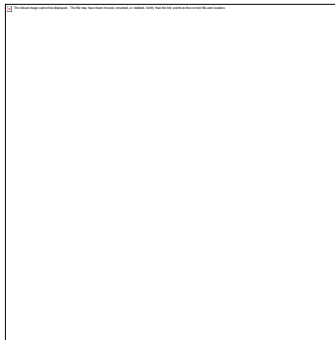


FEBRUARY 9, 1998

No. 9

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS, AND NOTICES

**THE SENATE WILL MEET IN SESSION ON THURSDAY,
FEBRUARY 12, 1998, AT 10:00 A.M.**

LAI D ON TABLE

SB 302-FN-L, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips.

SB 465-FN, relative to the disposition of firearms confiscated or otherwise acquired by state or local law enforcement agencies.

SENATE REPORTS

BANKS

SB 340, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. Vote: 4-0.

Ought to pass, Senator Fraser for the committee.

SB 344, clarifying requirements regarding certain trusts. Vote: 3-0.

Ought to pass with amendment, Senator Fraser for the committee.

SB 377, authorizing the organization of merchant banks to provide equity financing and related services to small businesses. Vote: 7-0

Ought to pass with amendment, Senator Fraser for the committee.

EDUCATION

SB 313, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits. Vote: 6-0.

Ought to pass with amendment, Senator Johnson for the committee.

SB 381, creating a committee to study the components of the Augenblick formula. Vote: 5-0.

Inexpedient to legislate, Senator McCarley for the committee.

SB 452-FN-L, allowing students to choose alternatives to dissection as part of a course exercise. Vote: 6-0.

Ought to pass with amendment, Senator J. King for the committee.

SB 495, relative to the university system study committee. Vote: 4-0.

Ought to pass with amendment, Senator McCarley for the committee.

ENVIRONMENT

SB 365, relative to including the upper and lower Merrimack Rivers and the Lamprey River under the shoreland protection act. Vote: 7-0.

Ought to pass with amendment, Senator Russman for the committee.

SB 493, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources. Vote: 7-0.

Ought to pass with amendment, Senator Russman for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 83, relative to the bonding and operation of health clubs. Vote: 6-0.

Inexpedient to legislate, Senator J. King for the committee.

SB 91-FN, relative to the water well board. Vote: 6-1 (one abstention)

Ought to pass with amendment, Senator Francoeur for the committee.

SB 99, requiring a determination of community benefits by the director of charitable trusts prior to certain mergers of nonprofit health maintenance organizations. Vote: 8-0.

Inexpedient to legislate, Senator J. King for the committee.

SB 140, requiring that nuclear power facilities be bonded for the cost of potential decommissioning and relative to annual public hearings of the nuclear decommissioning committee. Vote: 6-2.

Ought to pass with amendment, Senator Whipple for the committee.

SB 191, relative to mental health providers. Vote: 5-2.

Ought to pass with amendment, Senator Larsen for the committee.

FINANCE

SB 462-FN, relative to any general fund surplus at the close of the current biennium. Vote: 5-1.

Ought to pass, Senator F. King for the committee.

INSURANCE

SB 3, relative to small employer and individual insurance. Vote: 7-0.

Inexpedient to legislate, Senator Fraser for the committee.

SB 50, relative to modifications in contracts concerning insurance company payout values. Vote: 7-0.

Inexpedient to legislate, Senator Danais for the committee.

SB 118, prohibiting lifetime caps on health insurance coverage. Vote: 2-0.

Inexpedient to legislate, Senator Danais for the committee.

SB 336, relative to small group and individual insurance. Vote: 5-0.

Ought to pass, Senator Fraser for the committee.

SB 337, relative to the order of distribution of claims from an insurer's estate. Vote: 8-0.

Ought to pass, Senator Fraser for the committee.

SB 372, relative to forms and rates for large scale commercial insurance policies. Vote: 7-0.

Ought to pass with amendment, Senator Blaisdell for the committee.

SB 399, relative to managed care plans as appropriate lines of business for insurance companies. Vote: 8-0.

Ought to pass with amendment, Senator Blaisdell for the committee.

SB 433-FN, relative to computing average weekly wages for the purpose of determining workers' compensation benefits. Vote: 5-3

Ought to pass with amendment, Senator Hollingworth for the committee.

SB 478-FN, relative to medicaid under managed care entities.

Majority Report: Vote: 5-3, Inexpedient to legislate, Senator Squires for the committee.

Minority Report: Vote: 3-5, Ought to pass, Senator K. Wheeler for the committee.

