p.m. ***HB 272-FN***, relative to a pilot study by the department of transportation restricting large truck traffic during hours of darkness on certain roads in Portsmouth.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. ***HB 304-A***, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

11:00 a.m. ***HB 274-A***, making an appropriation for the restoration of the White Island Light Station.

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

2:30 p.m. Subcommittee work session on ***HB 82***, to change the name of "Boott Spur" to Mount Reagan.

Room 307, LOB

2:30 p.m. Subcommittee work session on ***HB 152***, relative to regulation by political subdivisions of

OHRV trails and exempting certain rail trails use from the state trail evaluation process.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **HB 233**, relative to the nuclear planning and response program.

11:00 a.m. **HB 280-FN**, relative to the poison information center.

1:00 p.m. **HB 331-FN**, relative to discovery in public utilities commission proceedings.

2:00 p.m. **HB 330**, relative to public utilities mergers and acquisitions.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. Subcommittee work session on **HCR 2**, urging the federal government to recognize hearing loss as a service-connected disability for veterans who flew UH-1 helicopters in Vietnam.

10:30 a.m. **HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals.

11:00 a.m. **HCR 6**, urging the creation of a free and independent Palestinian state.

11:30 a.m. **HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements.

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

TRANSPORTATION, Room 203, LOB

10:00 a.m. **HB 234**, relative to verification of vehicle identification.

10:30 a.m. **HB 254**, relative to the penalty for failing to have front and rear decals on an OHRV.

11:00 a.m. **HB 266**, requiring youth bicyclists and skateboarders to wear protective headgear.

1:15 p.m. **HB 243**, relative to motor vehicle exhaust noise standards.

1:45 p.m. **HB 318**, relative to trespassing on certain rail lines.

2:15 p.m. **HB 292**, relative to vehicles entering intersections.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB 261**, relative to lucky 7 licenses.

10:30 a.m. **HB 340**, establishing a committee to study implementing keno in the state of New Hampshire.

11:00 a.m. **HB 226**, relative to a state policy on gambling.

1:00 p.m. **HB 262**, relative to operators of bingo and games of chance.

2:00 p.m. **HB 107**, relative to bingo.

2:30 p.m. **HB 313**, establishing a committee to study the feasibility of setting aside a portion of tobacco settlement money to subsidize smoking cessation programs.

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

WEDNESDAY, JANUARY 29

CHILDREN AND FAMILY LAW, Room 305, LOB

- 9:30 a.m. **HB 204**, relative to venue in juvenile proceedings.
- 10:15 a.m. **HB 121**, relative to grounds for modification of a permanent child custody order.
- 11:00 a.m. **HB 123**, relative to notice given to putative fathers in adoption proceedings.
- 1:30 p.m. **HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases.
- 2:30 p.m. **HB 245**, relative to child custody decisions.

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

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code.
- 11:00 a.m. **HB 70**, establishing a commission to study government actions that contribute to involuntary homelessness.
- 1:15 p.m. **HB 316-FN**, relative to insurance coverage for anesthesia for child dental care.
- 2:00 p.m. **HB 317**, relative to medical insurance for dependent children.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 291-FN**, establishing an enhanced penalty for assaults, sexual assaults, and related offenses against the elderly.
- 10:30 a.m. **HB 278-FN**, relative to certain acts of sexual assault.
- 11:00 a.m. **HB 283-FN**, establishing the penalty for endangering the welfare of a child or incompetent resulting in death or serious bodily harm.
- 1:30 p.m. **HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent.
- 1:45 p.m. **HB 276-FN**, relative to protective custody for intoxicated or incapacitated persons.
- 2:15 p.m. **HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

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

EDUCATION, Room 207, LOB

- 9:00 a.m. Subcommittee work session on **HB 139**, establishing a committee to study the collection and reporting of school drop-out, suspension, and expulsion data.
- 10:00 a.m. **CACR 1**, relating to the support of religious schools. Providing that the language in article

6 of the first part of the New Hampshire constitution, which states that "But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination." shall be deleted from the article and the language in article 83 of the second part of the New Hampshire constitution which states that ": *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article.

1:00 p.m. **CACR 2**, relating to the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education. Providing that judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

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

ELECTION LAW, Room 308, LOB

10:30 a.m. **HB 306**, relative to the procedure for determining the order of names on the general election ballot.

10:00 a.m. **HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees.

11:00 a.m. **HB 319**, relative to the deadline for implementing a statewide voter checklist.

11:30 a.m. **HB 264**, establishing state representative districts.

12:00 p.m. **HB 297**, establishing an alternative nomination process for political organizations.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 79**, relative to the regulation of the installation and servicing of fire suppression systems.

9:30 a.m. Rescheduled public hearing on **HB 147**, establishing a committee to study the expungement of records.

10:15 a.m. **HB 241**, establishing a committee to study the creation of a separate board to regulate barbers.

11:00 a.m. **HB 148-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies.

1:00 p.m. **HB 222**, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections.

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

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

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

HOUSE FINANCE JOINT WITH SENATE FINANCE, Rooms 210-211, LOB

9:30 a.m. Corrections: A Budget Driver?

1:00 p.m. YDC Site Visit.

JUDICIARY, Rooms 206-208, LOB

9:30 a.m. **HB 193**, relative to the right to life.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. Orientation by the Department of Labor.

11:30 a.m. **HB 111-FN**, prohibiting employee polygraph examinations.

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

LEGISLATIVE ADMINISTRATION, Room 307, LOB

2:00 p.m. **HB 190**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules.

2:30 p.m. **HB 230**, establishing a committee to study procedures for the joint legislative committee on administrative rules to introduce legislative changes.

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

3:15 p.m. Subcommittee work session on **HB 129-FN**, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 285**, relative to establishing non-amendable articles by voter petition.

11:00 a.m. **HB 284**, relative to the issuance of bonds in school districts and municipalities using the official ballot.

1:00 p.m. **HB 307**, relative to municipal regulation of public highways.

2:00 p.m. **HB 311**, repealing the distribution of family planning service lists by the town clerk.

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

RESOURCES, RECREATION AND DEVELOPMENT, DRED, 172 Pembroke Road, Concord

10:00 a.m. Informational session and tour of the Department of Resources and Economic Development.

