

State of New Hampshire HOUSE RECORD

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Calendar and Journal of the 2004 Session

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Friday, January 30, 2004

No. 10

Contains: Reports and Amendments for February 5, Hearings and Notices

HOUSE CALENDAR

A MESSAGE FROM THE SPEAKER

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, **February 5** at 10:00 a.m. and tentatively, Thursday, February 19, at 10:00 a.m.

Additional House deadlines proposed by the House Rules Committee and listed below will be voted on at the February 5 session.

Please note that all legislative and executive branch offices will be closed on Monday, February 16, in observance of President's Day. The House will take a break from legislative business from February 23 to 27.

Chairmen and Vice Chairmen will meet on Tuesday, **February 3**, at 9:00 a.m. in Room 201, LOB.

Speaker Gene G. Chandler

NOTICE

There will be a Republican Caucus on Thursday, **February 5** at 9:15 a.m. in Representatives Hall.

Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, **February 5** at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

Shuttle Service

For the convenience of the members during the winter months I have again instituted a shuttle service from the Storrs Street parking garage to the State House complex.

The shuttle will operate **Tuesdays, Wednesdays, and Thursdays from 8:00 to 10:00 a.m. and again from 2:00 to 4:00 p.m. or until session is over.** The van will drop off and pick up on **North State Street between the State House and LOB.** If you have any questions or need any assistance please feel free to call my office or Protective Services at 271-3321.

NOTICE OF RECONSIDERATION

This day, Thursday, the 29th day of January, 2004, at 12:18 p.m., Representative Peter Sullivan, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby, on a roll call vote of 169-159, it found **HB 266**, requiring youth bicyclists and skateboarders to wear protective headgear, Inexpedient to Legislate.

Karen O. Wadsworth, Clerk of the House

AMENDMENT TO HOUSE RULES

Proposed by the Committee on Rules

Thursday, April 29, 2004
Thursday, May 6, 2004
Thursday, May 13, 2004
Wednesday, May 19, 2004
Wednesday, May 26, 2004

Last day to report Senate bills.
Last day to act on Senate bills.
Last day to form committees of conference.
Last day to sign-off committee of conference reports.
Last day to act on committee of conference reports.

THURSDAY, FEBRUARY 5

CONSENT CALENDAR

COMMERCE

HB 1342-FN-A-LOCAL, establishing a new system of coinage for the state. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation, if adopted, would promote the use of gold as an alternative currency. The sponsor appeared concerned that paper currency may be devalued. Essentially the bill would require the banking system to accept and redeem gold as a separate currency. The committee was having trouble believing that gold (which also may be devalued), as a currency, would have been of any benefit. **Vote 11-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1235-FN, establishing a criminal penalty for throwing an incendiary object from a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. E. Albert Weare for Criminal Justice and Public Safety: In discussion with the sponsor of this bill, it became clear that the purpose of this bill is already covered by law. The perceived problem is a matter of enforcement, not a matter of changing the law. In addition, the definition of "incendiary object" would become almost impossible to defend legally. **Vote 13-0.**

HB 1337-FN, prohibiting any person convicted of an offense against a child from purchasing a residence or entering a rental or lease agreement for rental property in the vicinity of a school. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill has a very laudable intent, one that all on the committee agreed with. However no matter how noble the intent may be, the committee must also look to the constitutional rights of all, even the worst of offenders. This bill was just too vague and we believed, constitutionally challengeable. The testimony was overwhelmingly against this approach to constrain or otherwise restrict the sexual offender of children to enter into an agreement to rent, lease, and even own property 2000 feet from specific places, keeping in mind that some offenders could, and do, use parks, playgrounds and school zones to seek access to a possible victim. The plain fact of the matter is that with this bill, if it were carried to its logical conclusion, in any given town, considering the location of the numerous schools, playgrounds, home schools, day care centers and the like that are strewn all over the area of a town would in effect be "zoning out" such people. (Unconstitutional?) Iowa's Supreme Court struck down a similar law. This bill would also leave open, for civil suits, the managers of properties and realtors who do not have access to the records of such offenders and who in good faith rent, lease and sell property to them. Finally, this bill would not just pertain to the sexual offender of children but also anyone who may have abused a child in some other way as well and whom police departments have no right to keep a register of. **Vote 17-0.**

HCR 23, on non-citizens during times of war. **INEXPEDIENT TO LEGISLATE**

Rep. George D. Winchell for Criminal Justice and Public Safety: This resolution has no statutory teeth behind it. Other than the sponsor of the bill, there was no other testimony. The committee feels that all persons should be treated fairly and we believe this is indeed the rule. The committee, by its vote, supports those organizations whose role is to protect the citizens during difficult times. **Vote 13-0.**

HJR 24, concerning misdemeanors and probable cause. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The sponsor of the bill failed to appear at the hearing and did not contact the committee to request any other consideration. The ramifications of this bill, although not having the effect of law, are far-reaching and would interfere with well-recognized principles of search and seizure already decided by the United States Supreme Court. **Vote 13-0.**

EDUCATION

HB 1232-FN, allowing a disabled person to enroll in a class free of charge at any institution within the university system of New Hampshire, provided a seat is available in the class. **REFER FOR INTERIM STUDY**

Rep. John R.M. Alger for Education: The committee thought well of an amendment to study the issue of defining when and if people of specific disabilities should be offered free enrollment in college for the purpose of enhancing the ability to obtain productive work. However, an amendment to that effect did not correctly state the issue and need as described above and so a vote of interim study was taken instead. **Vote 17-1.**

HB 1297, relative to credit for American sign language and transliteration as a foreign language. **INEXPEDIENT TO LEGISLATE**

Rep. John R.M. Alger for Education: This bill would require credit for American Sign Language when or if it is offered as a foreign language. According to the prime sponsor it is not now needed, because the Department of Education has placed the purpose of the bill into rules under Ed 306.43 World Language Program qualifying American sign language as a world language for the purpose of meeting a high school world language graduation requirement. **Vote 17-0.**

HB 1345-FN-LOCAL, establishing an education scholarship fund. **REFER FOR INTERIM STUDY**

Rep. Barbara Hagan for Education: The committee overwhelmingly agreed that technical errors in the bill prevented it from moving forward at this time. The committee will work to make the bill a strong piece of legislation that can be put forward in a future session. **Vote 16-2.**

ENVIRONMENT AND AGRICULTURE

HB 1227, relative to land assessed for current use which is taken by eminent domain. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: The purpose is to correct a situation which could occur if land is taken by eminent domain or any other type of government taking as the law is written. If you held land under current use and after the government taking, you were left with less than 10 acres, you would have to remove the land from current use. This bill allows the land to remain in current use. The amendment further clarifies the intent of the sponsor. There was no opposition to this bill. **Vote 14-0.**

HB 1229, establishing a commission to study bioaccumulative toxic chemicals. **REFER FOR INTERIM STUDY**

Rep. Peter H. Allen for Environment and Agriculture: Because the Environment and Agriculture Committee has long experience related to bioaccumulative toxic chemicals and questions needed resolution, the committee voted to recommend the bill for Interim Study. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1160, relative to the membership of the board of professional geologists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul G. LaFlamme for Executive Departments and Administration: The bill in its original form would have added the state geologist to the board of geologists as an "ex officio" member. The committee agreed that the board would benefit from the state geologist's expertise and insight. Our amended bill makes the state geologist a full voting member. In addition, a section of the bill that would have cut geologist education requirements in half was removed. **Vote 14-0.**

HB 1174, relative to acceptance of electronic records by government agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill reiterates the desire to use electronic media to transfer records between government agencies and others. The bill fails to provide clarity on this complex issue and does not answer difficult questions of who, when, where or how to implement this process. **Vote 16-0.**

HB 1222, establishing a commission and authorizing a portrait of Vesta Roy, New Hampshire's first woman governor. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would establish a commission to authorize a portrait of Vesta Roy, the first woman governor of New Hampshire. The committee decided this bill was not needed. Presently, all portraits are arranged and funded outside the legislative process, and this portrait could be arranged the same way. **Vote 14-2.**

HB 1248-FN, adding a licensed nursing assistant member to the state board of nursing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill provides for the selection of a medication licensed nursing assistant as one of the two licensed nursing assistants who serve on the state board of nursing. The committee agreed on the desirability of providing representation of this rapidly growing specialty of nursing assistants on the board

without mandating it or expanding the membership of the board. **Vote 15-1.**

HB 1324-FN, authorizing the position of clerk of the board of manufactured housing. **OUGHT TO PASS**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill re-grades the position of part-time typist/secretarial to the position of part-time clerk of the Board of Manufactured Housing at labor grade 27. The Board of Manufactured Housing is an effective forum for mediation of tenant/owner disputes rather than requiring resolution through litigation. Managing the increased case load coming before the board, its level of service and attention to inquiries and requests requires additional reliance on the services of the part-time secretary and justifies designation of the position as part-time clerk of the Board of Manufactured Housing. **Vote 12-3.**

HB 1338, establishing Patriots Day in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill would have made December 13, "Patriots Day." The state already has 14 different observances. In addition, there was concern that it would create confusion with Patriots Day in Massachusetts. With each day we add as an observance, we lessen the importance of each individual day **Vote 15-0.**

JUDICIARY

HB 1389, relative to appearances and representation in courts. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill would give "the inherent and unconditional right" to anyone to represent another person in any "court, tribunal, or administrative body provided that that person swear an oath as provided in the bill". The committee felt that the right to represent oneself and the right to be represented by another person (as long as it is not done on a regular basis) already exists and that this bill is therefore unnecessary and may lead to unintended consequences. **Vote 8-3.**

LEGISLATIVE ADMINISTRATION

HB 1336, relative to the procedures for the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Legislative Administration: The committee on Ethics requested three changes: 1) The Committee requested that appointments to the Committee shall be made by December 31st prior to the first legislation biennial session. This is to guarantee that the Committee will be immediately able to act on any complaints filed. 2) The Committee requested authority to initiate a complaint on its own motion against any individual who has not filed their financial disclosure form. 3) In addition, the Committee requested authority to bring a complaint on its own motion if it determines that a complaint "is frivolous, scurrilous, or retaliatory in nature." In addition, the committee could vote to discharge such a "complaint without the benefit of a meeting or further proceeding." The Committee on Legislative Administration after careful consideration voted unanimously to support HB 1336 as amended. **Vote 13-0.**

HB 1403, extending the reporting dates of certain study committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Legislative Administration: This bill extends the reporting date of eleven study committees or commissions requiring more time to complete their work. The amendment adds one commission which was not in the original bill and also changes the reporting date of one commission. **Vote 12-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1158, relative to a necessary quorum in town elections for motions to reconsider after voting polls have been open a period of more than 4 hours. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The committee understands the issue that is raised by this bill and also understands the problems that exist at some, if not all, town meetings at one time or another – people going home after a vote has been taken, having the reminder of people who stay ask for reconsideration and having the outcome of the vote changed. This bill was an attempt to prohibit a motion of reconsideration after the polls were open for a period longer than 4 hours. The moderator at the traditional town meeting has been given extensive powers but also extensive responsibilities to inform the towns people of the different scenarios that may arise during the town meeting to make the town meeting fair and just. RSA 40:10 provides for a motion to restrict reconsideration of any previous vote at the town meeting and also mandates that if there is a vote to reconsider a previous vote, then that vote would not take place at that meeting, but would occur at least 7 days after the date on which the motion to reconsider was approved. The majority of the committee feels that the motion to restrict reconsideration is working and there is no need to further complicate that motion. **Vote 9-4**

HB 1199-FN-L, relative to water connection fees. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill centers on the Copple Crown Village District in New Durham. The Village District charged \$3,500 per hook-up originally, then increased the fee to \$6,000 per hookup in 2002 and doubled the fee to \$12,000 in 2003. The sponsor of the bill is trying to find a solution to this substantial fee increase in the statutes by restricting the hookup fee of no more than \$100 if no additional infrastructure were necessary. The committee examined RSA 38:28 which states that the amount of water rates may be based upon the consumption of water on the hooked up premises, the number of persons served or upon some other equitable basis. There was opposition from the New Hampshire Water Works Association. If this restriction was placed upon municipal entities, which includes village districts, it could prevent recovering costs not associated with infrastructure, bring the long term viability of a municipal water system and

protection of the water source into question and is too inflexible. Based upon the last criteria of “equitable basis” the committee agreed that the right venue for this perceived “arbitrary and capricious” action was in the civil court system, not the legislative venue. **Vote 12-1**

PUBLIC WORKS AND HIGHWAYS

HB 1215, relative to seasonal directional signs. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C.W. Bouchard for Public Works and Highways: This legislation attempted to amend RSA 236:70 concerning blue directional highway signs by allowing seasonal businesses to display their signs for twelve months. Currently businesses that are seasonal are required to cover their signs during the off season. The majority of the Committee agreed with the sponsor that the current practice of businesses covering their signs with bags is unsightly. However, the Committee also heard testimony from DOT that these are not universally known seasonal symbols, nor are the blue signs large enough to display both symbols and language. DOT through rules is currently phasing out the requirement businesses cover their seasonal blue sign with bags. The bag policy is being replaced with uniform blue metal covers. The business will still be responsible for both the cost of covering the sign and placing the cover over their blue sign. The Committee encourages DOT to quickly move forward with this change and will monitor the departments progress. **Vote 13-2.**

HB 1325-FN-A, relative to the E-Z Pass toll system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill as amended provided the Commissioner of Transportation with authority to approve the use of the E-Z Pass system for the payment of non-toll based financial obligations voluntarily incurred by an account holder. The bill provides limits of the use and outlines the process for its use. The Committee spent a great deal of time in developing confidentiality of records to protect personal information and prohibit its misuse, which is in Section 2 of the bill. The Committee found that the additional uses of the E-Z Pass would provide additional revenue for the Turnpike Fund and will lighten the administrative cost of the E-Z Pass system as well as provide the holder with more convenience in travel and personal needs. **Vote 15-0.**

HB 1363, establishing a policy for naming state highways, bridges, and buildings. **OUGHT TO PASS**