INTERSTATE COOPERATION

SB 370-L, establishing an international trade corridor and border crossing planning and development advisory committee. Vote: 4-0.

Ought to pass, Senator Larsen for the committee.

INTERNAL AFFAIRS

HB 385, relative to reporting and registration requirements for lobbyists and employees of lobbyists. Vote: 4-3

Ought to pass with amendment, Senator Russman for the committee.

SB 359-FN, providing immunity to the state and public employees for any harm resulting from certain computer errors in the millenium changeover. Vote: 4-3

Ought to pass with amendment, Senator Blaisdell for the committee.

SB 382-FN, increasing the salaries of the state fire marshal and the director of fire standards and training. Vote: 5-0.

Inexpedient to legislate, Senator Blaisdell for the committee.

SB 405-FN, relative to a specific time period by which the state is required to have an audited financial statement available to the public. Vote: 5-0.

Ought to pass with amendment, Senator Fraser for the committee.

SB 406, establishing a legislative task force to develop a state government restructuring plan. Vote: 5-0.

Ought to pass with amendment, Senator Gordon for the committee.

SB 431-FN-A, establishing a statewide database licensing program of the New Hampshire automated information system and making an appropriation therefor. Vote: 4-0.

Ought to pass, Senator Blaisdell for the committee.

SCR 8, supporting federal legislation to redesignate "Washington national Airport" as "Ronald Reagan Washington Airport." Vote: 6-0.

Inexpedient to legislate, Senator Barnes for the committee.

JUDICIARY

SB 136, relative to interment of dead bodies. Vote: 5-1.

Inexpedient to legislate, Senator Podles for the committee.

PUBLIC AFFAIRS

SB 333, allowing any registered voter who is unable to vote in person for any cause to vote by absentee ballot. Vote: 4-1 (one abstention)

Ought to pass with amendment, Senator Roberge for the committee.

SB 338, relative to special meetings. Vote: 6-0.

Ought to pass with amendment, Senator Patenaude for the committee.

SB 348, relative to property left behind by tenants. Vote: 7-0.

Ought to pass with amendment, Senator McCarley for the committee.

SB 413, relative to nomination papers. Vote: 5-2.

Inexpedient to legislate, Senator Whipple for the committee.

SB 428-FN, relative to firearm lock boxes in state facilities. Vote: 7-0.

Ought to pass, Senator K. Wheeler for the committee.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

SB 210-FN, relative to day care in private homes, local regulation of school- age day care providers, and registration of unlicensed day care providers. Vote: 5-0

Ought to pass with amendment, Senator D. Wheeler for the committee.

TRANSPORTATION

HB 648-L, establishing a local option fee for local or regional transportation improvements. Vote: 4-3.

Ought to pass, Senator Pignatelli for the committee.

WAYS AND MEANS

SB 324-FN, relative to entertainers and entertainment on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. Vote: 6-1.

Ought to pass with amendment, Senator Hollingworth for the committee.

SB 328, relative to dispensing equipment at beer festivals. Vote: 5-0.

Ought to pass with amendment, Senator Rubens for the committee.

SB 391-FN-A, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents. Vote: 4-2.

Inexpedient to legislate, Senator Danais for the committee.

SB482-FN, reducing the number of live races a racetrack is required to schedule in order to simulcast races. Vote: 6-1

Inexpedient to legislate, Senator Johnson for the committee.

SB 483-FN, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. Vote: 3-1 (one abstention)

Inexpedient to legislate, Senator Johnson for the committee.

SB 447-FN, exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax. Vote: 5-0.

Ought to pass, Senator Hollingworth for the committee.

WILDLIFE AND RECREATION

SB 402, extending the reporting date for the pet overpopulation committee. Vote: 5-0.

Ought to pass, Senator K. Wheeler for the committee.

SB 403, relative to mooring on Spofford Lake. Vote: 5-0.

Ought to pass, Senator Roberge for the committee.

SB 412, designating skiing as the official New Hampshire sport. Vote: 6-0.

Ought to pass, Senator Patenaude for the committee.

SENATE AMENDMENTS

(in numerical order)

Internal Affairs

January 30, 1998

1998-0529s

10/01

Amendment to HB 385

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

AN ACT relative to reporting and registration requirements for lobbyists and clients of lobbyists.

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

1 Reporting by and Registration of Lobbyists. RSA 15 is repealed and reenacted to read as follows:

CHAPTER 15

LOBBYING

15:1 Declaration of Intent.

I. The general court recognizes that the preservation of responsible government requires that the fullest opportunity be afforded to the people to express their opinions freely to individual legislators and to committees of the legislature.