DES, 6 Hazen Drive, Concord

1:00 p.m. Informational session and tour of the Department of Environmental Services.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Telecommunications subcommittee work session on **HB 109-FN**, establishing a New Hampshire do-not-call list for telephone solicitation.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. All day meeting regarding DRA revenue projections.

THURSDAY, JANUARY 30

CHILDREN AND FAMILY LAW, Room 206, LOB

Immediately following the House session executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

Following the House session subcommittee work session on ***HB 155***, relative to responses by law enforcement officers when traveling outside their jurisdictions.

1:00 p.m. Subcommittee work session on ***HB 179***, establishing a committee to study enhancement of laws relating to vehicle pursuits.

1:30 p.m. Subcommittee work session on ***HB 206***, relative to filing of complaints for violation-level offenses.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

Immediately following the House session subcommittee work session on ***HB 66-FN***, relative to executive agency rulemaking authority and ***HB 170***, relative to the notice of proposed rulemaking under the administrative procedure act.

Thirty minutes after the House session executive session on pending legislation, if necessary.

FINANCE, Rooms 210-211, LOB

1:30 p.m. ***HB 286***, establishing a committee to study certain proposals to fund education in New Hampshire.

2:00 p.m. ***HB 327***, establishing a committee to study the use of state vehicles.

2:45 p.m. ***HB 337-FN-A-L***, relative to state funding of county correctional facilities.

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

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

Work and executive session on the following bills:

3:30 p.m. **CACR 4**, relating to use of revenues for educational purposes. Providing that all moneys from the education trust fund be used exclusively for state aid to education.

HB 286, establishing a committee to study certain proposals to fund education in New Hampshire.

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

Immediately following the House session executive session on pending legislation.

JUDICIARY, Room 208, LOB

Immediately following the House session executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

Immediately following the House session executive session on pending legislation.

WAYS AND MEANS, Room 202, LOB

Immediately following the House session executive session on pending legislation.

FRIDAY, JANUARY 31

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Department of Employment Security, West Street, Concord

9:00 a.m. Orientation by the Department of Employment Security.

MONDAY, FEBRUARY 3

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

1:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 4

COMMERCE, Room 302, LOB

10:00 a.m. **HB 334**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance.

11:00 a.m. **HB 342**, restricting the use and display of social security numbers and establishing a private right of action under the right to privacy act.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 355-FN**, relative to the permissible fireworks review committee, the fireworks license fee, and the authority of the permissible fireworks inspector.

10:30 a.m. **HB 333**, relative to sentences for first time offenders.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:30 a.m. **HB 166**, relative to employees of the New Hampshire retirement system.

11:00 a.m. **HB 154-FN**, establishing a department of financial services.

1:00 p.m. **HB 227**, establishing a committee to study the feasibility of consolidating the administrative functions of regulatory boards and commissions into a single agency.

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

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

11:00 a.m. **HB 249**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

2:00 p.m. **HB 224**, granting immunity from liability to law enforcement officers executing involuntary emergency mental health admissions.

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

time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

1:15 p.m. **HB 326**, relative to establishing a 6-year capital budget.

1:45 p.m. **HJR 1**, urging the department of transportation to provide sufficient time to resolve a dispute regarding certain portions of the Conway bypass project.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:30 a.m. **HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans.

11:00 a.m. **HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative.

1:00 p.m. **HCR 7**, opposing unfunded and under-funded federal education mandates.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Revenue estimates (agency).

WEDNESDAY, FEBRUARY 5

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:30 a.m. **HB 201**, relative to the definition of the practice of dentistry.

10:30 a.m. **HB 258**, relative to the community-technical college system.

11:15 a.m. **HB 279**, relative to the licensure of emergency medical dispatchers.

1:00 p.m. **HB 281-FN**, relative to regulation of irrigation system electricians by the electrician's board.

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

JUDICIARY, Room 208, LOB

9:30 a.m. **HB 244**, relative to landowner liability for snowmobile accidents.

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

WAYS AND MEANS, Room 202, LOB

9:00 a.m. All day Revenue Estimates

FRIDAY, FEBRUARY 7

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB

10:00 a.m. Regular meeting.

EXAMINE AND ACCESS THE STATUS OF CIVIC EDUCATION IN NEW HAMPSHIRE (HB 1151, Chapter 188:2, Laws of 2002), Room 207, LOB

10:00 a.m. Regular meeting.

MONDAY, FEBRUARY 10

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:30 a.m. *CACR 8*, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor.

10:30 a.m. *HB 322*, relative to the commission on the status of men.

1:00 p.m. *HB 341*, relative to performance budgeting of state programs and agencies.

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

GUARDIAN AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 206, LOB

10:30 a.m. Regular meeting.

TUESDAY, FEBRUARY 11

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:30 a.m. *HB 320*, relative to permitting additional contributions in the city of Manchester employees contributory retirement system.

11:15 a.m. *HB 321*, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

1:00 p.m. *HB 302-FN*, relative to disability retirement benefits for group II members injured in the performance of duty.

1:45 p.m. *HB 356-FN*, relative to including medical benefits costs in the purchase of creditable service in the retirement system.

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

FINANCE - (DIVISION I), Room 209, LOB

Work and executive session on the following bills:

1:00 p.m. *HB 327*, establishing a committee to study the use of state vehicles.

2:00 p.m. *HB 337-FN-A-L*, relative to state funding of county correctional facilities.

friday, february 14

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Training Room, NH Department of Revenue Administration, Community Services Division, 57 Regional Drive, Concord

9:30 a.m. Regular meeting.

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4),
LCHIP 10 Dixon Ave., Concord**

9:00 a.m. Regular meeting.

WEDNESDAY, FEBRUARY 19

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

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire Department of Safety revenues collected by the Criminal Records and Permits and Licensing Unit financial and compliance audit for the nine months ended March 31, 2002

FRIDAY, FEBRUARY 21

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

9:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

friday, february 28

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Training Room, NH Department of Revenue Administration,
Community Services Division, 57 Regional Drive, Concord**

9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will hold a budget hearing on the department's and regional appropriation's requests Monday, **February 3**, 2003 at the Administration Building in Ossipee from 9:00 a.m. to 3:00 p.m. Lunch will be provided. Please RSVP whether or not you will be able to attend to the office at 539-7751.