Rep. John R. Cloutier for Public Works and Highways: This bill would establish certain criteria for naming a state highway, bridge, or building after a person or organization. Among other provisions, a person after whom a state highway, bridge, or building is named should no longer hold an elected or appointed state office. Also, that the person, or organization after which a highway, bridge, or building is named shall have made a positive contribution to its local community, the state and/or nation. Finally, that the cost of design, construction, maintenance and installation of any signs or markers shall not be charged to the state unless the highway, bridge, or building is named after a former elected, or appointed state official. **Vote 13-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1141, relative to dioxin emissions reduction and medical waste incinerators. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill prohibits construction of new Medical waste incinerators and the operation of all existing medical waste incinerators after January 1, 2014. The committee learned that many of these facilities are shutting down voluntarily. Newer technologies involving steam sterilization systems like the new proposed facility in Manchester will process most medical waste in the future. The Department of Environmental Services commissioner and the environmental affairs coordinator for the NH Hospital Association support this legislation. **Vote 11-0.**

HB 1399-FN-A, establishing the telecommunications planning and development fund. **OUGHT TO PASS**

Rep. John H. Thomas for Science, Technology and Energy: This bill allows monies deposited in the telecommunications development fund to be nonlapsing in order to continue on-going projects established by the Department of Resources and Economic Development (DRED). The bill also allows DRED to accept donations, grants and gifts for specific use on those projects. There will be no fiscal impact on county and local revenues or expenditures. **Vote 11-0.**

HJR 20, supporting President Bush's hydrogen fuel initiative. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Science, Technology and Energy: The committee felt that due to the lack of support from the sponsor, and the way the resolution was presented, further action was not warranted. **Vote 11-0.**

HJR 21, urging New Hampshire businesses to consider alternative fuel options to oil. **INEXPEDIENT TO LEGISLATE**

Rep. John H Thomas for Science, Technology and Energy: The committee felt that due to the lack of support from the sponsor and the way the resolution was presented, further action was not warranted. **Vote 11-0.**

TRANSPORTATION

HB 1184, requiring all vehicles to be equipped with mud flaps or spray or splash guards. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Artz for Transportation: This bill is unnecessary. This legislation would require vehicle owners to install mud flaps, or splash guards to a motor vehicle not originally equipped with them. For starters, there may be an Article 28-a issue in terms of applicability of this bill to municipally-owned vehicles, which would have to comply with this legislation. Municipalities would have to purchase these after-market mud flaps and guards and pay someone to install them on the vehicles. Vehicle safety equipment is under the control of Federal Motor Vehicle Safety Standards. If we start to mandate

special equipment on motor vehicles, or if we mandate that vehicles be manufactured with New Hampshire-specific equipment, this will disrupt interstate commerce on the sale of new motor vehicles. **Vote 11-0.**

HB 1280-FN, establishing limited driving privileges special licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Artz for Transportation: The prime sponsor of this bill failed to show up for the hearing and therefore, we had no supporting testimony. This bill will set a dangerous precedent. This will open up the door year after year to expand this legislation to include persons convicted of DWI, and then for reckless driving. Then the next step would be to expand the scope of the law beyond the limitation of going to and from work to driving to doctor's appointments, gas stations, grocery stores and the list goes on and on. Additionally, this legislation will be difficult to enforce. The loss of a driver's license is the single most effective deterrent – more effective than jail to dangerous drivers. If we pass this bill, we would undermine this deterrent. The reason why people lose their driver's license is because they pose a danger on the road – not only to themselves, but also to others that share the road. This bill gives the Director of Motor Vehicles too much discretion to decide who gets a limited license. This will open up a big can of worms. The Director under administrative rules already has mechanisms in place to address certain privilege licensing. **Vote 11-0.**

WAYS AND MEANS

HB 1132-L, establishing a committee to study allowing the operation of slot machines and keno in restaurants and establishments serving liquor. **INEXPEDIENT TO LEGISLATE**

Rep. Lee M. Hammond for Ways and Means: The unanimous feeling of the Ways and Means committee is that this issue has been explored and discussed at length during previous sessions; nothing would be accomplished by further study at this time. **Vote 14-0.**

HB 1203-FN-A, establishing a research and development tax credit against the business profits tax. **REFER FOR INTERIM STUDY**

Rep. Kurt J. Roessner for Ways and Means: This bill would establish a research and development tax credit of fifteen percent of qualified manufacturing and development expenditures. The committee needs to further examine the history of previous tax credits and the costs and benefits of such a program. **Vote 14-0.**

HB 1254-FN, granting certain disabled veterans an exemption from state education property taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The original bill was folded into a study committee. With the consent of the sponsor, a non-germane amendment was added in a public hearing. The amendment simply corrects the dedicated fund list after two bills (SB 69 and HB 368) were passed last year. The repeal is of a program which no longer exists as a separate entity. **Vote 13-0.**

HB 1281, relative to the determination of the amount of taxes to be raised to support a cooperative school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: As entered, this bill would have reversed earlier legislation that changed the payment of adequate education grants to communities that are members of a cooperative school district, from being paid before the apportionment of remaining costs to being paid after such apportionment. Both systems have created ill-will. The amendment allows each cooperative district to decide for itself how to apply member communities' grants, providing all of the members agree. **Vote 14-0.**

HB 1303-FN, creating a charity bingo and lucky 7 ticket review and advisory commission and establishing a multi-hall linked bingo pilot program. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The proposed advisory commission would be redundant in that the existing Sweepstakes Commission performs the same functions that are proposed in this bill. The bill also calls for a pilot program for a multi-hall computer linked bingo program. In the past session the house defeated a similar multi-hall computer generated Keno games. The attorney general has opposed the expansion of gambling and stated that expanded gambling would increase the state's exposure to criminal activities and compound the financial difficulties of many of our citizens and create other social problems. **Vote 14-0.**

THURSDAY, FEBRUARY 5 REGULAR CALENDAR

EDUCATION

HB 1188, relative to indoor air quality in public schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deanna Rush for the **Majority** of Education: This bill offers a 5% incentive to communities to build public elementary and secondary schools that implement high performance standards that effect indoor air quality. It also includes energy production because it is part of the problem. The bill further requires that a written maintenance plan be developed and submitted as part

of the process for applying for school building aid grants. This program would be voluntary and not become effective until after 2006. The testimony on this bill was favorable and it was estimated that every dollar invested in high performance schools will return 5-10% in future savings or avoided costs. This bill makes sense for NH students and staff while also making sense for taxpayers. **Vote 13-5.**

Rep. Mark Carter for the **Minority** of Education: While we all agree that improving the air quality for those adults and children who attend our schools regularly is important, the manner in which that desirable goal is achieved is equally important. This bill will cost \$31,875.00 per year per each school (based upon a \$10 million building cost) that takes advantage of the incentive program it proposes. The minority of the committee believes that this is unnecessary and that the state building code should have air quality standards and operating systems for schools upgraded in order to improve the circumstances aimed at by this bill.

HB 1353-FN, mandating open enrollment schools statewide. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R.M. Alger for the **Majority** of Education: School choice is currently available only to relatively affluent families. This bill is an important effort to upgrade the quality of our children's education by offering financial assistance to parents of limited means in selecting the school that they feel will be the best for the educational development of their children. Testimony in the House and experience reveals that children of some parents simply do not thrive and grow emotionally in the public schools. However, they can and do succeed in non-public schools chosen by their parents. Nationwide such school choice programs are growing in use and development. Both sectarian and non-sectarian schools, if on the list approved by the department of education, are included in the bill. The US Supreme Court has ruled in the recent Cleveland case that taxpayer funding if directed to the parent, who then sends it to the school they select, sectarian, or non-sectarian, is legal. Furthermore, in the case of a student seeking school-choice taxpayer support for a course in theology, the US District Court overrode the prohibition in the state's constitution prohibiting such support for a sectarian program similar to overriding the similar prohibition in the NH Constitution. That case has been heard in the US Supreme Court and a decision is expected this coming summer. This bill includes a severability clause in the event that case is decided adversely to including sectarian schools so they can be deleted without impact otherwise on the policy in the bill. The bill has a gradual increase in certificates offered annually growing from 2000 to 14,000 annually for a total of 56,000 in seven years. The expense to the education trust fund at present would only be about 5% of adequacy grants if continued at the current level. However, the financial impact of the certificates will be reviewed thoroughly by the Finance Committee to eliminate any impact on local school districts also considering cost avoided in the public schools if the House adopts the policy in this bill. **Vote 10-8.**

Rep. Richard C. Leone for the **Minority** of Education: This bill reflects a policy change of such magnitude it could take in excess of \$185 million from the State Education Fund; also, it would adversely affect local tax rates over a seven year period and beyond. There is little or no evidence to suggest that giving a student a certificate to attend to attend a private school will reduce costs for school districts. Based on the fact that this amendment has been considered unconstitutional according to NH Law and because NH has been struggling with the educational funding issue without a solution since 1997, there is every reason to believe that this bill would further complicate the issue. The minority feels that we as legislators will be hard pressed to explain to our voter's back home why we wanted to encumber them with higher school budgets. The minority suggests that for anyone or group that is dissatisfied with the schools, the mechanism is currently available to make changes at the local level. Coming to the State to ask it to create laws to satisfy any one group while adversely affecting so many others is not in the best interest of our State or local taxpayers.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1241, exempting from the state employee hiring delay certain positions within the regional community-technical college system which are directly responsible for child care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill amends 2003, 319:178, II to add "positions within the regional community-technical college system that are directly responsible for child care" to the State Employee Hiring Delay; Exemptions. This exemption will enable the New Hampshire Technical Institute Child and Family Development Center to be in compliance with RSA 170:E which establishes the ratio of adult to infant/toddler and preschool children attending the institute's laboratory school for practicum students in early childhood education. **Vote 11-4.**

HB 1265, establishing a committee to study prescriptive authority of qualified psychologists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael O'Neil for the **Majority** of Executive Departments and Administration: Last year, the committee had before it HB 443 which would have granted prescriptive authority to qualified psychologists. The bill was studied in depth by subcommittee and presented to the full committee, which voted 18-2 to recommend inexpedient to legislate. HB 1265 deals with the very same subject. The only change is to form a study committee of house and senate members. Over 15 people testified in opposition. No new evidence was brought forward nor was there a consensus that the issue needed to be studied by the legislature. Furthermore, no other states in the country are looking into legislative studies on this issue. If the issue needs to be studied, it can be done outside the legislative arena. **Vote 15-2.**

Rep. John DeJoie for the **Minority** of Executive Departments and Administration: This bill seeks to establish a legislative study committee to review the many complex issues surrounding authorizing prescriptive authority to qualified psychologists. This bill does not attempt to grant prescriptive authority, it simply seeks to better understand it. HB 1265 is a follow-up to HB 443, which was heard in 2003. The committee heard lengthy conflicting testimony regarding the quality of the state's mental health care delivery system and the merits of the policy currently in question. There was more than four hours of public testimony on HB 443 (2003) and another hour of testimony on the current bill. HB 443 was deliberated in subcommittee for about an hour, while HB 1265 was deliberated for several minutes. The medical community testified that access to psychiatric care is not a problem in New Hampshire today. Their testimony indicated that primary care physicians, who prescribe about 80% of psychotropic medications, are able to diagnose the vast majority of psychological problems and are comfortable with prescribing psychotropic medications. This despite their limited formal psychological training and continuing education hours in psychiatry. In contrast, psychologists testified that consumers do not have adequate access, no sufficient time for adequate diagnosis or monitoring of side effects, nor is there sufficient time to integrate psychological techniques into treatment to minimize the necessity of medication interventions. The majority believes the issue has been studied sufficiently. Based on the excessive amount of public testimony, versus the small amount of quantitative time spent deliberating the issue, the minority does not agree that the issue has received adequate study. The minority, as well as the constituents, believes much more review, research and study is necessary in order to develop a thorough understanding of this issue. Based on the number of bills submitted this session about the overuse of psychotropic medications on children, it would appear that other legislators agreed that this issue requires further study.

JUDICIARY

HB 1176, relative to government access to private property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Henry P. Mock for the **Majority** of Judiciary: All Americans cherish their ability to own and to protect their private property. This bill was brief and stated the following: "Absent a lawfully issued search warrant, no state, county, municipal, or other public official shall go onto any private property for any purpose (emphasis added) without the prior consent of the landowner". Although the sponsor said the "intent is to protect private property rights – that it was not intended to restrict law enforcement in any way" – the questions began: what about state forestry officials looking for insect infestations where the landowner is unavailable? What about the moose or deer struck by an auto landing on a front lawn? What about the mailman delivering mail? What about neighbors and others searching the neighborhood for a lost child? And the exceptions went on and on. The exceptions grew to such an extent it led Atty. Gallo, opposing and representing the Attorney General's office, to say that the "exceptions would swallow up the bill". Although the minority amendment gallantly attempts to improve the bill, one could drive a Mack Truck through it and make innocent persons trying to do their jobs "criminals". With \$100 per day liquidated damages per each day such violation occurs or \$5000, together with costs and reasonable attorneys fees, the proposed amendment is excessive at the least. This bill could have far reaching and devastating unintended consequences. **Vote 7-5.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: The sponsors of this bill sought no substantive change to existing law, but merely desired to add, for purposes of clarification, a general declaration that assumption of a civil office confers no legal cover to an over-zealous holder of that office who wrongfully enters upon private property in the supposed performance of its duties. This worthwhile objective was accomplished by an amendment, which stated the general rule and then excepted from it statutes and court decisions that now or may hereafter limit or qualify it. The amendment also added a civil remedy to prevent the bill from being merely hortatory or aspirational.