II. The general court further recognizes that public confidence in the integrity of the legislative process is strengthened by the identification of persons and groups who on behalf of others seek to influence the content, introduction, passage, or defeat of legislation and by the full disclosure of funds expended in that effort.

15:2 Definitions. In this chapter:

I. "Client" means any person who engages the services of a lobbyist. Client shall not include a lobbying firm, a law firm providing lobbying services, or an individual member of a trade association.

II. "Compensation" means any remuneration received or to be received for services rendered as a lobbyist, whether in the form of a fee, salary, forbearance, forgiveness, reimbursement for expenses, or any other form of recompense, reward, or retainer, and any combination thereof.

III. "Event" means an event, the principal purpose of which is to lobby or foster the goodwill of one or more legislators, including, but not limited to, receptions, meals, presentations, or trips.

IV. "Expenditure" means a payment, distribution, conveyance, loan, advance, deposit, or gift of money or anything else of value or any contract, promise, or agreement, whether or not legally enforceable. Expenditure shall not include a political campaign contribution reportable under RSA 664.

V. "Gift" means any money or thing of value.

VI. "Legislation" means a bill, resolution, amendment, or proposed amendment to the constitution.

VII. "Lobbying" means acting directly or indirectly, or soliciting others to act, for the purpose of promoting, opposing, amending, or influencing in any manner the passage by the general court of any legislation.

VIII. "Lobbyist" means any person who for compensation engages in lobbying.

IX. "Person" means an individual, firm, business, corporation, association, partnership, labor union, club, or other group, whether profit or nonprofit.

15:3 Registration. Each lobbyist shall first enter an appearance with the secretary of state in a book to be kept for that purpose, which book shall be open to public inspection. Such entry shall show the full name of the lobbyist, his or her state of residence, usual occupation, the lobbyist's employer (e.g. self, lobbying firm, law firm, trade association), full business address and phone number, the names and addresses of clients, and the subjects of legislation to which the lobbying relates. If the employment or client varies from time to time, such entries shall be varied accordingly. All registrations required under this section shall expire on December 1 of each year.

15:4 Registration Fee. Each lobbyist who registers with the secretary of state under RSA 15:3 shall pay a fee of \$50 per client for each legislative session.

15:5 Name Tag.

I. Each lobbyist who is required to register under RSA 15:3 shall wear on the lobbyist's outer garment a clearly visible name tag when lobbying in the state house or in the legislative office building. Such name tag shall have white lettering on a hunter orange background and shall be at least 1-1/2 inches high and 2-1/2 inches long. This name tag shall consist of the lobbyist's first and last name and either the word "lobbyist" or the name of the client represented in letters at least 1/4 inch high.

II. A person whose lobbying activity consists of appearing to testify before a legislative committee in an open hearing session is exempt from the requirements of paragraph I.

15:6 Reports of Expenditures.

I. Each lobbyist registered under this chapter shall file with the secretary of state a complete and detailed report under oath of the expenditures made for lobbying purposes during the filing period, including an itemization of each individual expenditure of \$25 or more and each aggregate expenditure of \$25 or more expended lobbying an individual legislator. Such report shall list each gift or event and the legislator or legislators to which each was directed. In the case of gifts or events directed at groups of legislators, identification of recipients may be by name of group receiving the gift or invitation (e.g., "House Transportation Committee", "entire House"). Where applicable the person filing a report may note that an entry refers to invitees rather than attendees. In the case of

aggregate expenditures, a summary description may be used (e.g., "meals", "research"). In all cases, expenditure amounts shall be reported as accurately as is practical. Wherever applicable, the subject of lobbying shall be identified. A total amount spent for lobbying purposes shall also be reported. Such amount shall include itemized and nonitemized expenditures.

II. Each client of a lobbyist registered under this chapter and each person who makes expenditures for lobbying purposes shall file with the secretary of state a complete and detailed report under oath of:

(a) The names of all lobbyists and the subjects of lobbying to which their employment relates;

(b) If applicable, total compensation paid for lobbying, to be reported by indicating one of the following categories:

(1) \$1 - 5,000;

(2) \$5,001 - 10,000;

(3) \$10,001 - 25,000;

(4) \$25,001 - 50,000;

(5) \$50,001 - 75,000;

(6) \$75,000 - 100,000;

(7) over \$100,000; and

(c) Expenditures made for lobbying purposes during the filing period not otherwise reported by the client's lobbyists under paragraph I. Such report shall include an itemization of individual expenditures of \$25 or more and aggregate expenditures of \$25 or more expended lobbying an individual legislator. Such report shall also list each gift or event and the legislator or legislators to which each was directed. In the case of gifts or events directed at groups of legislators, identification of recipients may be by name of group receiving the gift or invitation (e.g., "House Transportation Committee", "entire House"). Where applicable the person filing a report may note that an entry refers to invitees rather than attendees. In the case of aggregate expenditures, a summary description may be used (e.g., "meals", "research"). In all cases, expenditure amounts shall be reported as accurately as is practical. Wherever applicable, the subject of lobbying shall be identified. A total amount spent for lobbying purposes shall also be reported. Such amount shall include itemized and nonitemized expenditures.