Rep. Betsey L. Patten, Chairman

Carroll County Delegation

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

Peter R. Goyette, Jr., 6 Linda Street, Hudson, New Hampshire 03051-5208.

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

Karen O. Wadsworth, Clerk of the House
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MEMBERS’ NOTICES

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

From time to time 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, I will periodically list the report that are received in the Speaker’s office and available for viewing.

Reports most recently received include:

State Treasurer’s Annual Report for FY ended June 30, 2002

NH Housing Finance Authority Annual Report FY 2002

Biennial Report of the Legislative Budget Assistant for CY’s 2001 and 2002

Gene G. Chandler, Speaker

The 11th Annual Legislative Ski Day will be at the Balsams Wilderness Ski Area on Sunday, **March 9** and Monday, **March 10**. Free skiing will be available for legislators and details on overnight and meal packages at the Balsams Grand Resort Hotel will be available soon. Ski New Hampshire looks forward to hosting legislators again and to raising funds for the NH Automobile Dealers Association charitable foundation, KEEP KIDS SAFE.

Gene G. Chandler, Speaker

The House Republican Alliance will meet each Wednesday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Michael A. Balboni

All legislators and friends from your cities and towns are invited to join "New Hampshire 2020-2050: A Search for Our Undiscovered New Hampshire." All during this year, forums and other activities will bring together people from all fields to explore what New Hampshire could be and should be in the Year 2050, capped by the preparation of a time capsule for burial on December 31st. To join the adventure, contact Jim Splaine at 436-0718, or E-mail at jim.splaine@leg.state.nh.us.

Rep. James R. Splaine

The Personal Privacy Caucus will meet on Tuesday, **January 28** in Room 212, Legislative Office Building at 3:00 p.m.

Reps. Neal M. Kurk and Marjorie K. Smith

The New Hampshire Women's Policy Institute (WPI) a nonprofit public policy research, development, and public education organization is offering a "How to Lobby" workshop for citizen advocates. Join us for a fun and informative session to learn how concerned citizens can make a difference in the New Hampshire legislative process. The workshop will be held in Nashua on Wednesday, **January 29th** from 6:30 to 9:30 p.m. at the Reception Room, Dion Center, Rivier College. For further information and to register contact the NH Women's Policy Institute (603-224-9105) or nhwomen@earthlink.net.

Reps. Sandra B. Keans and Marjorie K. Smith

All members are encouraged to attend a presentation by the NH Department of Education on the Federal Program, "No Child Left Behind" on Wednesday, **January 29** from 2:30 to 3:30 p.m. in Representatives Hall. This program will focus on "Adequate Yearly Progress."

Rep. Stephen L'Heureux

"Livable Landscapes: By Chance or By Choice", a documentary viewed by the Municipal and County Government Committee on Thursday, January 23, will air on **January 29**, 2003 at 8:00 p.m. on New Hampshire, Maine and Vermont Public Television Stations. This program explores transformations taking place in five communities across northern New England where townspeople are struggling with tough choices about how their towns grow and change. For more information about the program, visit: www.nhptv.org.

Rep. Betsey L. Patten

All new and returning legislators are invited to the New Hampshire Community Health Centers' "Breakfast of Champions" at St. Paul's Church on **Thursday, January 30**. A session day hot breakfast will be served from 7:30 to 9:00 a.m. There will be a brief program from 8:00 to 8:30 a.m. with an opportunity to learn about Community Health Centers and the role they play in the health and vitality of New Hampshire communities.

Reps. Frederick W. King and Terie Norelli

There will be a Freshman Coffee held for "the class of 2003" at 8:15 a.m. on Thursday, **January 30** in the cafeteria. Bring any bills with you that you may wish to discuss. We will also set the date for the photo.

Rep. Elenore Casey Crane

Northeast Delta Dental cordially invites all members of the New Hampshire Legislature to a reception at their corporate offices at One Delta Drive in Concord on Thursday, **January 30th** from 4:00 p.m. to 6:30 p.m.

Rep. Michael D. Whalley

All members of the "Under 40 Caucus" are encouraged to attend an important organizational meeting scheduled for Thursday, **February 6th** at noon in the Upham Walker House (across from the State House). A Caucus Council election will be on the agenda. Because lunch will be provided, please RSVP to Rep. Larry Elliott at 464-6798 or Rep. Kimberley Dionne at 588-2743 no later than Tuesday, February 4th.

Rep. Larry G. Elliott

The Carroll County Republican Committee will host their annual Lincoln Day Dinner on Saturday, **February 8** at the Red Jacket Mountain View, North Conway from 6:30 to 9:00 p.m. For tickets, contact Rep. Carolyn Brown, 356-2768 or Rep. Betsey Patten, 253-6927.

Rep. Betsey L. Patten

All legislators are invited to join the NH ServiceLink Network for a luncheon on Thursday, **February 13** from 11:30 a.m. to 1:00 p.m. at the Capital Grille. During the lunch you will have the opportunity to meet your local ServiceLink representatives and discuss the role of ServiceLink within New Hampshire's long term care system. Learn how ServiceLink can help you to help your constituents.

Rep. Rogers J. Johnson

The New Hampshire Chapter of the National Association of Insurance and Financial Advisors cordially invites all members of the House of Representatives and State Senate to a reception at the Barley House in Concord on Thursday, **February 13th** from 3:00 p.m. to 6:00 p.m. Please join us.

Rep. Michael D. Whalley

The members and staff of the Retail Merchants Association of New Hampshire invite all legislators and staff to their annual Legislator of the Year award reception on Thursday, **February 13th** at 4:30 p.m. at the Holiday Inn in Concord. RMANH will recognize the legislator who has best fostered the policies of retailing in New Hampshire in the past year. RSVP to 225-9748 or sheila@rmanh.org.

Rep. David W. Hess

The Department of Transportation will hold the following meeting:

Jan 27 – Candia Town Offices, 74 High Street, Candia, 7:00 p.m. Town public informational meeting, Salem-Manchester, I-93 widening secondary impacts discussion.