SPECIAL ORDER

HB 1206, establishing a committee to study the appropriateness of designating corporations as legal persons. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would establish a committee to study whether to withdraw from corporations their status as legal persons, by means of which they acquire, like natural persons, the benefits and protection of relevant parts of the federal and New Hampshire Bills of Rights. The committee concluded that many of the specific issues raised by the sponsor and supporting witnesses implicated the commerce, contracts and supremacy clauses of the federal constitution that no enactment of the New Hampshire Legislature could affect. Moreover, the direction to which the study sought by the bill appears aimed is towards the theoretical, social and economic underpinnings of the entire capitalist system. This was not considered an appropriate subject for the use of the Legislature's time and resources. **Vote 18-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1153, relative to employment security. **REFER FOR INTERIM STUDY**

Rep. Jarvis Adams IV for Labor, Industrial and Rehabilitative Services: Because we did not have adequate time to study all of the available information including data from other states that have visited this issue, the Committee recommended the bill to

interim study with the full consent of the prime sponsor. **Vote 14-0.**

LEGISLATIVE ADMINISTRATION

HB 1270, prohibiting the deduction of any taxes from mileage reimbursement checks for house members. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Legislative Administration: The question raised by HB 1270 has been before the legislature many times before. In 1991 the IRS issued an advisory opinion declaring New Hampshire Legislators to be considered employees of the state for income tax purposes. Payments were based on attendance rather than actual travel performed. In 1993 the House and Senate adopted HCR 12 which called for a repeal of this opinion. This was unsuccessful and repeal never came about. In 1997 HB 440 was passed and signed by the Governor. This bill allowed legislators to select one of two methods of mileage payment: 1- Each day of attendance at the state rate or 2 - Actual mileage driven by the legislator at the current federal rate. This has given all legislators an option and has worked very well, therefore the committee voted ITL. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1386, relative to participation by nonresident taxpayers in town meetings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nancy K. Johnson for the **Majority** of Municipal and County Government: The committee was sympathetic to the fact that towns' people currently can over ride the town moderator when he/she decides if a non-resident property owner can speak at a town meeting. The committee also recognized that non-residents do have the ability to discuss issues with selectmen and other town officials, along with voicing their concerns to their State Representatives and Senators. Although the solution proposed by HB 1386 is well intended, the majority of the committee did not feel that eliminating the moderator's and the legislative body's authority over procedural matters regarding the town meeting does not constitute a violation of non-resident's rights. **Vote 8-5**

Rep. Dudley D. Dumaine for the **Minority** of Municipal and County Government: The minority believes that while this legislation is a local control issue, it is also that of a constitutional issue. The minority believes that an individual's right to speak freely, granted to all of us by the 1st Amendment was written into our Constitution to protect all American citizens. Our 1st Amendment Right of free speech does not differentiate between the non-resident and resident taxpayer. The minority believes that the Constitutional Right of the non-resident taxpayer to peaceably assemble at a town meeting for a reasonable opportunity to speak and express his or her own personal views on an issue which directly affects them must never be prohibited by anyone. This legislation does not allow a non-resident taxpayer to vote. It simply affords that non-resident taxpayer, who owns residential property within a particular community an opportunity to speak on an issue that directly affects the very taxes he or she is paying into that particular community. Therefore, the minority believes that an individual's right to peaceably assemble and freely speak should never be obstructed by any one individual or by any form of government or by any form of a majority. The minority further believes that taxation must never be without representation.

PUBLIC WORKS AND HIGHWAYS

HB 1260, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge. **OUGHT TO PASS**

Rep. Edmond D. Gionet for Public Works and Highways: The Committee feels that HB 1260 is a great opportunity to commemorate a branch of the service that up until now, had not had any monument named after them in New Hampshire and possibly any other state. To commemorate the important and significant role that the Seabees played protecting and defending our Country both in peace and during war, we feel that it is appropriate to name the bridge as referenced in this bill in their honor. **Vote 15-0.**

HB 1411-FN-A, relative to funding state science laboratories and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. Edwin O. Smith for Public Works and Highways: This bill came to the committee two weeks before the deadline to report it out. The bill as written did not even have the support of the prime sponsor. The sponsor requested an amendment and that amendment still did not meet his expectations and it was not even presented to the committee. The sponsor is still working to get the amendment in an acceptable form, but due to deadlines, the committee reported the bill for interim study. The sponsor will present future amendments to the committee with the intent of reaching an agreement and a floor amendment will be brought forward. The concept is of interest to the whole committee and we tried to keep the door open for a resolution to this bill. **Vote 13-0.**

WAYS AND MEANS

HB 645-FN-A-L, relative to the reimbursement of certain property taxes paid by qualifying private education institutions for the purpose of educational scholarship grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey D. Gilbert for Ways and Means: This bill establishes a program and procedure should funding from the general fund be available in the next biennium or thereafter to provide state scholarship aid for New Hampshire residents who attend

NH private educational institutions. The scholarship grants are limited to the amount of real estate taxes paid by these institutions for their dormitories, dining rooms, and kitchens, pursuant to RSA 72:23, IV. For an institution to qualify for this program, 10 percent of its boarding students must be NH residents. This qualification component would eliminate our wealthiest private educational institutions such as Dartmouth, Phillips-Exeter Academy and St. Paul's School thereby targeting such funds as the legislature appropriates in the future to our neediest private educational institutions. This bill was amended by the Ways & Means Committee with the concurrence of the policy committee (Municipal & County Government) to eliminate any current funding. **Vote 15-0.**

HOUSE DEADLINES

Thursday, January 29, 2004	Last day to report supplemental House bills going to a second committee.
Thursday, February 5, 2004	Last day to act on retained House and Senate bills and supplemental House bills going to a second committee.
Thursday, March 11, 2004	Last day to report all remaining retained bills and supplemental House bills.
Thursday, March 18, 2004	CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.

LAID ON TABLE

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. (Pending question is ought to pass)
HB 359, establishing a procedure for apportioning state senate and representative districts. (Pending question is inexpedient to legislate.)
HB 760-FN-A, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor. (Pending question is on the adoption of the majority committee report of inexpedient to legislate.)

COMMITTEE MEETINGS

MONDAY, FEBRUARY 2

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 105A, State House
2:00 p.m. Regular meeting.

DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE (RSA 171-A:1-c), Room 205, LOB
10:00 a.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 105A, State House
9:00 a.m. Regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House
10:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 3

COMMERCE, Room 302, LOB
9:00 a.m. Subcommittee work session on **HB 1178-FN**, relative to sales of tobacco products to persons under 21 years of age.
10:00 a.m. **HB 1348-FN**, relative to registration of business organizations.
1100 a.m. **HB 1282**, relative to exemptions from the consumer protection act.
1:15 p.m. **HB 1396**, relative to implementing a bottle deposit program.
2:00 p.m. Rescheduled public hearing on **HB 1264**, relative to advertisement of prescription drugs.
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
9:30 a.m. Subcommittee work session on **HB 1257-FN**, relative to penalties for driving under the influence with a minor in the vehicle.
10:00 a.m. Subcommittee work session on **HB 1391-FN**, relative to motor vehicle violations, **HB 1165**, relative to extending domestic violence protection orders and **HB 1366**, relative to penalties for violation of protective orders.

11:00 a.m. Subcommittee work session on ***HB 1385***, establishing the protection of liberty act.

EDUCATION, Room 207, LOB

10:00 a.m. Commissioner of Education.

11:00 a.m. Rescheduled executive session on pending legislation.

ELECTION LAW, Room 308, LOB

10:30 a.m. Full committee work session on redistricting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. ***HB 1404***, prohibiting the release of information by university of New Hampshire officials in cases where students have contact with university of New Hampshire police.

11:00 a.m. ***HB 1418-FN***, establishing a procedure for state employees to report suspected improper governmental activity.

11:30 a.m. Rescheduled public hearing on ***HB 1355***, changing the name of the sweepstakes commission to the lottery commission.

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

FINANCE, Rooms 210-211, LOB

10:00 a.m. ***HB 1266***, relative to the long-term care ombudsman.

10:45 a.m. ***HB 1207-FN-A***, relative to a Global War on Terrorism operations service bonus payment.

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 bill:

1:00 p.m. ***HB 1225-FN-A***, making administrative changes to the historic agricultural structure matching grants program and making an appropriation to the barn preservation fund.

JUDICIARY, Rooms 206-208, LOB

10:00 a.m. ***HB 1253-FN-LOCAL***, prohibiting public funds, employees, and facilities to assist or perform abortions.

1:00 p.m. ***HB 1177-FN***, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics.

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 1175***, relative to the use of official ballot referenda as an optional form of town meeting.

11:00 a.m. ***HB 1181***, relative to certain deliberative session amendment procedures in official ballot voting.

1:30 p.m. ***HB 1185***, relative to the adoption of amendments to articles proposed in the first session in official ballot proceedings.

2:30 p.m. ***HB 1214-FN***, relative to the penalty for filing an erroneous default budget.

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 2004-FN-LOCAL***, relative to the state 10-year transportation improvement program.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. Rescheduled subcommittee work session on ***HB 1379***, relative to boating on certain lakes and ponds by disabled persons.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Continued public hearing on ***HB 1421-FN***, relative to solid waste incineration.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. ***HB 1193***, establishing a committee to study the constitutionality of the federal income tax and constitutional abuses in the collection of the income tax and its effects on New Hampshire citizens.

11:00 a.m. Subcommittee work session on ***HB 1372***, defining certain terms relating to military service.

- 11:30 a.m. **HCR 20**, affirming civil rights and liberties and opposing federal measures that infringe on such rights and liberties.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- Noon Subcommittee work session on **HR 24**, opposing the exploration for oil in the Arctic National Wildlife Refuge.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **SB 458**, relative to private driving instruction and exhibition facilities.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HCR 25**, declaring that the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an “adequate education,” adopt “standards of accountability,” and “guarantee adequate funding” of a public education are not binding on the legislative and executive branches.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, FEBRUARY 4

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 1409**, relative to the disclosure of protected health information by court ordered service providers.
- 11:00 a.m. Rescheduled public hearing on **HB 1267**, requiring fast food restaurants to provide nutritional information to consumers.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:15 p.m. **HB 1408-FN**, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.
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, Rooms 202-204, LOB

- 10:00 a.m. **HB 1173**, establishing a committee to study the discontinuation of the use of social security numbers in the criminal justice system.
- 10:30 a.m. **HB 1239**, relative to records access by private investigators.
- 11:00 a.m. **HB 1347-FN**, implementing a “good time” sentence reduction system for inmates in the state prison system.
- 11:30 a.m. **HB 1349-FN-LOCAL**, relative to medical parole.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 10:00 a.m. **HB 1406**, relative to the regulation of physician assistants.
- 11:00 a.m. **HB 1419**, relative to the dispensing of noncontrolled prescription drugs by registered nurses in certain facilities under contract with the department of health and human services.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Subcommittee work session on **HB 1208**, relative to standards of certification in credentialing for New Hampshire public school food service directors and staff.

FINANCE – (DIVISION I), Room 209, LOB

- 1:00 p.m. Subcommittee work session on **HB 651-FN**, relative to the purchase of prior service credit by certain political subdivision employee members, and repealing certain provisions permitting additional contributions.

Rooms 210-211, LOB

- 1:00 p.m. Subcommittee work session on **HB 640**, relative to post-conviction DNA testing.

Room 209, LOB

Work and executive session on the following bill:

- 2:00 p.m. **HB 369**, relative to the Henniker and Hillsborough district courts.

FINANCE – (DIVISION I and DIVISION III), Room 209, LOB

- 3:00 p.m. Subcommittee work session on **HB 511**, transferring authority over the New Hampshire hospital security force

to the department of safety.

FINANCE – (DIVISION II), Room 212, LOB

Work and executive session on the following bills:

- 11:00 a.m. **HB 612-FN-L**, making certain changes to the allocation of catastrophic aid expenditures.
HB 698-FN, relative to electronic toll collections.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1228**, requiring legislative approval of changes in the uniform fine schedule.
1:00 p.m. **HB 1191-FN**, relative to court proceedings.
2:00 p.m. **HB 1142**, relative to tort liability to third persons for oil spills.

Room 206, LOB

- 2:30 p.m. Subcommittee work session on **HB 1302**, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces.

Room 208, LOB

- 3:00 p.m. **HB 1417**, relative to examination of persons called as jurors in civil cases.
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. **SB 316**, relative to the payment of salaried employees.
11:00 a.m. **SB 390**, relative to liability of third person under workers' compensation.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

- 1:00 p.m. Subcommittee work session on **HB 1270**, prohibiting the deduction of any taxes from mileage reimbursement checks for house members.
2:00 p.m. **HB 1307-FN**, relative to review of final proposed rules under the administrative procedures act.
3:00 p.m. **HB 1308-FN**, relative to lobbying activities by state employees.
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 1304-LOCAL**, relative to notice for zoning rehearings.
11:00 a.m. **HB 1151**, relative to membership on the zoning board of adjustment.
11:30 a.m. **HB 1392**, relative to preapplication review of projects submitted to a local planning board.
1:30 p.m. **HB 1357**, relative to cluster zoning and the village plan alternative.
2:30 p.m. **HB 1359-FN-LOCAL**, relative to notice requirements for public hearings on certain zoning changes.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:15 a.m. Continued public hearing on **HB 2004-FN-LOCAL**, relative to the state 10-year transportation improvement program.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Subcommittee work session on **HB 1164**, relative to moorings on Bow Lake.
11:00 a.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Full committee work session on **HB 1221**, establishing a committee to study repealing universal service telephone charges.

FRIDAY, FEBRUARY 6

COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES (HB 287, Chapter 255:6, Laws of 2003), Room 208, LOB

- 9:00 a.m. Subcommittee meeting.

COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES (HB 310, Chapter 277:1, Laws of 2003), Room 206, LOB

2:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:00 p.m. Subcommittee work session on issues related to Integrated Criminal Justice System.

FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES (HB 461, Chapter 227:2, Laws of 2003), Room 205, LOB

1:00 p.m. Regular meeting.

MONDAY, FEBRUARY 9

ETHICS COMMITTEE (RSA 14-B:2), Room 105A, State House

9:00 a.m. Formal hearing of complaint #2003-3.

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

1:00 p.m. Regular meeting.

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

1:00 p.m. Ad hoc committee on co-occurring illnesses.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), UNH, Durham

10:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 10

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 1393**, relative to the appeal of the lower court's decision in a child protection case.
 - 11:00 a.m. Continued public hearing on **HB 1415**, relative to de facto child custody.
 - 11:30 a.m. Public hearing on proposed amendment to **HB 1410**, relative to terminating parental rights. The proposed amendment is relative to release of information to persons receiving a child for placement. Copies of the amendment are available from the Sergeant-at-Arms office.
 - 1:00 p.m. **SB 415-FN**, continuing and expanding to all counties the Grafton county court pilot project relative to abuse and neglect hearings.
- 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

- 9:30 a.m. Subcommittee work session on **HB 1305**, establishing a committee to study certain high interest loans.
- 10:00 a.m. Subcommittee work session on **HB 1224**, establishing the Uniform Trust Code in New Hampshire.
- 10:15 a.m. Subcommittee work session on **HB 1133**, relative to disclosures required prior to a condominium sale.
- 11:00 a.m. Subcommittee work session on **HB 1320**, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans.
- 1:30 p.m. Subcommittee work session on **HB 1149**, relative to the provision of credit reports to consumers.
- 1:45 p.m. Subcommittee work session on **HB 1233**, relative to the accuracy of information used by consumer reporting agencies.
- 2:00 p.m. Subcommittee work session on **HB 1329**, relative to the length of time consumer credit reporting agencies retain individual credit information.
- 2:30 p.m. Subcommittee work session on **HB 1330**, relative to the investigation of disputed credit reporting items by consumer credit reporting agencies.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1351-FN**, relative to penalties for acts committed during a riot.
 - 10:30 a.m. **HB 1361**, relative to sentences for certain offenses committed on or near a public college or university campus.
 - 11:15 a.m. **HB 1407**, granting limited law enforcement authority to certain federal officers stationed in New Hampshire.
- 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 1422**, relative to qualifications for persons who negotiate on behalf of the state.
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

10:00 a.m. **SB 344**, relative to the use of gifts and donations to the fish and game department and relative to off highway recreational vehicle fees.
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

11:00 a.m. Rescheduled public hearing on **HB 1394**, relative to de novo appeals in certain criminal proceedings.
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 1309**, relative to noise pollution from shooting ranges.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1291-LOCAL**, relative to elderly and handicapped priority low-income housing.
11:00 a.m. **HB 1236-FN-LOCAL**, relative to municipal use of impact fees.
1:30 p.m. **HB 1137**, relative to the use of impact fees.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 1230-FN**, relative to abandoned deposits held by telephone utilities and relative to public interest payphones.
1:00 p.m. Subcommittee work session on **HB 1293**, relative to emission control equipment for certain vehicles.