III. All reports shall be open to public inspection.

IV. Any report listing an individual legislator under paragraph I or II(c) shall notify the individual legislator by either forwarding the legislator a copy of the report or by other method of notification.

V. Each person required to file reports under this chapter shall file on April 15, August 15, and December 15 of each year. The report due on April 15 shall cover the time from December 1 of the prior calendar year to April 1. The report due on August 15 shall cover the period from registration or April 1, whichever is later, to August 1. The report due on December 15 shall cover the period from registration or August 1, whichever is later, to December 1.

15:7 Books and Forms. The secretary of state shall provide suitable books and forms to carry out the requirements of this chapter and shall preserve all books and forms used pursuant to this chapter.

15:8 Exempted Persons. The following persons shall be exempt from the registration and reporting requirements of this chapter:

I. An elected or appointed official or employee of the United States, the state of New Hampshire, or any instrumentality, agency, or governmental subdivision of the foregoing, when acting solely in connection with matters relating to the person's office or public duties.

II. The government of the United States or the state of New Hampshire, or any instrumentality, agency, or political subdivision of the foregoing.

III. News media executives or their employees or agents, who in the ordinary course of business write, publish, or broadcast news items, editorials, or other comments or paid advertisements which directly or indirectly urge legislative, administrative, or regulatory action, if those persons engage in no other lobbying activities in connection with such action.

15:9 Penalty. A person who violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. A person who makes and files any report or statement under this chapter which is to the person's knowledge false shall be guilty of perjury.

15:10 Examination of Reports of Expenditures. It shall be the duty of the attorney general to examine the reports of expenditures which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

15:11 Subpoena Power. In investigating violations of, and in enforcing this chapter, the attorney general shall have the power to compel the production of documents and testimony under oath. Each client of a lobbyist registered under this chapter shall designate a registered agent in this state for the acceptance of service of process.

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

1998-0529s

AMENDED ANALYSIS

This bill adds new registration and reporting requirements for persons who engage in lobbying activities and clients of lobbyists. The bill also adds new definitions to the law governing lobbyists to further define what constitutes lobbying and who shall be considered a lobbyist for registration and reporting purposes.

Senate Executive Departments and Administration

February 9, 1998

1998-0701s

03/09

Amendment to SB 91-FN

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-5 to read as 4-7, respectively:

2 New Paragraphs; Water Management and Protection; Water Well Board; Definitions; "Commissioner" and "Department" Added. Amend RSA 482-B:2 by inserting after paragraph I the following new paragraphs:

I-a. "Commissioner" means the commissioner of environmental services.

I-b. "Department" means the department of environmental services.

3 Water Management and Protection; Water Well Board; Definitions; Pump Installations. Amend RSA 482-B:2, III to read as follows:

III. "Pump installations" means and includes the industry, procedure and all operations engaged in by any person, full time or part time, for compensation or otherwise, to connect a pump or pipe to **a water system or its appurtenances**, or to install a pump or pipe in a well.

Amend the bill by replacing all after section 7 with the following:

8 New Paragraph; Water Management and Protection; Water Well Board; Rulemaking; Exemption Procedure. Amend RSA 482-B:4 by inserting after paragraph X the following new paragraph:

XI. Procedures for requesting an exemption pursuant to RSA 482-B:13.

9 Water Management and Protection; Water Well Board; Licensing for Water Well Contractors and Pump Installers; Gender Neutral. Amend RSA 482-B:5, II(d) to read as follows:

(d) If the licensee is an individual, ~~his~~ **the** name and address **of the individual**.