Feb 6 – Bedford Meeting Room, 10 Meetinghouse Road, Bedford, 7:00 p.m. Combined public officials/public informational meeting, Bedford, expansion of Bedford Toll Plaza, adding one toll lane with booth and canopy extension for both north and southbound directions.

Feb 10 – Aldermanic Chambers, City Hall, Manchester, 6:00 p.m. Public hearing, Manchester, Granite Street widening city project.

Feb 11 – Department of Transportation, 1 Hazen Drive, Room 112, Concord, 10:00 a.m. Commission meeting, Lebanon, NH 4A.

Feb 20 - Bedford Meeting Room, 10 Meetinghouse Road, Bedford, 7:00 p.m. Combined public officials/public informational meeting, Bedford-Goffstown, pavement overlay and guardrail replacement beginning at NH Route 101 and proceeding north 3.8 miles. Also intersection upgrades and added turn lanes at New Boston Road.

Rep. Edwin O. Smith, Chairman

Public Works and Highways Committee

NOTICE

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in **January** 2003. 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 full for the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
Jan 27	9:30&11:00	Webster Elem - Manchester	4/85
Jan 28	9:45&11:00	Auburn Village Elem	4/75
Jan 29	9:45&11:00	Lancaster Memorial – Salem	4/65
Jan 29	12:30 & 1:30	North Hampton Elem.	4/60
Jan 30	10:30&11:30	Hills-Garrison Elem - Hudson	4/65
Jan 31	10:30&11:30	Hills-Garrison Elem - Hudson	4/65

THURSDAY, JANUARY 30

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2003-0025h

Amendment to HB 57

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

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

1 New Subdivision; Education; Health and Sanitation; Use of Asthma Medications by Pupils. Amend RSA 200 by inserting after section 41 the following new subdivision:

Use of Asthma Medications by Pupils.

200:42 Possession and Self-Administration of Asthma Inhalers Permitted. A pupil may possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the parent or guardian. The school shall obtain the following information from the pupil's physician:

(a) The pupil's name.

(b) The name and signature of the licensed prescriber and business and emergency numbers.

(c) The name, route and dosage of medication.

(d) The frequency and time of medication administration or assistance.

(e) The date of the order.

(f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent, guardian to keep confidential.

(g) Specific recommendations for administration.

(h) Any special side effects, contraindications and adverse reactions to be observed.

(i) At least one emergency telephone number for contacting the parent or guardian.

(j) The name of each required medication.

II. The school principal or, if a school nurse is assigned to the pupil's school building, the school nurse shall receive copies of the written approvals required by paragraph I.

III. The pupil's parent or guardian shall submit written verification from the physician confirming that the pupil has the knowledge and skills to safely possess and use an asthma inhaler in a school setting.

IV. If the conditions provided in this section are satisfied, the pupil may possess and use the inhaler at school or at any school sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

200:43 Immunity. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee prohibiting a pupil from using an inhaler because of the employee's good faith belief that the conditions of RSA 200:42 had not been satisfied. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee permitting a pupil to use an inhaler because of the employee's good faith belief that the conditions of RSA 200:42 had been satisfied. Furthermore, if a school district permits a pupil to possess and use an inhaler pursuant to this subdivision, the school district, any member of the school district board of education, or any school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a pupil for whom it was not

prescribed.

2 New Sections; Water Management and Protection; Safety Regulations; Possession and Use of Asthma Medication at Recreation Camps. Amend RSA 485-A by inserting after section 25-a the following new sections:

485-A:25-b Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The child has the written approval of the child’s physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child’s physician:

- (a) The child’s name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent, guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) At least one emergency telephone number for contacting the parent or guardian.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child’s parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the inhaler at the camp or at any camp sponsored activity, event, or program.

V. In this section, physician includes any physician or health practitioner with the authority to write prescriptions.

485-A:25-c Immunity. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee prohibiting a child from using an inhaler because of the employee’s good faith belief that the conditions of RSA 485-A:25-b had not been satisfied. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee permitting a child to use an inhaler because of the employee’s good faith belief that the conditions of RSA 485-A:25-b had been satisfied. Furthermore, if a recreational camp permits a child to possess and use an inhaler pursuant to this subdivision, the recreational camp or any camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a child for whom it was not prescribed.

3 Effective Date. This act shall take effect August 15, 2003.

2003-0030h

Amendment to HB 59

Proposed by the Committee on Judiciary - C

Amend RSA 331-B:10 as inserted by section 1 of the bill by replacing it with the following:

331-B:10 Savings Clause. Any United States citizen 18 years of age and older, who is of good moral character and who submits to the board an affidavit, under oath, on or before September 1, 2003 that he or she has been actively and continuously engaged in the practice of voice reporting in the state at least 2 years prior to July 1, 2003 shall, upon payment of the fee required, be exempt from taking any examination prescribed in this chapter and shall be granted a certificate; provided he or she demonstrates certification by the National Verbatim Reporters Association or a state with similar minimum requirements. Any person holding a valid certificate issued under this chapter as of July 1, 2003 shall be exempt from taking any examination prescribed in this chapter and shall continue to hold his or her certificate as a court reporter.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2003 at 12:01 a.m.

2003-0020h

Amendment to HB 64

Proposed by the Committee on Criminal Justice and Public Safety - C

Amend section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Particular care and attention shall be afforded to the effect of any such integrated criminal justice system on the rights of individuals guaranteed under the New Hampshire constitution and the Bill of Rights of the United States Constitution.

Amend section 2 of the bill by inserting after subparagraph I (l) the following new subparagraphs:

(m) The president of the New Hampshire Association of Counties – County Corrections Superintendents Affiliate, or designee.

(n) The director of the New Hampshire police standards and training council, or designee.

Amend section 2 of the bill by replacing subparagraph II (b) with the following:

(b) Study whether the creation of an integrated criminal justice information system would improve public safety and domestic security by allowing criminal justice agencies and authorized individuals to record, share, retrieve, and analyze important information collected about criminal charges and their disposition, and by improving dissemination of information pertaining to bail conditions.