SETBACK REQUIREMENTS FOR SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS STUDY (SB 87, Chapter 302:1, Laws of 2003), Room 303, LOB

9:00 a.m. Regular meeting.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. **HCR 22**, urging Congress to withdraw the United States from the United Nations.
11:30 a.m. **HCR 21**, urging the reduction of the federal gasoline and diesel fuel excise tax.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, FEBRUARY 11

COMMERCE, Room 302, LOB

10:00 a.m. Rescheduled subcommittee work session on **HB 1161**, relative to solicitation and marketing of insurance products.
11:00 a.m. Subcommittee work session on **HB 1130**, relative to certain insurance agents.
11:30 a.m. Subcommittee work session on **HB 1374**, relative to lightning protection systems.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1279**, establishing a committee to study the adoption and implementation of the multistate forensic DNA compact in New Hampshire.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Rooms 205-207, LOB

10:00 a.m. Executive session on pending legislation.
10:30 a.m. Rescheduled presentation by Career Technical Student Organization.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

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

JUDICIARY, Rooms 206-208, LOB

9:30 a.m. **HB 1220-FN**, relative to banning partial birth abortion.
1:00 p.m. Rescheduled public hearing on **HB 1340-FN**, relative to the Informed Consent for Abortion Act.

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. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Informational meeting on NH Career and Technical Student Organization (NHCTSO).

WATER RESOURCES STUDY COMMITTEE RSA (481:1-b), Room 103, State House

3:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 13

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Subcommittee meeting.

TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003), Room 205, LOB

1:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 17

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1190**, relative to exceptions to the carrying or selling of certain weapons.

10:30 a.m. **HB 1271-FN**, repealing the license to carry provisions of state law.

11:30 a.m. **HB 1310**, relative to licenses to sell firearms.

1:00 p.m. **HB 1371-FN**, prohibiting the sale or possession of pocket knives in safe school zones.

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. Full committee work session on **HB 1306**, relative to collective bargaining by state employees.

JUDICIARY, Rooms 206-208, LOB

10:00 a.m. **HB 1413**, relative to the creation of mandatory screening panels for medical injury claims.

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 1172-LOCAL**, relative to compensation of county convention members for county business.

11:00 a.m. **HB 1328**, requiring the development of a plan for the elimination of county government by the year 2011.

1:30 p.m. **HB 1395**, relative to representation by the county attorney in county matters.

2:00 p.m. **HB 1143**, relative to legislators temporarily serving as county commissioners.

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. Executive session on pending legislation.

WEDNESDAY, FEBRUARY 18

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HR 21**, reaffirming the death penalty.

11:00 a.m. **HB 1380-FN**, establishing a criminal penalty for unauthorized video surveillance.

11:30 a.m. **HB 1341-FN**, relative to prohibited computer practices.

1:30 p.m. **HB 1219-FN**, establishing penalties for transmission or distribution of obscene electronic mail.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **SB 497-FN**, relative to renewal of electrician’s licenses.
11:00 a.m. **SB 380**, establishing a statewide incident command system.

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

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

9:00 a.m. Regular business.
9:30 a.m. Audit: State of New Hampshire single audit of federal financial assistance programs for the year ended June 30, 2003.

FRIDAY, FEBRUARY 20

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Regular meeting.

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Room 208, LOB

1:00 p.m. Rescheduled regular meeting.

FRIDAY, FEBRUARY 27

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

9:30 a.m. Regular meeting.

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

9:00 a.m. Rescheduled regular meeting.

MONDAY, MARCH 1

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 105A, State House

2:00 p.m. Regular meeting.

TUESDAY, MARCH 2

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1147**, relative to the use of deadly force in defense of a fetus.
11:00 a.m. **HB 1343-FN**, making it a crime to cause the death of a fetus as a result of committing a violent act against a pregnant woman.
1:00 p.m. **HB 1360-FN**, including “unborn child” in the definition of “another” for the purpose of capital murder, first and second degree murder, manslaughter, and negligent homicide.
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. Executive session on pending legislation, if needed.

WEDNESDAY, MARCH 3

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

FRIDAY, MARCH 5

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

9:00 a.m. Continued meeting.

**COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES (HB 287, Chapter 255:6, Laws of 2003),
Room 205, LOB**

10:00 a.m. Regular meeting.

**FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES (HB 461, Chapter 227:2,
Laws of 2003), Room 207, LOB**

10:00 a.m. Regular meeting.

MONDAY, MARCH 8

**COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB
1390, Chapter 114:2, Laws of 2000), Room 205, LOB**

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

**SETBACK REQUIREMENTS FOR SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS STUDY (SB 87, Chapter
302:1, Laws of 2003), Room 303, LOB**

9:00 a.m. Regular meeting.

WEDNESDAY, MARCH 10

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

9:30 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

FRIDAY, MARCH 19

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

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Regular meeting.

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Room 208, LOB

2:00 p.m. Regular meeting.

MONDAY, MARCH 22

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Rooms 201-203, LOB

3:00 p.m. Public comment hearing on proposed rules of the Guardian Ad Litem Board relating to certification requirements (GAL Chapter 300).

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

9:00 a.m. Regular meeting.

MONDAY, MARCH 29

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

1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Hillsborough County Delegation will meet immediately following the session in Representatives Hall on Thursday,
February 5.

1. Consistent with RSA 273-A, to consider approval of an addendum to the Collective Bargaining Agreement for AFSCME Local 2715 and the Hillsborough County Nursing Home.

Rep. Robert H. Milligan, Clerk
Hillsborough County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on the following days to review and approve the 2004 Merrimack County Departments Budgets. The meetings will be held at the McDonnell Building, Lower Level, 4 Court Street, Concord.

Friday, **February 13** at 9:00 a.m. Delegation, Treasurer, Administration, Complex Maintenance, Information Technology, Purchasing, Registry of Deeds, etc.

Monday, **March 1** at 11:00 a.m. Nursing Home.

Friday, **March 5** at 1:00 p.m. Corrections/Academy Program

Monday, **March 8** at 9:00 a.m. County Attorney, Medical Referee, Pre-Trial/Diversion, Sheriff and Dispatch,

Friday, **March 12** at 9:00 a.m. (Rescheduled from February 20.) Human Services, Juvenile Diversion, Grant Agencies, County Conservation District, Visitation Center, UNH Cooperative Extension and JAIBG Grant.

Rep. Roy D. Maxfield, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County 2004 Budget schedule:

Rockingham County Executive Committee will meet on Friday, **February 13** at 9:30 a.m. at the Hilton Auditorium, RCNH, Brentwood, to vote on the budget to be presented to the full Delegation.

Rockingham County Executive Committee will meet on Wednesday, **February 18** at 5:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to finalize any unfinished business prior to the Delegation Meeting.

Rockingham County Delegation public hearing on GO Bond up to \$4,000,000 (RSA 33:10) will be held at 5:30 p.m. on **February 18** at the Hilton Auditorium, RCNH, Brentwood. The hearing will be conducted by the Delegation Chairman. Delegation members are invited to attend.

Rockingham County Delegation will meet on Wednesday, **February 18** at 6:00 p.m. to adopt County Budget for 2004 and authorize a GO Bond up to \$4,000,000 (RSA 33:10).

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 85, 511, 640, 656, 698, 730, 712, 727, 1188, 1207, 1213, 1251, 1311, 1325, 1339, 1344, 1345, 1352, 1353, 1387, 1388, 1399, 1401, 1416 and 1421.

Karen O. Wadsworth, Clerk of the House

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

Robert H. Milligan, 42 Patten Road, Merrimack, New Hampshire 03054-3064.

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

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

Annual report on the State's outstanding bond obligations by the State Treasurer

“Challenge to Justice” Findings and Recommendations of the NH Supreme Court Task Force on Self-Representation
Department of Corrections Annual Report for the FYE June 30, 2003
State of NH Biennial Housing Plan 2003-2005 by NH Housing Finance Authority
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

The Main Street Republican Caucus will meet on Thursdays at 8:15 a.m. at the Upham Walker House, Park Street. Members are invited to attend.

Rep. Paul D. Spiess

A historical collection of the State of New Hampshire Liquor Commemorative Bottles issued between 1967-1985, on loan from state Representative Bob L’Heureux, will be on display in the State House Visitors’ Center until March 1, 2004.

Rep. Robert J. L’Heureux

All legislators are invited to the New Hampshire Community Health Centers’ “Breakfast of Champions,” at St. Paul’s Church on Thursday, **February 5**. A session-day hot breakfast will be served from 7:30 to 9:00 a.m. There will be a brief program from 8:00-8:30 a.m. featuring Champions of Community Health Centers, including Mike Hickey (President and CEO of Verizon New Hampshire), providing an opportunity to learn about Health Centers and the role they play in the health and vitality of New Hampshire communities.

Reps. Sheila T. Francoeur and Edward D. Densmore

The Retail Merchants Association of New Hampshire is pleased to invite legislators and staff to their 38th annual Legislative Reception/“Legislator of the Year” award on Thursday, **February 5**, 4:30 p.m. or following the session in the Bartlett Room at the Holiday Inn. RSVP to sheila@rmanh or 225-9748.

Rep. David W. Hess

The Carroll County Republican Committee will host its annual Lincoln Day Dinner on Saturday, **February 7** at the North Conway Grand Hotel on Route 16 in North Conway (behind the Settler’s Green OVP Outlet Center, see <http://www.northconwaygrand.com/directions.htm>). Social hour starts at 5:00 p.m. and dinner starts at 7:00 p.m. Invited and confirmed guests include First District Congressman Jeb Bradley. Additional special guests will be announced as they confirm. Tickets costs \$35 per person and may be purchased from Reps. Betsey Patten (253-6927), Carolyn Brown (356-2768) or Mark Derby (569-0145).

Rep. Mark S. Derby

All members are invited to attend the Strafford County Republican Committee’s Lincoln Day Dinner to be held on Friday, **February 20** at the Rochester Elks Lodge on 41 Columbus Avenue, Rochester. Social hour is from 5:30 to 6:30 p.m. with dinner and program to follow. Price for tickets is \$30. For tickets see Rep. Phyllis Woods or a member of the Strafford County Delegation.

Rep. Phyllis L. Woods

All legislators and guests are invited to attend the Rockingham County Republican Committee Lincoln Day Dinner celebrating A Salute to Our Republican Leadership. Governor Benson, Senator Gregg, Senator Sununu and Congressmen Bass and Bradley will be the guests of honor. The dinner will be held at Yoken’s Restaurant on Sunday, **February 29**, beginning with a cocktail hour at 6:00 p.m. followed by dinner at 7:00 p.m. Tickets are \$35 each and can be ordered from any Rockingham County Republican Town Committee or the Dinner’s Chairwoman, Rep. Mary Griffin (432-0959).

Rep. Mary E. Griffin

The Department of Transportation will hold the following meeting:
Feb 11 – NHDOT, Rooms 112-113, 7 Hazen Drive, Concord, 2:00 p.m. Advisory Committee meeting. Congestion Mitigation and Air Quality (CMAQ) Advisory Committee meeting.
Feb 11 – NHDOT, Rooms 112-113, 7 Hazen Drive, Concord, 3:30 p.m. Advisory Committee meeting. Transportation Enhancement (TE) Advisory Committee meeting.
Mar 3 – Warren Town Hall, 19 Water Street, Warren, 7:00 p.m. Public officials/public informational meeting, Warren, pavement rehabilitation guardrail replacement and drainage improvements along NH Route 25 beginning at the intersection of 118 proceeding south 2.5 miles.
Mar 3 – Chichester Grange Hall, 54 Main Street, Chichester, 7:00 p.m. Public officials/public informational meeting, Chichester, widening and minor approach work at US Route 4/Main Street/Horse Corner Road intersection and sidewalk improvements.

Rep. Edwin O. Smith, Chairman
Public Works and Highways Committee

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in **February** 2004. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
2-2-04	9:30 & 11:00 SH/SC	Deerfield Community School	4/64
2-3-04	9:00 & 10:30 SH/Planet	Raymond Middle School	5/60
2-3-04	12:00	New Franklin School -Portsmouth	4/30
2-4-04	9:30	Walker School – Concord	4/25
2-4-03	9:30	Sant Bani School – Sanbornton	4/14
2-4-04	10:00 & 11:30 SH/HM	East Derry Memorial School	4/75
2-5-04	10:00 & 11:30 SH/HM	East Derry Memorial School	4/75
2-6-04	9:00 & 10:30 SH/Planet	Raymond Middle School	4/60
2-6-04	9:30	Walker School – Concord	4/25
2-9-04	10:00 & 11:30 SH/SC	Moultonborough Central School	4/50
2-10-04	9:30 & 11:00 SH/HM	Marston Elementary – Hampton	4/80
2-10-04	1:30	Salem Republican Woman’s Club	Adults/15
2-11-04	9:30 & 11:00 SH/HM	Marston Elementary – Hampton	4/80
2-11-04	12:30	Henniker Community School	4/21
2-12-04	9:30 & 11:00 SH/HM	Henry Wilson School – Farmington	4/60
2-12-04	10:30 & 12:30 SH/SC	Hampstead Central School Rescheduled from December 17	4/45
2-13-04	9:30 & 11:00 SH/HM	Henry Wilson School – Farmington	4/60

2-13-04	10:30 & 12:30 SH/SC	Hampstead Central School Rescheduled from December 15	4/65
2-17-04	9:30 & 11:00 SH/HM	Pembroke Hill School	4/60
2-17-04	12:30	Laconia Christian School	HS/25
2-18-04	9:30 & 11:00 SH/HM	Pembroke Hill School	4/60
2-19-04	10:00 & 11:30 SH/HM	New Searles Elementary School – Nashua	4/75
2-20-04	10:00 & 11:15 SH/SC	Bakersville Elem – Manchester	4/50
2-24-04	10:00	Gibson Center – North Conway	Adults/12
2-26-04	10:30	KA Brett School – Tamworth	4/23
2-27-04	10:00	Cub Scouts Pack 91	9-11yrs/20

THURSDAY, FEBRUARY 5

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2004-0252h

Amendment to HB 645-FN-LOCAL Proposed by the Committee on Ways and Means - R

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

AN ACT relative to educational scholarship grants by the postsecondary education commission to qualifying private education institutions.