10 Water Management and Protection; Water Well Board; Licensing for Water Well Contractors and Pump Installers; Experience Required. Amend RSA 482-B:5, III to read as follows:

III. **Water well** contractors and **pump** installers shall be required to have been actively engaged in their trade for a period of 3 years' prior to the date of their application and to pass an examination prepared and administered by the board. **The required 3 years experience shall be directly related to the type of license to be issued. One year of experience for drilling contractors shall be in drilling water wells in crystalline rocks of the Appalachian Region.**

11 New Paragraph; Water Management and Protection; Water Well Board; Licensing for Water Well Contractors and Pump Installers; Continuing Education for Pump Installers. Amend RSA 482-B:5 by inserting after paragraph IV the following new paragraph:

V. Pump installers shall complete a minimum of 2 hours annually of continuing education.

12 Water Management and Protection; Water Well Board; Display of License and Plumbers Exempted; Gender Neutral and Applicability. Amend RSA 482-B:6-7 to read as follows:

482-B:6 Display of License. A water well contractor shall place in a conspicuous location on both sides of each ~~of his~~ well drilling ~~rigs~~ **rig** or other ~~machines~~ **machine** used to construct a well and a pump installer shall place in a conspicuous location on both sides of each ~~of his~~ pump service

~~[truck his]~~ **truck the** license number in letters not less than 2 inches high. A seal furnished by the board designating the year the license was issued or renewed and the words "Licensed New Hampshire Water Well Contractor" or "Licensed New Hampshire Pump Installer" shall be affixed directly adjacent to the license number.

482-B:7 Plumbers Exempted. This chapter shall not restrict a plumber from engaging in the trade for which ~~he~~ **the plumber** has been licensed if such plumber holds a pump installer's license. No examination shall be required for a person who is ~~[both a resident of this state and]~~ a plumber licensed under RSA 329-A **and holds a valid pump installer's license on the effective date of this section.**

13 Water Management and Protection; Water Well Board; Refusal, Revocation, Suspension, Disciplinary Action. RSA 482-B:8 is repealed and reenacted to read as follows:

482-B:8 Refusal; Revocation; Suspension; Disciplinary Action.

I. A license may be refused, or a license duly issued may be suspended or revoked, or the renewal of such license refused by the board on the board's own investigation and motion or upon motion or written complaint of an interested party if the board has good and sufficient reason to believe or finds that the applicant for or the holder of such a license has:

(a) Made a material misstatement in the application for a license or any application for renewal of such license.

(b) Obtained the license through willful fraud or misrepresentation.

(c) Demonstrated incompetency to act as a water well contractor or pump installer as determined by the water well board.

(d) Been guilty of willful failure to comply with the provisions of this chapter or rules adopted under RSA 482-B:4.

(e) Refused to file reports as required under RSA 482-B:10.

(f) Been found guilty, by the board or by a court of competent jurisdiction of any fraud, deceit, gross negligence, incompetence, or misconduct in the industry, operations, or business of water well construction or pump installations.

II. The department may undertake one or more of the following disciplinary actions upon the department's own investigation and motion or upon written complaint and motion of an interested party if the department has good and sufficient reason to believe or finds that the applicant for or the holder of such a license has violated the provisions of RSA 482-B and the rules of the board:

(a) Written reprimand.

(b) Administrative order.

(c) Administrative fine.

(d) Requiring the licensee to participate in a program of continuing education in the area or areas in which the licensee has been found deficient.

14 Water Management and Protection; Water Well Board; Hearing. Amend RSA 482-B:9 to read as follows:

482-B:9 Hearing.

I. Before ~~[any license shall be refused, suspended or revoked, or the renewal of such license refused]~~ **taking any action** under RSA 482-B:8, the board **or department** shall give notice of its intention to do so by certified mail **to the person against whom the proposed action is to be taken**. Upon receipt of such notice, the person affected may within 30 days request a hearing. If a hearing is requested, ~~[no revocation or suspension of a license shall take place]~~ **the board or department shall not act** until such hearing is completed.

II. Hearings **held by the board** shall be held in the county in which the person affected has his **or her** place of business or in the office of the board, whichever the board may decide. At least 10 days prior to the date of hearing, the board shall send written notice of the time and place of such hearing to the applicant for, or holder of, such license by certified mail to the last known address of such person. The testimony presented and the proceedings of such hearing shall be recorded and preserved as the records of the board. The board shall as soon after the hearing as possible, and not later than 90 days after the date of such hearing, make its findings and determination on the license and shall send a copy of its decision to each interested party by certified mail return receipt requested or by personal service. Revocation or suspension of a license shall be effective upon receipt of such board decision.

III. Appeal from a decision of the board may be made in accordance with RSA 541.

IV. Hearings held by the department shall be held in accordance with the rules of practice and procedure of the department.