2003-0028h

Amendment to HB 69

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 310-A:46 as inserted by section 4 of the bill by replacing it with the following:

310-A:46 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration date of the license. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list and roster. ***An application for reinstatement shall be required to return to active status. The board, pursuant to rules adopted under RSA 310-A:32, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.***

2003-0039h

Amendment to HB 75

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

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

1 Timber Cutting; Land Ownership. Amend the section heading of RSA 79:3-a to read as follows:

79:3-a ~~[Permit to Cut]~~ **Land Ownership.**

2 Timber Cutting; Taxation. RSA 79:10, I is repealed and reenacted to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town or unincorporated place shall, within 30 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials. If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall immediately forward any signed intent to the commissioner of revenue administration and shall also supply a copy to the owner upon request. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

(c) The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.

(d) Upon receipt of an intent, the commissioner of revenue administration shall furnish, without cost to the owner, a certificate and a report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city, town, or unincorporated place. An owner may start an operation upon posting the certificate or upon posting, in a water proof covering in the same place and manner that the certificate will be posted upon receipt, a copy of the intent to cut form that was signed by the assessing officials. In lieu of a signed intent to cut form, a copy of the form as submitted by the owner to the assessing officials may be substituted for posting purposes when the owner, or the person responsible for the cut, has been notified that the intent to cut form has been signed. The owner, or the person responsible for the cut, shall clearly print on the form the number assigned to it pursuant to subparagraph (b), and the date, time, and name of the municipal official or employee who provided the notification.

(e) Starting or continuing an operation while the required certificate or intent to cut form is not posted in accordance with this section shall constitute a violation by the owner or any other person doing the cutting, or both.

(f) A copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development.

3 Timber Cutting; Bond Required. Amend RSA 79:10-a, I and II to read as follows:

I. The assessing officials shall, within 30 days of the receipt of the notice of intent to cut pursuant to RSA 79:10, or within 15 days of written notification of a change in ownership from the owner pursuant to RSA 79:3-a, II, ~~[shall]~~ notify in writing the owner filing such notice of the amount and conditions of any bond or other security which they deem necessary to secure the payment of the yield tax due from the operation described in the notice of intent to cut.

II. No owner required to furnish bond or other security in accordance with RSA 79:3-a shall commence to cut or continue to cut until such owner has posted the bond or other security. No owner who owns land in the town where the owner intends to cut shall be required to post a bond or other security as a condition ~~[for filing an intent to cut or receiving a permit]~~ to cut, unless the owner is delinquent on town timber taxes or property taxes.

4 Timber Cutting; Enforcement. Amend RSA 79:28 to read as follows:

79:28 Enforcement.

I. The department of revenue administration shall administer and enforce this chapter. The director of the division of forests and lands and his agents shall also have enforcement authority in regard to the proper filing and reporting of intents to cut, posting of ~~[the certificate on the operation]~~ **certificates and intents to cut**, and proper filing and reporting of the timber cut and shall otherwise assist in enforcement of this chapter as agreed upon by the commissioner of the department of revenue administration and the director, division of forests and lands. It is the intent of this section to authorize the commissioner of the department of revenue administration and the director, division of forests and lands, and their agents, to have enforcement authority and the right to stop any operation in violation of RSA 79 and report same to local authorities.

II. Officials responsible for the enforcement of this chapter may enter upon any lands for which [~~a permit to cut~~] ***an intent to cut has been signed*** or a certificate [~~to operate~~] has been issued pursuant to RSA 79 or may enter upon any lands that they believe may have an operation in violation of RSA 79. They also may review any records in conjunction with any timber operation in the state.

5 Timber Cutting; Notice of Intent to Cut. RSA 227-J:5 is repealed and reenacted to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79:10 and 11, any owner, as defined in RSA 79:1, II, conducting a cutting operation shall file an intent to cut and a report of wood cut. Pursuant to RSA 79:10, I(d), the intent to cut form as signed or properly noted as being signed by the assessing officials or the certificate issued by the department of revenue administration shall be posted prior to starting a cutting operation. Failure to comply with these requirements and those contained in RSA 79 may result in penalties to the owner or any other person doing the cutting, or both, under RSA 79.

6 Repeal. RSA 79:3-a, III, relative to notice of intent to cut timber, is repealed.

7 Effective Date. This act shall take effect January 1, 2004.

2003-0040h

Amendment to HB 76

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 4 with the following:

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

2003-0053h

Amendment to HB 91

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

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

AN ACT relative to the telecommunications planning and development initiative and advisory committee.

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

1 New Section; Telecommunications Planning and Development Initiative; Reporting Requirement. Amend RSA 12-A by inserting after section 49 the following new section:

12-A:50 Reporting Requirement. The director of economic development shall report on the accomplishments, efforts, and costs of the telecommunications planning and development initiative, including the work of the advisory committee. The reports shall be made available to the public and shall be submitted to the governor, the speaker of the house of representatives, the senate president, and the state library, on or before September 1 in the years 2004, 2006, and 2008.

2 Telecommunications Planning and Development Initiative and Advisory Committee; Prospective Repeal Date Amended. Amend 2000, 298:7, I to read as follows:

I. Section 6 of this act shall take effect [~~July 1, 2004~~] ***July 1, 2008***.

3 Repeal. RSA 12-A:50, relative to the reporting requirement for the telecommunications planning development initiative, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect September 1, 2008.

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

AMENDED ANALYSIS

This bill extends the telecommunications planning and development initiative and advisory committee to July 1, 2008. The bill also requires the director of economic development to file periodic reports on the telecommunications planning and development initiative.

2003-0022h

Amendment to HB 92

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

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

1 New Subdivision; Education; Health and Sanitation; Pupil Use of Epinephrine Auto-Injectors. Amend RSA 200 by inserting after section 41 the following new subdivision:

Pupil Use of Epinephrine Auto-Injectors.

200:42 Possession and Use of Epinephrine Auto-Injectors Permitted. A pupil with severe, potentially life-threatening allergies may possess and self-administer an epinephrine auto-injector if the following conditions are satisfied:

I. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the parent or guardian. The school shall obtain the following information from the pupil's physician:

- (a) The pupil's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) Any severe adverse reactions that may occur to another pupil, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The school principal or, if a school nurse is assigned to the pupil's school building, the school nurse shall receive copies of the written approvals required by paragraph I.