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

1 New Paragraph; Postsecondary Education Commission; Rulemaking. Amend RSA 188-D:8-a by inserting after paragraph III the following new paragraph:

IV. The procedure for application, method of disbursement, and administration of funds in the educational scholarship fund under RSA 188-D:43.

2 New Subdivision; Educational Scholarship Fund. Amend RSA 188-D by inserting after section 42 the following new subdivision:

Educational Scholarship Fund

188-D:43 Educational Scholarships. The postsecondary education commission shall administer a program for the granting of educational scholarship funds to qualifying private, secondary and postsecondary, educational institutions in this state as follows:

I. A private educational institution that pays property taxes on the value of the dormitories, dining rooms, and kitchens pursuant to RSA 72:23, IV, and which has New Hampshire residents comprising more than 10 percent of its boarding students, may apply for and, within the available funds, receive from the postsecondary education commission an annual sum up to the amount of such property taxes paid in the previous tax year for the purpose of funding educational scholarships for New Hampshire residents at the institution, as determined by rules of the postsecondary education commission adopted under RSA 188-D:8-a, IV.

II. Any grants made under this section shall be for the purpose of providing educational scholarships for New Hampshire residents at the qualifying institution.

III. The annual grant amount for each institutional applicant shall be limited to the lesser of the proposed amount of educational scholarship funds to be provided to New Hampshire students by the educational institution or the taxes paid in the previous tax year by such institution pursuant to RSA 72:23, IV.

IV. If at any time sufficient funds for grant awards are not available in the educational scholarship fund under RSA 188-D:44 to fund in full all grant applications qualifying under paragraph III, then the dollar amount of the grant to each qualifying institution shall be determined and awarded from funds in the educational scholarship fund in the same proportion that the total dollar amount of each institution's qualifying application bears to the total dollar amount of all qualifying applications.

188-D:44 Fund Established. There is hereby established a special fund to be known as the educational scholarship fund. The fund shall consist of such moneys as may be appropriated for the purposes of this subdivision. The fund shall be managed by the state treasurer and shall be continually appropriated to the postsecondary education commission for the purposes of this subdivision.

3 New Subparagraph; State Accounts; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (227) the following new subparagraph:

(228) Moneys deposited in the educational scholarship fund established in RSA 188-D:44.

Ⓔ Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill establishes a program to be administered by the postsecondary education commission for educational scholarship grants to be made annually to qualifying private education institutions. Grants are to be used for state residents and are limited to the lesser of education funds provided to students by each institution or the amount of property taxes paid by the institution.

2004-0177h

Amendment to HB 1160

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 1 with the following:

Ⓔ State Geologist. Amend RSA 21-O:12, II to read as follows:

II. Geology shall be under the direction of the state geologist, who shall be the director of the New Hampshire geological survey. The geological survey shall collect data and perform research on the land, mineral, and water resources of the state, and disseminate the findings of such research to the public through maps, reports, and other publications. The state geologist shall: consult with the commissioner of the department of resources and economic development relative to the issuance of mining permits under RSA 12-E; assist the directors of the divisions of water and waste management as necessary; and perform such other duties as may be assigned by the commissioner. The state geologist and all members of the New Hampshire geological survey shall be staff members of the commissioner's office. The state geologist shall advise the department, and all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geologic agencies and with the state university.

The state geologist shall also serve as a voting member of the board of professional geologists.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

2004-0231h

Amendment to HB 1176

Proposed by the Minority of the Committee on Judiciary

Amend the bill by replacing section 1 with the following:

Ⓔ New Chapter; Entry on Private Property. Amend RSA by inserting after chapter 7-B the following new chapter:

CHAPTER 7-C

ENTRY ON PRIVATE PROPERTY

7-C:1 Entry on Private Property. Absent a lawfully issued search warrant, and except as otherwise specifically provided by statute or recognized at common law, no state, county, municipal, or other civil officer shall enter onto any private land or tenements under color of official authority without the prior consent of the tenant or tenants thereof.

7-C:2 Recovery of Civil Damages Authorized. Any entry made in violation of this chapter shall subject the civil officer concerned, or such other civil officer or officers as shall have authorized or directed such entry, as the case may be, to personal liability for actual damages, but for not less than liquidated damages computed at the rate of the greater of \$100 per each day such violation occurs or \$5,000, together with costs and reasonable attorney's fees.

AMENDED ANALYSIS

This bill authorizes civil damages for certain unauthorized entries onto private property.

2004-0118h

Amendment to HB 1227

Proposed by the Committee on Environment and Agriculture - C

Amend RSA 79-A:7, VI(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Land under current use is taken by eminent domain or any other type of governmental taking which would cause the use change penalty to be invoked because, by reason of an actual physical change or by reason of size, the site no longer conforms to criteria established by the board under RSA 79-A:4, I. ***Such remaining land, regardless of size, may continue in current use until a subsequent change in use of the remaining land occurs.***

2004-0049h

Amendment to HB 1241

Proposed by the Committee on Executive Departments and Administration - R

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

Ⓔ Amend 2003, 319:178, II to read as follows:

II. Direct care positions, custodial positions, law enforcement positions, ***positions within the regional community-technical college system that are directly responsible for child care***, and positions restored or created by this act or created on or after June 30, 2003 shall be exempt from the hiring delay imposed in paragraph I.

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

2004-0261h

Amendment to HB 1248-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the state board of nursing.

Amend the bill by replacing section 1 with the following:

1 Board of Nursing; Additional Member. Amend RSA 326-B:3, I to read as follows:

I. The board of nursing shall be composed of 11 members to be appointed by the governor with the consent of the council. Suggestions for appointment may be made to the governor by any interested individual, association or entity. The members of the board shall include 5 registered nurses, one of whom shall be an advanced registered nurse practitioner, 2 licensed practical nurses, 2 licensed nursing assistants, ***one of whom shall be a medication licensed nursing assistant, if possible***, and 2 representative members of the public. The terms of members shall be staggered as determined by the governor and council. All terms shall be for 3 years, and no member of the board shall be appointed to more than 3 consecutive terms.

AMENDED ANALYSIS

This bill requires that a medication licensed nursing assistant be appointed to the board of nursing whenever possible.

2004-0173h

Amendment to HB 1254-FN

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program.

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

1 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (227) the following new subparagraph:

(228) Fees deposited in the postsecondary education vocational school licensing fund under RSA 188-D:25.

2 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) (140) to read as follows:

(140) Moneys deposited in the ~~[postsecondary education scholarship loan fund]~~ ***forgivable loan fund in the workforce incentive program*** under RSA ~~[188-D:18]~~ ***188-D:18-f***.

3 Repeal. RSA 6:12, I(b) (176), relative to moneys deposited in the nursing leveraged scholarship loan fund, is repealed.

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

AMENDED ANALYSIS

This bill adds the postsecondary education vocational school licensing fund to the list of dedicated funds in RSA 6:12 and amends the language in RSA 6:12 to reflect the new forgivable loan fund in the workforce incentive program.

2004-0243h

Amendment to HB 1281

Proposed by the Committee on Ways and Means - C

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

1 Cooperative School Districts; Certification of District Taxes; Adequate Education Grants. Amend RSA 195:14, I(b) to read as follows:

(b) The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum, in accordance with RSA 21-J:35, which may be used as a setoff against the amount appropriated when it appears to the commissioner of revenue administration such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a setoff against the amount appropriated.***

2 Cooperative School Districts; Certification of District Taxes Amended. Amend RSA 195:14, I(c) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the total amount ~~[to be apportioned among the pre-existing school districts. Such total shall include the adequate education cost for the district under RSA 198:38, XII, and the amount above the cost of an adequate education to be assessed and collected as local educational taxes]~~ ***of taxes to be raised for the support of the cooperative school district.***

3 Cooperative School Districts; Certification of District Taxes; Determination of Proportional Share Amended. RSA 195:14, I(d) is repealed and reenacted to read as follows:

(d) The state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination.

4 Cooperative School Districts; Educational Adequacy Grant Computation Amended. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing

districts, had they remained in the pre-existing districts. ~~[For the purposes of crediting the cooperative district's adequate education cost to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA 198:38, XII credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section].~~

5 Cooperative School Districts; Formation Procedures; Computation of Adequate Education Grants. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning ~~[the]~~ ***all*** operating expenses ***in excess of the amount determined necessary to provide an adequate education under RSA 198:40, I(a)*** of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.

6 Cooperative School Districts; Formation Procedures; Adequate Education Grant Apportionment Amended. Amend RSA 195:18, IX to read as follows:

IX. The organization meeting of a cooperative school district shall be called to order by the chairperson of the cooperative school district planning board, or by the clerk-treasurer thereof, who shall serve as temporary chairperson for the first order of business which shall be the election of a moderator and of a temporary clerk, by ballot, who shall be qualified voters of the district. From and after the issuance of the certificate of formation by the board to the date of operating responsibility of the cooperative school district, such district shall have all the authority and powers of a regular school district for the purposes of incurring indebtedness, for the construction of school facilities and for such other functions as are necessary to obtain proper facilities for a complete program of education. When necessary in such interim, the school board of the cooperative school district is authorized to prepare a budget and call a special meeting of the voters of the district, which meeting shall have the same authority as an annual meeting, for the purpose of adopting the budget, making necessary appropriations, and borrowing money. Whenever the organization meeting is held on or before April 20 in any calendar year, no annual meeting need be held in such calendar year. Sums of money raised and appropriated at the organization meeting or any interim meeting prior to the first annual meeting shall be forthwith certified to the commissioner of revenue administration and the state department of education upon blanks prescribed and provided by the commissioner of revenue administration for the purpose, together with a certificate of estimated revenues, so far as known, and such other information as the commissioner of revenue administration may require. The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum which may be used as a setoff against the amount appropriated when it appears to the commissioner such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a setoff against the amount appropriated.*** The commissioner of revenue administration shall certify to the state department of education the total amount of taxes to be raised for said cooperative school district and the state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination. Upon certification by the commissioner of revenue administration the selectmen of each town shall seasonably assess the taxes as provided by law. The selectmen shall pay over to the treasurer of the cooperative district such portion of the sums so raised as may reasonably be required according to a schedule of payments needed for the year as prepared by the treasurer and approved by the cooperative school board, but no such payment shall be greater in percentage to the total sum to be raised by one local district than that of any other local district comprising such cooperative school district.

7 New Section; Cooperative School Districts; Alternative Method of Apportioning Costs. Amend RSA 195 by inserting after section 14 the following new section:

195:14-a Alternative Apportionment of Operating Costs.

I. As an alternative to the apportionment of operating costs set forth in RSA 195:14, the cooperative school board may fix a specific percentage of the adequate education grant amount received in a given year to be applied to the operating costs of the cooperative school district, before the apportionment of remaining cooperative school district operating costs. Such percentage shall not be less than zero percent and not more than 100 percent and shall be the same in each city or town in the cooperative school district.

II. The question shall be proposed as an article in the warrant of the next cooperative school district annual or special meeting pursuant to RSA 195:13. A majority vote in each city or town in the cooperative school district voting on the question shall be required for adoption.

III. The procedure for modification or rescission of a specified percentage shall be as set forth in this section, and shall not be subject to the provisions of RSA 195:18, III(i). A majority vote in each city or town in the cooperative school district voting on the question shall be required for modification or rescission.

8 Effective Date. This act shall take effect July 1, 2004.

AMENDED ANALYSIS

This bill requires the department of revenue administration to credit all adequate education grant payments to the cooperative school district as a whole for the purpose of determining the amount of taxes to be raised to support the cooperative school district. The bill also allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

2004-0250h

Amendment to HB 1325-FN-A
Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to additional uses of the E-Z Pass system.

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

1 New Section; Additional Uses of E-Z Pass System. Amend RSA 237 by inserting after section 16-f the following new section:

237:16-g Additional Uses of E-Z Pass System. The commissioner may approve the use of the E-Z Pass system for the payment of non-toll based financial obligations voluntarily incurred by an account holder, provided that:

I. The financial obligation has been incurred for a purpose approved by the department pursuant to RSA 237:16-d, or the Interagency Group pursuant to procedures adopted in accordance with RSA 237:16-c;

II. The business entity to be paid through the system has entered into a written agreement with the department, or another member of the Interagency Group, agreeing to be bound by:

(a) All of the practices, procedures, and policies of the department or the Interagency Group;

(b) The requirements for confidentiality of information regarding the vehicle, the vehicle owner, and vehicle occupants under RSA 237:16-e;

(c) All applicable federal and state laws, regulations, and rules regulating the consumer credit transaction between the business entity and the account holder; and

(d) A process for the resolution of disputed charges with account holders, which includes an agreement to hold the department and its agents harmless for the payment of any unpaid financial obligation to the business entity incurred by the account holder through the E-Z Pass system.

III. The account holder has, as a result of signing a written account holder agreement prior to incurring charges on the account:

(a) Agreed to be liable for payment of such obligations in accordance with the terms of the agreement;

(b) Been provided with notice of all current policies regarding the sharing of information regarding the account and transactions incurred through the E-Z Pass system; and

(c) Been provided with notice of procedures available to resolve disputes arising from transactions incurred through the E-Z Pass system.

IV. The department may establish reasonable fees to be charged to account holders and business entities participating in this program, and to recover costs of administration, enforcement, and improvement of the E-Z Pass system. Such fees shall be deposited in the turnpike fund.