15 Record of Wells Extended; Reference to Pump Installer Deleted. Amend RSA 482-B:10 to read as follows:

482-B:10 Record of Wells. Within ~~[60]~~ **90** days after completion of a well, a water well contractor shall provide the board with a record of the well containing such information as is required by rule. ~~[Within 60 days after completion of a pump installation, a pump installer shall provide the board with a record containing such information as is required by rule.]~~

16 Water Management and Protection; Water Well Board; Wells Constructed for Farming or Private Use; Gender Neutral. Amend RSA 482-B:12 to read as follows:

482-B:12 Wells Constructed for Farming or Private Use. Nothing in this chapter shall prevent a person from constructing a well on ~~[his]~~ **the person's** own or leased property if the well is intended for use only for noncommercial farming purposes or if the waters to be produced are not intended for use by the public or by persons in any residence other than ~~[his]~~ **the person's** own permanent residence. Such person shall submit records as required under RSA 482-B:10 and shall comply with any applicable rules.

17 Water Management and Protection; Water Well Board; Enforcement and Penalties. RSA 482-B:16 is repealed and reenacted to read as follows:

482-B:16 Enforcement and Penalties.

I. The department may issue an administrative order to any person who violates any provision of this chapter, any rule adopted under this chapter, or any license or approval issued under this chapter, or who makes or certifies a material false statement relative to any document required by this chapter. The department may order the person to cease and desist from the violation and may require such corrective measures as are necessary to correct the violation. Upon receipt of an order, the person affected may, within 30 days, appeal the order to the board. Following an appeal hearing, the board may uphold or overturn the order. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541.

II. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted under this chapter, or any license or approval issued under this chapter, or who makes or certifies a material false statement relative to any document required by this chapter. The person may appeal the decision to the board within 30 days of the date of the decision. Following an appeal hearing, the board may uphold or overturn the decision or impose a lesser or greater fine. Rehearings and appeals from a decision of the board under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules subject to the approval of the water well board, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph; and

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

III. Any person who engages in water well construction or pump installation or offers to engage in water well construction or pump installation or advertises or holds oneself out or acts temporarily or otherwise as a water well contractor or pump installer without first having obtained the required license under RSA 482-B:5 and any person who violates any other provision of this chapter or any rule adopted under this chapter, or who makes or certifies a material false statement relative to any document required by this chapter may be subject to a civil penalty of not more than \$2,000 for each violation. Such a violation may also be enjoined by the superior court upon application of the attorney general.

IV. Any person shall be guilty of a misdemeanor who knowingly:

(a) Engages in water well construction or pump installation or offers to engage in water well construction or pump installation or advertises or holds oneself out or acts temporarily or otherwise as a water well contractor or pump installer without first having obtained the required license under RSA 482-B:5; or

(b) Violates any other provision of this chapter, any rule adopted under this chapter, or any license or approval issued under this chapter; or

(c) Makes or certifies a material false statement relative to any document required by this chapter.

V. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$5,000 if found guilty of any violation under RSA 482-B:16, IV.

VI. All moneys collected under this section shall be forwarded to the state treasurer and deposited into the general fund as unrestricted revenue.

VII. Each day of a continuing violation under this chapter shall constitute a separate offense.

18 Water Management and Protection; Water Well Board; Exceptions; Gender Neutral. Amend RSA 482-B:17 to read as follows:

482-B:17 Exceptions. The provisions of this chapter shall not apply to a person who regularly employs a maintenance ~~[man]~~ **person** whose duties include replacement and maintenance of pump installations on the property of that person when such employee is actually so engaged or to an owner or ~~[his]~~ **an owner's** agent who does pump installation repairs or replacement on property owned by him **or her**; provided, however, that said repairs, replacements, and maintenance shall conform to rules relative to such repairs, replacements, and maintenance adopted by the board.

19 New Section; Water Management and Protection; Water Well Board; Record of Complaints. Amend RSA 482-B by inserting after section 17 the following new section:

482-B:18 Complaints. Written complaints filed with the board against a licensed water well contractor or a licensed pump installer shall be public records. The board may maintain a registry of written complaints. If such a registry is established, the board shall establish, by rules adopted pursuant to RSA 541-A, a procedure for providing information contained in the registry to the public. Written complaints shall be removed from the registry upon the request of the licensee, provided that the board has not received a written complaint for 3 consecutive years prior to the date of the request.

20 Repeal. RSA 6:12, I(x), relative to moneys credited to the groundwater protection research and education fund, is repealed.

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

1998-0701s

AMENDED ANALYSIS

This bill makes a variety of technical changes in the water well board, amends existing civil penalties, and adds new civil and criminal penalties and procedures.

Senate Executive Departments and Administration

February 9, 1998

1998-0705s

03/09

Amendment to SB 140

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

AN ACT relative to the obligations of joint owners to the nuclear decommissioning finance fund.