III. The pupil's parent or guardian shall submit written verification from the physician confirming that the pupil has the knowledge and skills to safely possess and use an epinephrine auto-injector in a school setting.

IV. If the conditions provided in this section are satisfied, the pupil may possess and use the epinephrine auto-injector at school or at any school-sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

200:43 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-injector during the school day, the pupil shall report to the nurse's office or principal's office to enable the nurse or another school employee to provide appropriate follow-up care.

200:44 Availability of Epinephrine Auto-Injector. The school nurse or, if a school nurse is not assigned to the school building, the school principal shall maintain for pupil use at least one epinephrine auto-injector, provided by the pupil, in the nurse's office or

in a similarly accessible location.

200:45 Immunity. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee prohibiting a pupil from using an epinephrine auto-injector because of the employee’s good faith belief that the conditions of RSA 200:42 had not been satisfied. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee permitting a pupil to use an epinephrine auto-injector because of the employee’s good faith belief that the conditions of RSA 200:42 had been satisfied. Furthermore, if a school district permits a pupil to possess and use an epinephrine auto-injector pursuant to this subdivision, the school district, any member of the school district board of education, or any school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the epinephrine auto-injector by a pupil for whom it was not prescribed.

2 New Sections; Water Management and Protection; Safety Regulations; Possession and Use of Asthma Medication at Recreation Camps. Amend RSA 485-A by inserting after section 25-a the following new sections:

485-A:25-b Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation camp shall permit a child with severe, potentially life-threatening allergies to possess and use an epinephrine auto-injector, if the following conditions are satisfied:

I. The child has the written approval of the child’s physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child’s physician:

- (a) The child’s name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) Any severe adverse reactions that may occur to another child, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child’s parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an epinephrine auto-injector in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

V. In this section, "physician" means any physician or health practitioner with the authority to write prescriptions.

485-A:25-c Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-injector, the child shall report such use to the nurse or another camp employee to enable the nurse or camp employee to provide appropriate follow-up care.

485-A:25-d Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse is not assigned to the camp, the recreational camp administrator shall maintain for the use of children with severe allergies at least one epinephrine auto-injector, provided by the child, in the nurse’s office or in a similarly accessible location.

485-A:25-e Immunity. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee prohibiting a child from using an epinephrine auto-injector because of the employee's good faith belief that the conditions of RSA 485-A:25-b had not been satisfied. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee permitting a child to use an epinephrine auto-injector because of the employee's good faith belief that the conditions of RSA 485-A:25-b had been satisfied. Furthermore, if a recreational camp permits a child to possess and use an epinephrine auto-injector pursuant to this subdivision, the recreational camp or any camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the epinephrine auto-injector by a child for whom it was not prescribed.

3 Effective Date. This act shall take effect August 15, 2003.

2003-0012h

Amendment to HB 105

Proposed by the Committee on Criminal Justice and Public Safety - C

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

AN ACT relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile probation and parole officers against individuals under their supervision.

Amend the bill by replacing sections 2-4 with the following:

2 Aggravated Felonious Sexual Assault; Section Amended. Amend RSA 632-A:2, I(n) to read as follows:

(n) When the actor is in a position of authority over the victim ~~[and uses this authority to coerce the victim to submit]~~ under any of the following circumstances:

- (1) When the actor has supervisory **or disciplinary** authority over the victim by virtue of the victim being incarcerated in a correctional institution, **the secure psychiatric unit**, or juvenile detention facility; or
- (2) When **the actor is** a probation or parole officer **or a juvenile probation and parole officer who** has supervisory **or disciplinary** authority over the victim while the victim is on parole or probation or under juvenile probation.

Consent of the victim under any of the ~~[above]~~ circumstances **set forth** in subparagraph (n) shall not be considered a defense.

3 Felonious Sexual Assault; Gender Neutral. Amend the introductory paragraph of RSA 632-A:3 to read as follows:

A person is guilty of a class B felony if ~~[he]~~ **such person**:

4 Felonious Sexual Assault; Disciplinary Authority. Amend RSA 632-A:3, IV to read as follows:

IV. Engages in sexual contact with the person when the actor is in a position of authority over the person ~~[and uses that authority to coerce the victim to submit]~~ under any of the following circumstances:

- (a) When the actor has supervisory **or disciplinary** authority over the victim by virtue of the victim being incarcerated in a correctional institution, **the secure psychiatric unit**, or juvenile detention facility; or
- (b) When **the actor is** a probation or parole officer **or a juvenile probation and parole officer who** has supervisory **or disciplinary** authority over the victim while the victim is on parole or probation or under juvenile probation.

Consent of the victim under any of the circumstances set forth in paragraph IV shall not be considered a defense.

AMENDED ANALYSIS

This bill:

I. Prohibits sexual conduct between any person, including juvenile probation and parole officers, in a supervisory or disciplinary capacity and any person being held at the Secure Psychiatric Unit at the state prison in Concord.

II. Eliminates consent as a defense to aggravated felonious sexual assault and felonious sexual assault.

2003-0026h

Amendment to HB 138-FN

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

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

1 Interpreters for the Deaf and Hard of Hearing. RSA 521-A is repealed and reenacted to read as follows:

CHAPTER 521-A

INTERPRETERS FOR THE DEAF AND HARD OF HEARING

521-A:1 Purpose. The purpose of this chapter is to ensure that deaf and hard of hearing persons who are parties in interest and otherwise affected by proceedings or actions of entities covered under Title II for public entities and Title III for public accommodations of the Americans with Disabilities Act shall have available to them a qualified interpreter or auxiliary aids in accordance with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and RSA 354-A.

521-A:2 Definitions. In this chapter:

I. "Appointing authority" means:

(a) A public entity as defined by Title II of the Americans with Disabilities Act which includes any state or local government, any department, agency, special purpose district, or instrumentality of a state or local government.

(b) A private entity defined by Title III of the Americans with Disabilities Act which includes places of public accommodation, commercial facilities and examinations and courses related to applications, licensing, certification, or credentialing for secondary or post secondary education, professional or trade purposes.