2 Confidentiality of Records. RSA 237:16-e is repealed and reenacted to read as follows:

237:16-e Confidentiality of Records. Notwithstanding RSA 91-A or any other provision of law, all information received by the department that could serve to identify vehicles, vehicle owners, vehicle occupants, or account holders in any electronic toll collection system in use in this state shall be for the exclusive use of the department for the sole purpose of administering the electronic toll collection system, and shall not be open to any other organization or person, nor be used in any court in any action or proceeding, unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this subdivision. The department may make such information available to another organization or person in the course of its administrative duties, only on the condition that the organization or person receiving such information is subject to the limitations set forth in this section. For the purposes of this section, administration or administrative duties shall not include marketing, soliciting existing account holders to participate in additional services, taking polls, or engaging in other similar activities for any purpose.

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

AMENDED ANALYSIS

This bill allows the commissioner of transportation to approve the use of E-Z Pass toll accounts for payment of non-toll obligations voluntarily incurred by E-Z Pass account holders and to establish certain fees for the administration of the E-Z Pass system.

This bill also limits the uses of electronic toll system information.

2004-0193h

Amendment to HB 1336
Proposed by the Committee on Legislative Administration - C

Amend the bill by replacing section 2 with the following:

2] Ethics Complaints; Procedure. Amend RSA 14-B:4, I to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. ~~[The committee shall conduct an initial review of each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded.]~~ ***The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA 14-B:7. The committee shall promptly examine each sworn complaint and:***

(a) If by a unanimous affirmative vote it determines that a complaint is frivolous, scurrilous, or retaliatory in nature, the committee may discharge the complaint without the benefit of a meeting or further proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded.

Amend the bill by replacing section 5 with the following:

5] Effective Date. This act shall take effect upon its passage.

2004-0265h

Floor Amendment to HB 1342-FN-A-LOCAL Proposed by Rep. McElroy

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

1] New Chapter; Gold and Silver Coin. Amend RSA by inserting after chapter 6-C the following new chapter:
CHAPTER 6-D

GOLD AND SILVER COIN

6-D:1 Findings. The general court of New Hampshire finds and declares that:

I. The absence of silver and gold coin as media of exchange between the state of New Hampshire and its citizens, in the exercise of the state's essential sovereign prerogatives, functions, rights, powers, privileges, and duties:

(a) Abridges, infringes on, and interferes with the sovereignty and independence of this state and its citizens, and their rights, powers, privileges, immunities, and prerogatives as a political community, recognized and guaranteed to them by part first, article 7 of the constitution of New Hampshire;

(b) Exposes this state and its citizens to chronic problems and potentially serious crises that may arise from the economic and political instability of the present domestic and international systems of coinage, currency, banking, and credit; and

(c) Restricts the ability of this state and its citizens to fulfill and enjoy the mandates and guarantees of part first, articles 1, 2, 3, 12, and 28 of the constitution of New Hampshire, to secure a sound economy, and to maintain a firm fiscal foundation for a policy and program of homeland security.

II. In order to preserve the sovereignty and independence of this state and its citizens, and their rights, powers, privileges, immunities, and prerogatives as a political community, as well as to protect, provide for, and promote the people's safety, health, welfare, security, and economic prosperity, it is imperatively necessary and proper for the general court to guarantee to and provide for this state and its citizens constitutional and economically sound media of exchange by exercising:

(a) This state's power, privilege, and duty to make gold and silver Coin Tender in Payment of Debts, as reserved to and required of each state under Article I, Section 10, Clause 1 of the Constitution of the United States, and confirmed by the Tenth Amendment thereto and by part first, article 7 of the constitution of the state of New Hampshire; and

(b) Other powers, reserved to this and every state by the Tenth Amendment, and to this state by part first, article 7 of the constitution of the state of New Hampshire, which relate to this state's choice of media of exchange for the fulfillment of its essential sovereign functions.

6-D:2 Definitions and Exclusions. For the purposes of this chapter:

I. "State depository" means any facility established RSA 6-D:5.

II. "Check" means checks, drafts, bills of exchange, wire transfers, and other like instruments.

III. "Financial institution" means banks, trust companies, credit unions, depository institutions, and other like businesses and enterprises.

IV. "First operational day of this chapter" means a date that the treasurer shall certify to the general court and to the governor that all of the state depositories are ready to operate in conformity with this chapter.

V. "Legal tender of the United States" means:

(a) All coins of the United States, whenever minted, that were or are required by the statutes authorizing their issuance to be composed of fine silver or fine gold to the extent of less than 85 percent or more, by weight;

(b) All coins of the United States, whenever minted, that were or are required by the statutes authorizing their

issuance to be composed solely of base metals; and

(c) All paper currencies produced by the United States, or by any individual, person, corporation, or other legally recognized entity acting under color of the laws of the United States, whenever issued, that are not in law guaranteed redeemable and in fact being redeemed, “dollar for dollar”, in silver and gold coin of the United States that were or are required by the statutes authorizing their issuance to be composed of fine silver or fine gold to the extent of 85 percent or more, by weight; but shall not include any “silver and gold coin” defined in paragraph VII, notwithstanding that such coins may have been or are designated legal tender under the laws of the United States.

VI. “Person” means individuals, partnerships, corporations, labor unions, and other legally recognized entities.

VII. “Silver and gold coin” means the following silver and gold coins of the United States:

(a) Silver coins:

(1) Silver dollars, so denominated and whenever minted, that were or are required by the statutes authorizing their coinage to contain 371.25 grains (Troy) of fine silver per dollar, thereby being examples of the “dollars” to which the Constitution of the United States refers in Article I, Section 9, Clause 1 and the Seventh Amendment, the “value” of which was determined in the Act of 2 April 1792, ch. 16, 1 Statutes at Large 246, 248;

(2) Silver half dollars, quarter dollars, and dimes, so denominated, whenever minted, that were or are required by the statutes authorizing their coinage to contain fine silver in amounts proportionate to the constitutional silver dollar of 371.25 grains (Troy) of fine silver per dollar; and

(3) Silver American Eagle or Liberty coin minted pursuant to Public Law 99-61, Title II, 99 Statutes at Large 113, 115.

(b) Gold coins:

(1) Gold American Eagle coins, of all denominations, minted pursuant to Public Law 99-185, 99 Statutes at Large 1177.

(c) “Silver and gold coin” shall include silver or gold coin, or any combination of silver and gold coin, or of silver coin alone, or of gold coin alone, as the context may require, indicate, or allow.

VIII. “Specie exchange” means any person who or which conducts the business of exchanging silver and gold coin for legal tender of the United States, and legal tender of the United States for silver and gold coin, in any market within or without the state or the United States.

IX. “Specie warehouse” means any person who conducts the business of a depositary, bailee, trustee, warehouse, or other facility for the deposit, safekeeping, storage, and transfer of silver and gold coin.

X. “State” means the state of New Hampshire and its political subdivisions, and all legislative, executive, judicial, and administrative branches, departments, tribunals, offices, agencies, and instrumentalities, and all elected and appointed officials, employees, agents, and independent contractors, thereof acting in their official capacities or under color of law or public contract.

XI. “Sub judice” means before a judge or court but not yet legally decided.

XII. “Tale” means count or tally.

6-D:3 Certifications of Rates of Exchange. At the beginning, midpoint, and end of each business day, the treasurer shall determine and certify the rates at which silver and gold coins exchanges against legal tender of the United States, and:

I. Shall immediately publish such certified determinations in each State Depositary, and in such media, including but not necessarily limited to the Internet, as shall make those determinations readily available on a timely basis to all interested persons;

II. If the treasurer shall find it technically feasible, shall make and publish such determinations at intervals more frequent than heretofore mandated; and

III. Shall record and archive all such determinations in the state treasury, and make such archived determinations available at each state depositary, and shall otherwise make available, in the most expeditious manners possible, any archived determination to any person upon request therefor, without charge.

6-D:4 Subject to RSA 6-D:20, any certified determination made under RSA 6-D:3 shall be conclusive evidence in all the courts, administrative agencies, and other tribunals, and all executive and other offices, of the state as between any and all persons, as well as between the state and any and all persons, the rights, powers, privileges, immunities, or other legal or equitable interests of whom or of which such value or determination shall or may affect.

6-D:5 Establishment and Operations of State Depositaries; Powers and Duties of Officers.

I. There is established at the treasury in the city of Concord a central state depositary, and in each county a local state depositary, which in each instance shall consist of a suitable building or other place, or portion thereof or offices therein, erected, leased, rented, or otherwise maintained or occupied, that shall be provided, prepared, and kept in readiness and operation for the receipt, collection, deposit, storage, safekeeping, transfer, payment, and disbursement of the silver and gold coin, and legal tender of the United States, necessary for implementation of this chapter.

II. Each state depositary shall be provided and equipped with such vaults, safes, alarms, fire-proofing, and other facilities, devices, equipment, and security personnel as may be necessary to provide such safeguards as the treasurer and the

general court deem necessary.

III. Each state depository shall be under the immediate jurisdiction and direction of a special assistant deputy treasurer for financial stability, subject to the treasurer's oversight, supervision, and control, and shall be staffed with such personnel, appointed, hired, or otherwise selected and retained, as each such special assistant deputy treasurer, with the approval of the treasurer, deem necessary.

IV. Within its designated area, each state depository shall be the place at which and from which all receipts, payments, payouts, and disbursements of silver and gold coin, and legal tender of the United States, shall be had and made. Provided that any such receipt, payment, payout, or disbursement may be had or made at or from the central state depository, at the option of any person paying to or receiving from the state any such coin or legal tender.

V. All of the state depositories shall be completed in respect of physical plant, equipment, facilities, and the appointment or hiring of personnel, and ready to operate no later than 200 days after the effective date of this chapter.

6-D:6 Special Assistant Deputy Treasurers. For each state depository, the treasurer shall appoint a special assistant deputy treasurer for financial stability as soon as practicable, and thereafter immediately upon any such office's expiring or falling vacant for any reason. Such special assistant deputy treasurers shall serve at the pleasure of the treasurer; and

I. Shall be individuals qualified by training and experience to perform the duties required of them;

II. Shall, immediately upon appointment, give bonds to the state for the faithful discharge of their duties according to law, in such amounts, valued in constitutional silver dollars, as the treasurer shall direct, with sureties to the satisfaction of the attorney general, and shall from time to time renew, strengthen, and increase their bonds as the treasurer, and their sureties as the attorney general, or both, may direct, in order to meet any increased responsibility which may grow out of accumulations of silver and gold coin, and legal tender of the United States, in the state depositories subject to their jurisdiction;

III. Shall perform all the duties required of them by this chapter, relating to the receipt, collection, deposit, storage, safe-keeping, transfer, payment, and disbursement of, and accounting for, silver and gold coin, and legal tender of the United States, in their respective state depositories, including:

(a) Initially establishing and selecting, and thereafter maintaining in good order and supervising, the physical plant, equipment, and personnel of their respective state depositories, ready at all times to operate;

(b) Exercising custody and care of, providing for the security of, and accounting for all silver and gold coin, and legal tender of the United States, that shall be held in their respective state depositories;

(c) Keeping safely without using, loaning, hypothecating, depositing in financial institutions, or exchanging for other funds, other than as allowed by this chapter, all such coin and legal tender in their possession and custody, until the same, or any part thereof, may be ordered by the proper department or officer of this state to be transferred or paid out consistently according to this chapter, and otherwise in conformity to law; and when such orders for transfer or payment are received, faithfully and promptly complying therewith;

(d) Monitoring and maintaining timely and accurate records and accounts of, all silver and gold coin, and legal tender of the United States, received, collected, deposited, stored, safely kept, drawn upon, transferred, paid out, and disbursed by their respective state;

(e) Reporting quarterly, or more often if so directed, by the treasurer with respect to receipts, deposits, disbursements, and other relevant activities and information pertaining to the operations of their respective state depositories;

(f) Directing and supervising all personnel appointed, hired, or otherwise selected or engaged to perform duties within or pertaining to their respective state depositories; and

(g) Complying with such orders, regulations, or guidelines adopted by the treasurer, as is deemed necessary and proper

6-D:7 Transfer of Gold and Silver Coins. At his or her discretion as the public welfare, interest, service, and convenience may require, the treasurer may:

I. Transfer any silver and gold coin, and legal tender of the United States, from any local state depository to the central state depository, from the central state depository to any local state depository, and from any one local state depository to any other local state depository, or among such state depositories;

II. Draw upon the central state depository and any local state depository for such coin and legal tender for all purposes allowed by law; and

III. Invest legal tender of the United States drawn from the state depositories in such securities, bonds, or other investments, and at such times and in such manners, as may be otherwise allowed by law: provided that all returns, both of principal and interest or of dividends or other profits, from such investments shall inure solely to the benefit of and be paid over to, or in the case of losses shall be charged solely against the accounts of, each of the state depositories from which the legal tender was originally drawn for the purpose of such investments, and in proportion to the amounts drawn from each state depository.

6-D:8 Powers and Duties. The treasurer with respect to all state depositories and, subject to the treasurer's oversight, supervision, direction, and control, and according to such regulations as the treasurer may adopt, each special assistant deputy treasurer for financial stability with respect to the particular state depository under such individual's jurisdiction:

I. May exchange silver and gold coin for legal tender of the United States, silver coin for gold coin or gold coin for silver coin, and legal tender of the United States for silver and gold coin, on deposit in each state depository in such amounts and at such times as may be.

II. May effect the said exchanges with any specie exchange; provided that such transactions shall be effected, as much as possible, and with all other considerations being equal, with specie exchanges which are resident or do substantial business in the state; and

III. Shall take care that no silver or gold coin which appears by reason of abrasion, filing, clipping, or other physical wear, defect, or suspicious condition to be of less than full weight, to the extent that such coin would not pass by tale in the markets for precious metals, shall be received by any state depository, and that any such coins which have, for whatever reason, come into the possession of any state depository shall, as soon as practicable, be exchanged in those markets for an equivalent value of coins that do pass by tale.

6-D:9 As to methods of receipt, payment, and transfer of silver and gold coin, and legal tender of the United States, by state depositories:

I. Silver and gold coin, and legal tender of the United States, received by any state depository shall be deposited therein, except that silver and gold coin may be deposited in such state depository's account with any specie warehouse that satisfies the standards set out in paragraph III.

II. Checks drawn on the account of any person in any financial institution, and payable thereby on demand in legal tender of the United States, may be accepted in any state depository for any purpose allowable under this chapter and credited to the payor, but, when so received, the special assistant deputy treasurer for financial stability for that state depository shall take care that, as soon as possible, such checks:

(a) Shall be presented at their place of payment and fully and timely paid according to law, and such legal tender received in payment promptly deposited in that state depository; or

(b) Shall be endorsed for payment to any specie exchange for an amount of such coin no less than the amount such exchange would at that time trade for the amount of legal tender specified in the instrument so endorsed.