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

1 Decommissioning of Nuclear Electric Generating Facilities; Guarantee of Payment; Default of Payment.

I. As used in this act, "joint owner of the facility without a franchise territory" means an owner of a facility, as defined in RSA 162-F:14, III, which does not have, either directly or through a subsidiary or affiliate, a franchise territory on the effective date of this section.

II. The joint owners of a facility shall be proportional guarantors of the decommissioning obligations of any joint owner of the facility without a franchise territory.

III. The nuclear decommissioning financing committee shall designate the joint owners of a facility as proportional guarantors of any joint owners of the facility that are unable to meet their obligations as proportional guarantors of the decommissioning obligations of any joint owner of the facility without a franchise territory.

IV. If a joint owner of the facility without a franchise territory defaults on its decommissioning obligations, the committee shall require the remaining owners of the facility to submit for the committee's approval a plan for the fulfillment of the defaulting owner's decommissioning obligations. The plan shall be submitted within 30 days after the default. The plan may include the sale of the defaulting owner's share of the power generated by the facility, and the application of the proceeds of such sale to the defaulting owner's decommissioning obligations. For purposes of this section, "default" means the failure by an owner to make 2 consecutive payments to the fund required by RSA 162-F.

V. If there is no plan submitted and approved pursuant to paragraph III, the committee may prepare and implement a plan for recovering the decommissioning costs in default.

VI. Notwithstanding any other provision of law, a utility that is required to pay a proportional share as guarantor pursuant to this section may charge all or some of the amount to customers on a per kilowatt hour basis only upon approval by the public utilities commission after a finding that such a charge is just and reasonable and in the public good.

VII. Any obligation incurred by an owner as a guarantor pursuant to this section shall be enforceable under the provisions of RSA 162-F:24

2 Repeal. Section 1, relative to decommissioning of nuclear electric generating facilities, is repealed.

3 Contingency. Section 2 of this act shall take effect 30 days after the chairman of the nuclear decommissioning financing committee has certified to the secretary of state that a comprehensive funding assurance for decommissioning has been implemented.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3.

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

1998-0705s

AMENDED ANALYSIS

This bill designates joint owners of a facility as guarantors of the decommissioning obligations of a joint owner without a franchise territory. This bill provides that the nuclear decommissioning finance committee shall require a plan for the fulfillment of the decommissioning obligations of a joint owner of a facility without a franchise territory that defaults.

Senate Executive Departments and Administration

February 5, 1998

1998-0636s

10/09

Amendment to SB 191

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

1 Mental Health Practice Act Recodified. RSA 330-A is repealed and reenacted to read as follows:

CHAPTER 330-A

MENTAL HEALTH PRACTICE

330-A:1 Purpose; Application.

I. The purpose of this chapter is to regulate mental health practice by practitioners in the state to assure that the services provided are effective and of a quality consistent with the standard of care within each profession, and to safeguard the public against harm which may be caused by untrained, unskilled, or unlicensed practitioners. Specifically, this chapter applies to practitioners providing mental health services to persons with a diagnosis specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the board. This chapter shall assure that all consumers of mental health services shall receive an individual mental health diagnosis and, according to this diagnosis, shall receive consultation from a specific and appropriate mental health practitioner.

II. This chapter shall not be construed to prevent or restrict the traditional right of ministers and clergy to give individual or group counseling.

330-A:2 Definitions. In this chapter:

I. "Alternative provider" means a person who, for remuneration, engages in any aspect of mental health practice as defined in RSA 330-A:2, VI, but does not hold a license issued under this chapter to practice as a licensed psychologist, pastoral psychotherapist, clinical social worker, clinical mental health counselor, or marriage and family therapist.

II. "Board" means the board of mental health practice.

III. "Client" means a person who seeks or obtains psychotherapy.

IV. "Former client" means a person who was given psychotherapy within 7 years prior to having sexual relations with the psychotherapist.

V. "Mental health discipline" means the disciplines of those licensed as psychologists, pastoral psychotherapists, clinical social workers, clinical mental health counselors, and marriage and family therapists.

VI. "Mental health practice" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. Mental health services may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the licensing boards. Each of the disciplines is authorized to provide additional mental health services as approved by the advisory committee for each of the licensed mental health practitioner disciplines and consistent with their highest levels of education and training. Notwithstanding any other provision to the contrary, no person shall assess the need for medications, prescribe medications, or otherwise practice medicine as defined in RSA 329.

VII. "Mental health practitioner" means persons licensed under this chapter as psychologists, pastoral psychotherapists, clinical social workers, clinical mental health counselors, or marriage and family therapists.