II. "Auxiliary Aid" means "auxiliary aid" as defined by the Americans with Disabilities Act, which includes: note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, telecommunication devices (TTY's), video text displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

III. "Board" means the board of licensure of interpreters for the deaf and hard of hearing established in RSA 326-I.

IV. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary communication is visual.

V. "Hard-of-hearing person" means a person who has a hearing loss, who may or may not primarily use visual communication, and who may or may not use assistive devices.

VI. "Intermediary interpreter" means an interpreter who holds a certificate of Certified Deaf Interpreter or Reverse Skills from the Registry of Interpreters for the Deaf, or a person who has intimate acquaintance with a deaf person who mainly uses uncommon gestures for communicating and may be able to act as an interpreter between the deaf person and the qualified interpreter.

VII. "Principal party in interest" means all deaf or hard-of-hearing persons who under titles II and III of the Americans with Disabilities Act have a right to a qualified interpreter or auxiliary aids. "Principal party in interest" shall include the named party, a person in whom the decision or action directly affects, victims, jurors, parents, guardians, foster parents, or the individual who the principal party relies on for advice or decisions.

VIII. "Qualified interpreter" means a person licensed pursuant to RSA 326-I.

IX. "Qualified legal interpreter" means a qualified interpreter under the Americans with Disabilities Act who in a legal setting is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary including legal constructs. Qualified legal interpreters shall hold a specialized legal certificate awarded by the Registry of Interpreters for the Deaf or a level 5 certificate from the National Association of the Deaf, or shall hold certification

from the Registry of Interpreters for the Deaf and successfully complete legal interpreter training. "Qualified legal interpreter" also includes a person granted an exemption under RSA 326-I:7, provided that the person discloses his or her lack of certification or legal training to the Title II or Title III entity.

521-A:3 Preliminary Determination. No qualified interpreter or qualified legal interpreter shall be appointed in any case until the appointing authority and the deaf person make a preliminary determination that the interpreter is able to accurately communicate both receptively and expressively for the parties involved. In the event that the interpreter is found unable to communicate effectively, another qualified interpreter or intermediary interpreter, or a non-licensed interpreter may be obtained, if the board grants a waiver under RSA 326-I:7.

521-A:4 Standards for Selecting Type of Interpreter or Auxiliary Aid. The appointing authority, when required under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or RSA 354-A, shall appoint:

I. A qualified interpreter for any situation which is not a legal or quasi-legal matter;

II. A qualified legal interpreter for all stages of all criminal, civil, and other adjudicatory proceedings, including criminal investigations which may lead to such proceedings;

III. An intermediary interpreter for situations cited in RSA 521-A:4, I or II in which these specialized services are required to effectuate communication with the deaf person; or

IV. Auxiliary aids.

521-A:5 Notice; Need for Interpreter or Auxiliary Aid. In situations which under the Americans with Disabilities Act require interpreters or auxiliary aids, the appointing authority shall provide such services upon request by the principal party in interest. This request does not have to be in writing.

521-A:6 Coordination of Interpreter and Auxiliary Aid Requests.

I. Whenever an appointing authority receives a request for the services of an interpreter or auxiliary aid, the authority can request the board to furnish the authority with a list of qualified interpreters. If the choice of a qualified interpreter does not meet the needs of the principal party in interest, the appointing authority shall appoint another licensed interpreter.

II. The New Hampshire Association of the Deaf and the New Hampshire Registry of Interpreters are authorized to assist the board to prepare and continually update, a listing of services.

521-A:7 Compensation. An interpreter or qualified legal interpreter appointed by an appointing authority who is a public entity as defined in RSA 521-A:2, I(a) shall be reimbursed at a fixed rate reflecting the current approved fee schedule as established by the department of education, division of career technology and adult learning. Nothing in this section shall be construed to prevent any such appointing authority from employing an interpreter on a full-time basis or at a mutually agreed upon compensation rate. Compensation paid by such appointing authorities shall be negotiated by the entity and the interpreter.

521-A:8 Privileged Communications. An interpreter who is employed to interpret or transliterate between a person who can hear and a principal party in interest may not be compelled to disclose, through reporting, testimony or by subpoena, the contents of the communication, unless consent was granted by the principal party in interest.

521-A:9 Penalties. A person who violates any provisions of this chapter or who knowingly discloses a privileged communication in violation of RSA 521-A:8, shall be guilty of a violation. Upon conviction of a second or subsequent violation under this chapter a person shall be guilty of a class A misdemeanor and may, in addition, be subject to a civil penalty of up to \$2000 per offense or, in the case of a continuing offense, \$250 for each day the violation continues.

521-A:10 Interpreter or Auxiliary Aid to be Provided. Whenever a principal party in interest is receiving services from an appointing authority that is required under the Americans with Disabilities Act to provide interpreters or auxiliary aids, and the principal party in interest requests an interpreter or auxiliary aid, one shall be provided. Cost for the provision of services shall not be assessed to the deaf or hard-of-hearing person.

521-A:11 Interpreter Required in Civil or Criminal Matters.

I. Any appointing authority involved in the provision of legal services or court-related services shall comply with the Americans with Disabilities Act. A qualified legal interpreter or auxiliary aid shall be provided when requested by the principal party in interest. This includes proceedings of preliminary proceedings involving criminal sanctions or confinements, forfeiture of

property, interrogation, administration of the Miranda warnings, grand jury proceedings, arbitration or mediation services, depositions, probation or parole meetings or hearings, psychological evaluation, interests including communication related to needed medical attention during apprehension. Whenever a deaf person is arrested for any reason when the penalty may include imprisonment or a fine in excess of \$100 no attempt to interrogate shall be permitted until a qualified interpreter is appointed for said person and then only through the use of such interpreter.

II. No statement, written or oral, made by a deaf or hard of hearing person, in reply to a question by a police officer, sheriff, or other law enforcement personnel having prosecutorial function in any criminal or quasi-criminal proceeding may be used against that person unless the statement was made or elicited through a qualified legal interpreter and was made knowingly, voluntarily, and intelligently, or unless the court finds that effective communication otherwise occurred between the deaf person and law enforcement personnel, the statement was made knowingly, voluntarily, and intelligently. In no event shall the failure of a deaf or hard of hearing person to request an interpreter be deemed a waiver of the appointment of an interpreter. A deaf or hard of hearing person may knowingly, voluntarily, and intelligently waive, in writing, the appointment of a qualified legal interpreter. Such waiver is subject to the written approval of counsel where the deaf or hard of hearing person is being represented by counsel.