III. Checks drawn on the account of any specie warehouse and payable by such warehouse on demand in silver and gold coin, may be accepted in any state depository for any purpose allowable under this chapter and credited to the payor, but when so received, the special assistant deputy treasurer for financial stability for that state depository shall take care that, as soon as possible, such checks shall:

(a) Be presented at their place of payment and fully and timely paid according to law, and such silver and gold coin as is received in payment shall promptly be deposited in that State Depository; or

(b) Be deposited with such specie warehouse in an account upon which the state depository may draw by check, payable in silver and gold coin, but only if such warehouse shall:

(1) Maintain all deposits of silver and gold coin in such separate, segregated storage as the treasurer deems satisfactory;

(2) Not loan, employ as collateral or security, hypothecate, invest, or otherwise use in any manner;

(3) Maintain such physical security for its deposits as the treasurer deems sufficient;

(4) Be bonded to an amount, and with such sureties, as the treasurer deems adequate;

(5) Charge the state no more for its services of deposit, storage, and disbursement than the average cost of such services as are incurred by a state depository performing the same services on its own behalf, as the treasurer by regulation shall conclusively determine; or

(c) Be presented at their place of payment and fully and timely paid according to law, and such silver and gold coin as is received in payment shall promptly be deposited in an account in a different specie warehouse that satisfies the standards set out in paragraph III.

IV. Special assistant deputy treasurers for financial stability may cause to be issued checks drawn on their respective state depositories, and payable thereby on demand in either silver and gold coin, or legal tender of the United States; or drawn on the accounts of their respective state depositories with specie warehouses that satisfy the requirements of paragraph III, and payable by such warehouses on demand in silver and gold coin. Where such checks are payable in silver and gold coin, they shall state the number of each type and denomination of silver and gold coin transferred thereby.

V. Every financial institution doing business in the state shall accept for deposit, to be cashed, and for all other purposes all checks drawn on a state depository and payable in legal tender of the United States, to the same extent, and with the same rights, privileges, and recourse, that such institution accepts such instruments drawn on member banks of the Federal Reserve System.

VI. No specie warehouse in which a state depository maintains an account shall be subject to any lien, judgment, fine, charge, claim, or other judicial, executive, or administrative order, writ, or other process that may in any manner encumber or interfere with the ability of such state depository, or any person authorized thereby, to draw upon or to liquidate such account

on demand, in whole or in part.

6-D:10 Treasurer; Further Powers and Duties. In addition to the other powers and duties granted by this chapter, the treasurer shall:

I. Maintain accounts of silver and gold coin, and legal tender of the United States, transferred or drawn upon pursuant to RSA 6-D:7;

II. Cause regular examinations, inventories, and audits to be made of the books, records, and accounts of, and the types and quantities of silver and gold coin, and legal tender of the United States, on deposit in, the several state depositories, and for that purpose shall appoint such auditors, examiners, investigators, and other agents as the treasurer may deem necessary, who shall, upon application to the respective special assistant deputy treasurers for financial stability, have immediate, unlimited, and unimpeded access to such books, records, and accounts, physical locations of storage of such coin and legal tender, and all other papers, materials, information (in whatever manner compiled or stored), or places of, in, or in any way connected with such state depositories or the personnel or operations thereof, as may assist them in the performance of their duties;

III. Cause regular examinations, inventories, and audits to be made of the books, records, and accounts of, and the types and quantities of silver and gold coin on deposit in each specie warehouse in which a state depository maintains an account, and for that purpose shall appoint such auditors, examiners, investigators, and other agents as the treasurer may deem necessary, who shall, upon such notice to any such warehouse as the treasurer shall deem reasonable, have immediate, unlimited, and unimpeded access to such books, records, and accounts, physical locations of storage of such coin, and all other papers, materials, information in whatever manner compiled or stored, or places of, in, or in any way connected with such warehouses or the personnel or operations thereof, as may assist them in the performance of their duties; and it shall be a condition of the establishment and maintenance of any such account that such warehouse shall submit to and fully cooperate with any examination authorized by this paragraph;

IV. Report quarterly, or more often if required, to the General Court and the Governor with respect to receipts, deposits, disbursements, and other relevant information pertaining to the operations of the State Depositories;

V. Adopt rules:

(a) That establish the standards to be applied pursuant to RSA 6-D:9;

(b) As to what shall constitute timely notice under RSA 6-D:18; and

(c) That are necessary and proper for implementation of this chapter.

6-D:11 Use of Silver and Gold Coin and Legal Tender of the United States. Except as otherwise provided in this chapter, on and after the first operational day of this chapter the state shall neither compel nor require any person to recognize, receive, pay out, deliver, promise to pay, or otherwise use or employ any thing but silver and gold coin as media of exchange with respect to:

I. The calculation and payment of any tax or other involuntary contribution, public due, charge, assessment, or fee, or fine or other monetary penalty, imposed by the state;

II. The principal and interest of any loan, howsoever denominated or evidenced, made to and on the credit of the state;

III. The purchase or sale by the state of any lands, real estate, buildings, tangible personal property, or any other assets, property, or things of value, or of any legal or equitable rights, easements, or other interests, of whatsoever types or descriptions;

IV. Any monetary award or agreement in respect of expropriation of private property pursuant to the exercise of the power of eminent domain by the state or by any person authorized by the laws thereof to exercise such power;

V. Any judgment, decree, or order of any court, administrative agency, or other tribunal of the state, except where and only to the extent that the same shall find, on the basis of clear and convincing evidence, that payment of silver and gold coin shall not constitute just compensation for the damages or harm suffered by the prevailing party, and therefore shall mandate:

(a) Specific performance of a contract or other agreement then sub judice by other than the payment of money;

(b) Specific restitution of property other than money;

(c) Payment of some medium of exchange other than silver and gold coin, pursuant to a requirement for such payment in a contract or other agreement then sub judice;

(d) Other like relief; and

VI. Contracts, agreements, or other arrangements for the payment of wages, salaries, fees, or other monetary compensation to any person who or which shall have provided or shall provide goods or services to, or otherwise be entitled to payment from, the state, either as officers, employees, agents, or contractors of the state or in any other capacity. Provided that with respect to any tax, loan, sale or purchase, award in eminent domain, judgment, or contract or other agreement that was imposed, was made, or became payable in, or that designated explicitly or implicitly a specific medium of payment other than, silver or gold coin before the first operational day of this chapter, the medium of exchange for the payment or other satisfaction thereof shall be the medium designated, required, specified, or reasonably contemplated at the time the tax was imposed, the loan or contract or other agreement was made or became payable, the sale or purchase occurred, or the award or judgment was

handed down.

6-D:12 Use of Silver and Gold Coin and Legal Tender of the United States; Taxes. With respect to any tax or other involuntary contribution, public due, charge, assessment, or fee, or any fine or other monetary penalty, imposed by the state:

- I. The state shall determine and certify the amount payable in legal tender of the United States.
- II. The party liable for payment of the aforesaid amount may deliver to the state, and the state shall receive in payment:
 - (a) Silver and gold coin with an aggregate value in legal tender equal to the amount determined in paragraph I;
 - (b) Legal tender of the United States, to the aforesaid amount;
 - (c) A combination of silver and gold coin, together with legal tender of the United States, to such amounts of each medium as shall cumulatively satisfy such party's liability.

III. For each 10 percent of the amount which the party liable for payment shall deliver to the state in silver and gold coin, that party shall be credited with a reduction of one half of one percent of the amount owed. Provided that with the exception of payments the amounts of which have already been determined and certified pursuant to paragraph I, this proffered reduction in liability may be altered, amended, revoked, or repealed at any time.

6-D:13 Use of Silver and Gold Coin and Legal Tender of the United States; Loans, Bonds, and Notes. With respect to all loans, whether denominated bonds, notes, or otherwise, and howsoever evidenced made to and on the credit of the state:

- I. The state shall determine and certify the amount to be borrowed in:
 - (a) Legal tender of the United States;
 - (b) The equivalent value in silver coin, specifying the specific silver coin or coins in which the loan shall be payable;

and

(c) The equivalent value in gold coin, specifying the specific gold coin or coins in which the loan shall be payable. In each such instance, the state shall also determine and certify the particular rate of interest to be paid, the premium or discount, if any, and the maturity date of the loan, any or all of which may differ depending upon the medium of payment specified.

II. Whether by sale of a bond or note, or in whatever other manner or form the transaction may be effected, the lender shall have the option to deliver to the state the certified amount of legal tender of the United States, or silver coin, or gold coin; and such delivery shall designate and fix the medium of payment of principal and interest, the rate of interest, and the maturity date, on such loan, loans of the first category to be designated "legal tender loans," loans of the second category to be designated "silver coin loans", and loans of the third category to be designated "gold coin loans."

III. The designation of the medium of payment of principal and interest, and of the rate of interest and maturity date, and premium or discount if any, shall be deemed a pledge of the full faith and credit of the state, shall bind the state as a contract, the obligation of which shall be protected by Article I, Section 10, Clause 1 of the Constitution of the United States against any impairment, and shall require upon the loan's maturity the delivery of the full amount of payment of principal and interest of such loan in the medium specified, and that medium only, to the lender. To wit, legal tender loans shall be repaid in legal tender of the United States, silver coin loans in the specific silver coin or coins specified therein, and gold coin loans in the specific gold coin or coins specified therein. A loan may be made redeemable before maturity, as otherwise authorized in law, provided that the terms and conditions for such early redemption shall specify payment in legal tender of the United States, silver coin, or gold coin, according to the original tenor of, and subject to the same legal guarantee as, the loan itself.

IV. The procedures set out in this section shall be employed with respect to refunding of bonds, as otherwise authorized by law.

V. The procedures set out in this section shall be employed with respect to issuance of revenue bonds, as otherwise authorized by law; provided that:

- (a) No revenue bond payable in silver or gold coin shall be issued unless:
 - (1) The revenues derived from the facilities to be funded thereby are to be paid in silver or gold coin;
 - (2) The revenue bond refunds an outstanding bond the principal of which was used for facilities the revenues

from which are paid in such coin; and

(b) Every revenue bond issued shall pledge the faith and credit of the state with respect to the medium of payment and other terms.

6-D:14 Use of Silver and Gold Coin and Legal Tender of the United States; Purchase and Sale of Property by The State. With respect to the purchase or sale by the state of lands, real estate, buildings, tangible personal property, or any other assets, property, or things of value, or of any legal or equitable rights, easements, or other interests, of whatsoever type or description:

I. The state shall determine and certify the price of the thing to be sold, or shall agree to and certify the price of the thing to be purchased, in legal tender of the United States.

II. The purchaser of the thing to be sold by the state may deliver, and the state shall receive, in payment, or the seller of the thing to be bought by the state may receive therefrom, and the state shall deliver, such

- (a) Silver and gold coin with an aggregate value in legal tender equal to the amount determined in paragraph I;
- (b) Legal tender of the United States, to the aforesaid amount; or
- (c) Combination of silver and gold coin, together with legal tender of the United States, to such amounts of each

medium as shall cumulatively satisfy the contract of purchase and sale.

III. For each 10 percent of an amount payable which a party shall deliver to or receive from the state, as the case may be, in silver and gold coin, that party shall be credited with a reduction of $\frac{1}{2}$ of one percent in the amount owed to the state, or an addition of $\frac{1}{2}$ of one percent to the amount owed by the state. Provided that with the exception of prices already determined, agreed, and certified pursuant to paragraph I, such proffered reduction or addition may be altered, amended, revoked, or repealed at any time.

6-D:15 Use of Silver and Gold Coin and Legal Tender of the United States; Expropriated Property. With respect to any monetary award or agreement arising out of expropriation of private property pursuant to the exercise of the power of eminent domain by the state or by any person or entity authorized by the laws thereof to exercise such power:

I. The state shall determine and certify the amount of any award or agreement in legal tender of the United States.

II. The party whose property has been or will be expropriated shall have the option to accept in payment for such property:

- (a) Silver and gold coin with an aggregate value in legal tender equal to the amount determined in paragraph I;
- (b) Legal tender of the United States, to the aforesaid amount; or
- (c) A combination of silver and gold coin, together with legal tender of the United States, to such amounts of each medium as shall cumulatively satisfy the award or agreement.

III. For each 10 percent of an amount payable which a party shall receive from the state in silver and gold coin, that party shall be credited with an increase of $\frac{1}{2}$ of one percent in the amount owed by the state. Provided that with the exception of awards or agreements already determined and certified pursuant to paragraph I, such proffered increase may be altered, amended, revoked, or repealed at any time.

6-D:16 Use of Silver and Gold Coin and Legal Tender of the United States; Fines and Penalties. Except as to cases within the categories delineated in RSA 6-D:11, I and RSA 6-D:12, I, with respect to any judgment, decree, or order of any court, administrative agency, or other tribunal of the state, whether arising in a civil action or proceeding or in a criminal prosecution, which specifies, imposes, enforces, or otherwise involves a monetary award or payment, or a fine or other like monetary penalty:

I. The state shall determine and certify the amount of such award or penalty in legal tender of the United States.

II. In civil cases, the party in the position of judgment-creditor may stipulate with the party in the position of judgment-debtor to receive and to pay, respectively, the amount of any award, including an award of attorneys' fees, in:

- (a) Silver and gold coin with an aggregate value in legal tender equal to the amount determined in paragraph I;
- (b) Legal tender of the United States, to the aforesaid amount; or
- (c) A combination of silver and gold coin, together with legal tender of the United States, to such amounts of each

medium as shall cumulatively satisfy the award, and such stipulation shall be specifically enforced by the state as a contract the obligation of which shall be protected by Article I, Section 10, Clause 1 of the Constitution of the United States against any impairment. In the absence of such stipulation, the state shall require the party in the position of judgment-debtor to pay to the party in the position of judgment-creditor the latter's choice of the alternatives set out in paragraph I.

III. In criminal cases, cases involving contempts of court, and all other cases in which the state shall be legally entitled to receive the payment for its own account, the party against whom a monetary penalty shall be assessed shall pay the amount thereof solely in silver and gold coin with an aggregate value in legal tender equal to the amount determined in paragraph I.