521-A:12 Oath of Interpreter. Every interpreter appointed pursuant to the provisions of this chapter, before entering upon his or her duties in any legal or quasi-legal setting, shall take oath that he or she will to his or her best skill and judgment make a true interpretation to the deaf person in a language that the deaf person understands, all spoken language and, if necessary, any written material presented during each stage of the proceeding and of the deaf person’s communication to others during each stage of the proceeding, whether or not the deaf person is the principal party in interest, provided that in case for an interpreter appointed for a juror, the interpreter shall also take an oath that he or she will not:

- I. Participate in any manner in the deliberations of the jury;
- II. Communicate with any member of the jury regarding the deliberation of the jury, except a literal translation of a juror’s remarks made during deliberations; or
- III. Disclose any of the deliberations with any person.

521-A:13 Visual Recordings; Court Proceedings. On the court’s motion, or the motion of a party, the court may order testimony of a party and the interpretation of that testimony by the interpreter be visually and electronically recorded for use in verification of the transcription of the reporter’s notes or accuracy of the interpretation. The clerk of the court shall include that recording in the appellate record if requested by a party.

521-A:14 Interpreter Positioning. No court proceedings or testimony shall commence until the qualified legal interpreter is in full view and specially situated to assure proper communication with the participating individual who is deaf or hard of hearing.

2 Effective Date. This act shall take effect January 1, 2004.

2003-0031h

Amendment to HB 171

Proposed by the Committee on Executive Departments and Administration - R

Amend subparagraph I(d) of section 2 of the bill by replacing it with the following:

(d) Fifteen representatives of the private or public sector community, 5 of whom shall be appointed by the governor, 5 of whom shall be appointed by the speaker of the house of representatives, and 5 of whom shall be appointed by the senate president.

Amend subparagraph II(d) of section 3 of the bill by replacing it with the following:

(d) Fourth, the commission shall present a preliminary list of issues and opportunities for restructuring state government organization in New Hampshire at a public hearing to be held no later than July 1, 2003, and to allow the commission to receive public comment regarding the purpose, objectives, scope, and conduct of this study.

Amend the bill by replacing section 4 with the following:

4 Chairperson. The first meeting of the commission shall be held within 30 days of the effective date of this act. The members of the commission shall elect a chairperson from among its members.

Amend paragraph II of section 5 of the bill by replacing it with the following:

II. The commission shall report the final results of its study, including its findings, recommendations, and any proposed legislation, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library no later than December 1, 2003.

2003-0048h

Amendment to HB 182

Proposed by the Committee on Judiciary - C

Amend RSA 561:13, I as inserted by section 2 of the bill by replacing it with the following:

I. If an individual dies intestate as to all or a portion of the individual's estate, property the decedent gave during lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if:

- (a) The decedent declared in a contemporaneous writing that the gift was an advancement; or
- (b) The heir acknowledged in writing prior to the decedent's date of death that the gift was an advancement; or
- (c) The decedent's contemporaneous writing otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate; or
- (d) The heir's written acknowledgement prior to the decedent's death indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.

2003-0049h

Amendment to HB 183

Proposed by the Committee on Judiciary -C

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

1 Minors Not Under Guardianship. Amend RSA 561:20 to read as follows:

561:20 Minors Not Under Guardianship. Whenever any minor *whose estate is* not ~~[being]~~ under legal guardianship shall be entitled to receive from any administrator ~~[or]~~, executor, ***trustee, or third party payor/custodian,*** any distributive share as heir or next of kin, ~~[or]~~ any legacy, ~~[the full amount of which share or legacy is not more than \$5,000, said administrator or executor, upon petition to and approval of the probate court, shall pay said sum to the parents of the minor, if both are living, or to the surviving parent if one parent is deceased, or to the parent or other person having custody of the minor, if the parents are divorced, or to a person standing in loco parentis to the minor, if both parents are deceased. The receipt of the parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though the parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court. When considering such a petition the probate court shall determine the best interests of the minor. If such a petition is approved by the probate court, the court may make all necessary orders for protecting the interests of the minor and may require the parents or parent or other person to give bond or to account for all money received on behalf of the minor, or both]~~ ***bequest or devise, any monetary distribution, or any ownership interest, said administrator, executor, trustee, or third party payor/custodian shall make such distribution to the person designated as such minor's custodian for the benefit of such minor under either RSA 463-A, the Uniform Transfers to Minors Act, or under another state's Uniform Transfers to Minors Act or similar statute, or absent a designated custodian, to a custodian for the benefit of such minor under RSA 463-A, the Uniform Transfers to Minors Act.***

2 Effective Date. This act shall take effect January 1, 2004.

2003-0044h

Amendment to HB 195

Proposed by the Committee on Judiciary - C

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

AN ACT prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

Amend the bill by replacing section 1 with the following:

1 Disqualification of Justices; Special Justices; Clerks. Amend RSA 502-A:21 to read as follows:

502-A:21 Disqualifications of Justices~~[, etc]~~. No justice, associate justice, special justice or clerk of any district ~~[or municipal]~~ court shall be retained or employed as attorney in any action, complaint, or proceeding pending in his court or which has been examined or tried therein. No such justice ~~[or]~~, associate justice, **special justice, or clerk** shall be retained or employed as an attorney in any matter pending before any other district ~~[or municipal]~~ court. ~~[No special justice of any municipal or district court shall appear in any municipal or district court representing a client in a criminal case.]~~ No attorney shall be permitted to practice before any district ~~[or municipal]~~ court where any justice, associate justice, or special justice thereof is associated with said attorney in the practice of law.

AMENDED ANALYSIS

This bill prohibits all part-time district court judges and district court clerks from practicing law in the district courts. Currently, special justices can represent clients in civil cases.

2003-0036h

Amendment to HB 231

Proposed by the Committee on Education - C

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The absence of transition assistance is an important reason why special education pupils are not better prepared upon leaving high school.