6-D:17 Use of Silver and Gold Coin and Legal Tender of the United States; Contracts, Wages and, Fees. With respect to any contract, agreement, or other arrangement for the payment of wages, salaries, fees, or other monetary compensation to any person who or which shall have provided or shall provide goods or services to, or otherwise be entitled to payment from, the state, either as officers, employees, agents, or contractors of the state or in any other like capacity:

I. The state shall determine and certify the amount of such monetary compensation in legal tender of the United States.

II. The party entitled to receive such monetary compensation shall have the option to stipulate for and receive payment in:

- (a) Silver and gold coin with an aggregate value in legal tender equal to the amount determined in paragraph I;
- (b) Legal tender of the United States, to the aforesaid amount; or
- (c) A combination of silver and gold coin, together with legal tender of the United States, to such amounts of each

medium as shall cumulatively satisfy the agreement for compensation. And such stipulation of the medium or media of payment by the party entitled to receive such compensation shall be specifically enforced by the state as a contract the obligation of which shall be protected by Article I, Section 10, Clause 1 of the Constitution of the United States against any impairment.

III. For each 10 percent of an amount payable which a party shall receive from the state in silver and gold coin, that party shall be credited with an increase of $\frac{1}{2}$ of one percent in the amount owed by the state; provided that with the exception of amounts already determined and certified pursuant to paragraph I, such proffered increase may be altered, amended, revoked, or repealed at any time.

6-D:18 Notification of Choice of Monetary Medium. With respect to any transaction effected under RSA 6-D:12 - 17, each person shall notify the state, in a manner deemed timely according to rules adopted by the treasurer, of that person's election to receive or to pay silver and gold coin in lieu of legal tender of the United States. Absent such timely notification, the medium of

exchange for any such transaction shall be legal tender of the United States.

6-D:19 Every receipt and disbursement that occurs in silver and gold coin shall be made in such types and numbers of such coin as the payor or payors shall determine; and the value of such coin in the aggregate in legal tender of the United States shall as closely as practicable approach the amount required in that medium, whether that value be more or less than the said amount, but in no event with a deviation of more than 5 percent, with any difference between the amount required and that actually delivered to be paid or refunded in legal tender of the United States.

6-D:20 Judicial Enforcement; Inaccurate Certified Determination of Exchange Rates.

I. Any person aggrieved thereby may bring a civil action in the Superior Court against the individual or individuals responsible therefor, in both his or their official and individual capacities, for any and all appropriate forms of relief, including monetary damages; and in such an action no defense of official immunity shall be allowed.

II. In any case, civil or criminal, in which such a person is made a defendant, any such inaccurate determination or publication may be raised, where relevant, by way of defense, counterclaim, set-off, or other pleading.

III. Where the issue of an inaccurate determination or publication is heard and decided on the merits, reasonable attorneys' fees shall be awarded to the prevailing party for litigation of that question.

6-D:21 Fines. Any individual who shall knowingly and intentionally make or publish an inaccurate certified determination of exchange rates pursuant to 6-D:3 shall be imprisoned for 6 months, and fined \$1,000 in silver coin of the constitutional standard of 371.25 grains (Troy) fine silver per dollar.

6-D:22 Prohibited Conduct.

I. Any person who shall convert to his own use, in any manner whatsoever, or who shall use, by way of investment of any kind, or who shall loan, with or without interest, or deposit in any bank or exchange for other media of exchange any portion of the silver and gold coin, or legal tender of the United States, entrusted to such person for any of the purposes thereof, shall be guilty of embezzlement.

II. Any person authorized under this chapter to pay out or disburse silver or gold coin, or legal tender of the United States, who shall accept or receive at, or transfer to any state depository any receipt, voucher, or like instrument from any creditor of the state, without having paid out or disbursed to such creditor the full amount of such coin or legal tender as was required to be paid out or disbursed, shall be guilty of embezzlement.

III. Any person who shall advise or participate in, or concert or conspire with any other person in, or aid and abet with respect to, or attempt to conceal by the withholding, destruction, or falsification of records, by false statement, whether made under penalty of perjury or not, or by any other device, artifice, or means, any of the conduct prohibited in this section shall be guilty of embezzlement.

IV. Upon the trial of any person for embezzlement as under this section:

(a) Any failure or refusal by such person to produce, or to order to be produced, upon demand by the treasurer, a special assistant deputy treasurer for financial stability, or any auditor, examiner, investigator, or other agent appointed under RSA 6-D:10, any silver or gold coin, or legal tender of the United States, entrusted to such person, or to personnel subject to such person's direction and control;

(b) Any failure or refusal by such person promptly to pay out or disburse, or to order to be paid out or disbursed, such coin or legal tender under such person's control, upon presentation thereto of any valid draft, order, warrant, or like instrument requiring such payment or disbursement by such person, or by personnel subject to such person's direction and control; or

(c) Any balance against the office or position held by such person in the accounts of a state depository, or of the treasury of the state, not satisfactorily explained shall constitute prima facie evidence of embezzlement.

V. Any person convicted of shall be sentenced to imprisonment of not less than one year nor more than 10 years, shall be fined 10 times the amount embezzled, such fine to be paid to the state in silver and gold coin, notwithstanding that such person may have embezzled legal tender of the United States, shall pay restitution in such coin to every party aggrieved by his actions, and shall be disqualified for life from any position of trust or honor, elected or appointed, or for any other position or employment, in or with the government of the state.

VI. Punishments for anyone found guilty of willful or negligent manipulation, abrading, filing, shaving, clipping, or counterfeiting money shall be death or a fine not to exceed \$3,000,000 plus 100 times the amount estimated as having been manipulated or counterfeited plus no fewer than 25 years in prison with no chance of parole, or both.

6-D:23 State Depository; Prohibited Conduct.

I. Any specie warehouse or branch thereof in which a state depository maintains an account authorized by RSA 6-D:9, III (b) which shall fail to pay on demand and in full any check drawn on the state depository's account, or other lawful request for payment or transfer of silver and gold coin from the state depository or official thereof or other official of the state authorized thereby, shall immediately be placed in receivership by, and all property and assets thereof taken into the custody and control of, the special assistant deputy treasurer for financial stability of the state depository within the territory of which the said business or branch thereof is located.

II. Any specie warehouse that establishes and operates accounts payable on demand, which shall fail to pay on demand and in full any check drawn on an account so payable of a customer, other than a state depository, or other lawful request for

payment or transfer of silver and gold coin by a customer, shall, upon petition of any aggrieved person to the superior court, immediately be placed in receivership, and all assets and property thereof shall come under the control of the court and such receivers, trustees, conservators, masters, or other officers as the court shall appoint.

III. Any proprietor, joint venturer, partner, officer, director, shareholder, or other person in authority, under whatsoever title or description, of any specie warehouse or branch thereof who negligently orders, oversees, or otherwise participates in, or who by exercise of his authority could, but negligently takes insufficient action to, prevent any failure to pay or transfer on demand described in this section shall be personally liable for damages to each and every person aggrieved thereby, whether or not a customer of said warehouse or branch. Provided that any amount then lawfully owed to such warehouse or branch by any such person aggrieved shall be set off against damages awarded to that party.

IV. Any proprietor, joint venture, partner, officer, director, shareholder, or other person in authority, under whatsoever title or description, of any specie warehouse or branch thereof who orders, oversees, or otherwise participates in, or who through exercise of his authority could, but takes insufficient action to, prevent any failure to pay or transfer on demand described in this section:

(a) With the specific intent to deprive any customer of that warehouse or branch of property, or to injure any person in his business, estate, or property, or

(b) With reckless disregard of or willful blindness to such consequences of his actions, shall be imprisoned for no less than one year and no more than 5 years, fined no less than 1,000 and no more than 5,000 coined dollars of the Constitutional standard of 371.25 grains (Troy) fine silver per dollar, and be required to pay restitution in silver and gold coin to every person aggrieved by his actions. Provided that no person convicted of embezzlement RSA 6-D:22 may also be convicted under this section where the charges in both instances arise out of the selfsame set of facts and circumstances.

2 Effective Date. This act shall take effect 60 days after its passage.
2004-0121h

Amendment to HB 1353-FN

Proposed by the Majority of the Committee on Education - R

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

AN ACT establishing an education certificate program.

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

1 Statement of Purpose. It is the purpose of this act to maintain and improve the quality of education in all schools in the state by providing to all parents or legal guardians in the state enhanced opportunity for the exercise of parental choice in the education of their school-age children.

2 New Chapter; Education Certificate Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

EDUCATION CERTIFICATE PROGRAM

193-I:1 Program Established. The education certificate program is hereby established for the purpose of allowing the parent or legal guardian of a child to receive, on request, a certificate that may be used for tuition at a nonpublic school in New Hampshire selected by the child's parent or legal guardian.

193-I:2 Eligibility and Funding.

I.(a) Education certificates shall be available as set forth in this section to the parent or legal guardian of a child for tuition as determined by the nonpublic school up to the value of the certificate. Funding of education certificates shall be made through the education trust fund established in RSA 198:39.

(b) Entry into the program shall be limited to those pupils entering the first grade or pupils enrolled in a New Hampshire public school for a full school year preceding the year of entry into the program, whose family income does not exceed 400 percent of the federal poverty guidelines, as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2). The superintendent of the school administrative unit where the pupil resides shall require proof that a pupil is a legal resident of this state as a prerequisite to participation in this program.

(c) Applications for the program shall be submitted to the superintendent no later than March 30 of the year preceding the year of participation. The superintendent shall notify applicants of the decision within 30 days of the date of application.

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-2, up to a maximum of 2,000 certificates statewide.
(b) In the second year of the program, to children entering grades 1-3, up to a maximum of 4,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-4, up to a maximum of 6,000 certificates statewide.
(d) In the fourth year of the program, to children entering grades 1-5, up to a maximum of 8,000 certificates statewide.

(e) In the fifth year of the program, to children entering grades 1-6, up to a maximum of 10,000 certificates

statewide.

(f) In the sixth year of the program, to children entering grades 1-7, up to a maximum of 12,000 certificates statewide.

(g) In the seventh year of the program, to children entering grades 1-8, up to a maximum of 14,000 certificates statewide.

III. The number of certificates allocated to a school district in a given year shall be a percentage of the total number of certificates available in that year. Such percentage shall be calculated by dividing the most recently available average daily membership in residence in the school district by the most recently available total statewide average daily membership in residence as calculated by the department of education.

IV. In any school district where there are more requests for certificates than certificates available in a given year as determined under paragraph III, a lottery shall be held and certificates shall be allocated according to the following criteria:

(a) First, to pupils who were awarded certificates in the immediately preceding year.

(b) Second, to pupils from families where the family income is below 200 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

(c) Third, to pupils from families where the family income is below 400 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

V. Pupils enrolled in the program must reapply each school year.

193-I:3 Value of Certificate. The value of a certificate, for any individual pupil, shall not exceed 80 percent of the average statewide per pupil cost of an adequate education, as determined by the department of education in the fiscal year in which the certificate is requested. If the tuition amount is less than 80 percent of the average statewide per pupil cost of an adequate education, the remainder shall be retained by the pupil's resident school district.

193-I:4 Participating Schools.

I. The appropriate official for each nonpublic school shall decide whether to participate in the certificate program.

II. A nonpublic school may admit a child with a certificate, up to the limit of the school's capacity, after reserving places for children admitted in accordance with the school's regular admissions practices.

III. Nonpublic schools shall establish criteria for the admission of children with certificates that are consistent with the admissions criteria that it regularly applies.

IV. Participating schools shall be permitted flexibility to educate pupils in accordance with the school's educational mission.

V. Only nonpublic schools approved by the state of New Hampshire shall be eligible to participate in this program.

193-I:5 Redeeming Certificates.

I. The appropriate official in the pupil's resident school district shall administer the certificate program for each pupil in that district who participates in the program. Each nonpublic school which participates in this program shall, no later than June 30 of each year, submit verification of each student in attendance for the full school year under this program on a form provided by the department of education. Such verification shall list the name, address, dates of attendance, and the tuition cost for each student attending under this program.

II. The certificate shall be in the form of a check issued by the pupil's resident school district to the pupil's parent or legal guardian and sent to the nonpublic school of choice by the parent or legal guardian. A parent or legal guardian shall indorse the check for redemption by an official of the nonpublic school.

193-I:6 Transportation. The school district in which a child resides shall be obligated to provide transportation for a child to the nonpublic school of his or her parent's or legal guardian's choice provided the nonpublic school selected is within the local school district. Any transportation costs for transporting a child to a nonpublic school outside of the local school district shall be borne by the child's parent or legal guardian.

193-I:7 Testing. Each nonpublic school which accepts a pupil who is a participant in the education certificate program shall submit to the pupil's resident school district office, no later than June 30 of each year, the test scores of any standardized test taken while such pupil was enrolled in the nonpublic school. No personally identifiable information shall be released with the test scores. This provision shall apply only to pupils in the third and sixth grades. The standardized test shall be a test that is nationally accredited or recognized and which offers an objective, comprehensive estimate of a pupil's educational development in areas such as language arts, reading, mathematics, and social studies.

193-I:8 Rulemaking. The state board of education shall adopt rules pursuant to RSA 541-A for the development of forms necessary to implement this chapter.

193-I:9 Legislative Oversight Committee. An oversight committee is established consisting of the following members:

I. The chairperson of the house education committee, or a designee.

II. The chairperson of the senate education committee, or a designee.

III. One member of the house of representatives, appointed by the speaker of the house.

IV. One member of the senate, appointed by the senate president.

V. One member of the house finance committee, appointed by the speaker of the house.

VI. One member of the senate finance committee, appointed by the senate president.

193-I:10 Duties of the Legislative Oversight Committee.

I. The oversight committee shall review the development and implementation of the education certificate program established in this chapter to ensure compliance with legislative policy.

II. In the third, sixth, and eighth years of the program, the oversight committee shall conduct a review of the education certificate program and submit a report, in each year of review, to the speaker of the house of representatives and the president of the senate detailing the status of the program.

193-I:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

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

AMENDED ANALYSIS

This bill establishes an education certificate program.

2004-0256h

Amendment to HB 1403

Proposed by the Committee on Legislative Administration - C

Amend the bill by replacing section 10 with the following:

10 Efficiency Commission. Amend 2003, 1:5, II to read as follows:

II. The commission shall report the final results of its study, including its findings, recommendations, ***suggestions for implementation of changes***, 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]~~ **31, 2005**.

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Recommendations of the New Hampshire Estuaries Project Management Plan. Amend 2003, 236:5 to read as follows:

236:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, ~~[2003]~~ **2005**.