VIII. "Persons licensed under this chapter" shall, in addition to psychotherapists, include persons providing treatment under the supervision of a mental health practitioner or psychotherapist.

IX. "Psychotherapist" means a psychologist, clinical social worker, pastoral psychotherapist, clinical mental health counselor, or marriage and family therapist licensed under this chapter who performs or purports to perform psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA 326-B:10 as psychiatric nurse practitioners.

X. "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

XI. "Sexual relations" means the intentional touching of any part of the client's body or any verbal or non-verbal communication for the purpose of sexual arousal or gratification of either party.

330-A:3 Board.

I. There shall be a board of mental health practice composed of the following members: one licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, and 2 public members. The public members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative shall serve as chairperson for consecutive terms. No public member shall serve as chairperson of the board.

II. The board members shall not serve more than 2 consecutive 3-year terms. The terms of the initial appointments to the board shall be as follows: the initial term of the marriage and family therapist member shall be for one year; the initial terms of the psychologist and the pastoral psychotherapist shall be for 2 years; and the initial terms of the clinical social worker and the clinical mental health counselor shall be for 3 years.

330-A:4 Advisory Committees Established; Duties.

I. The board shall have the authority to create advisory committees for each mental health discipline it licenses for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and VI-XIV. The board member of each mental health discipline shall serve as the chair of that advisory committee. The balance of the membership of each of the advisory committees shall be composed of members nominated by the New Hampshire Psychological Association, the New Hampshire Pastoral Psychotherapists Association, the New Hampshire Chapter of the National Association of Social Workers, the New Hampshire Association for Marriage and Family Therapists, and the New Hampshire Clinical Mental Health Counselors Association.

II. The advisory committees shall be composed of at least 3 persons and no more than 5 persons, including the chair, all of whom shall be licensed in their applicable professions. No advisory committee member shall serve more than 2 consecutive terms.

330-A:5 Administrative Attachment. The board shall be administratively attached under RSA 21-G:10, to the department of health and human services.

330-A:6 Qualifications; Administrative Members.

I. Each member of the board and the advisory committees shall be a resident of this state and licensed under the provisions of this chapter.

II. Each public member of the board shall be a person who is not, and never was a member of the mental health profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of mental health services, a health insurance company, health maintenance organization, or an activity directly related to mental health practice, including representation of the boards or profession for a fee at any time during the 5 years preceding appointment.

330-A:7 Compensation; Expenses. Members of the board shall serve without compensation, but shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

330-A:8 Removal of Members; Vacancies. The governor and council may remove any member of the board for misconduct, incompetence, neglect of duty, or other sufficient cause after the member has been given a written statement of the charges and an opportunity to be heard regarding such charges. Any vacancy in the membership of the board occurring otherwise than by expiration of a member's term shall be promptly filled for the unexpired term.

330-A:9 Organization and Meetings. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. A majority of the board shall constitute a quorum.

330-A:10 Board; Responsibilities and Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for any license issued under this chapter.
- II. The qualifications of applicants in addition to those requirements set by statute.
- III. The design and content of all forms required under this chapter.
- IV. How an applicant shall be examined, including:
 - (a) Time and place of examination.
 - (b) The subjects to be tested.
 - (c) Passing grade.
 - (d) Disposition of examination papers.
- V. How a license shall be renewed.
- VI. Ethical standards, as promulgated by the American Psychological Association, required to be met by each psychologist licensed under this chapter, and how a license may be revoked for violation of these standards.
- VII. Ethical standards, as promulgated by the American Association of Pastoral Counselors, required to be met by each pastoral psychotherapist licensed under this chapter, and how a license may be revoked for violation of these standards.
- VIII. Ethical standards, as promulgated by the National Association of Social Workers, required to be met by each licensed clinical social worker, and how a license may be revoked for violation of these standards.
- IX. Ethical standards, including those promulgated by the American Clinical Mental Health Counselors Association, required to be met by each licensed Clinical Mental Health Counselor, and how a license may be revoked for violations of these standards.
- X. Ethical standards, including those promulgated by the American Association of Marriage and Family Therapy, required to be met by each licensed marriage and family therapist, and how a license may be revoked for violations of these standards.
- XI. Compliance with the mental health client bill of rights as authorized under RSA 330-A:15.
- XII. Registration procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines. All candidates for licensure shall be registered with the board.
- XIII. Establishment of the scope of practice for each mental health discipline licensed under this chapter consistent with the standards established by the advisory committee for each of the licensed mental health disciplines.
- XIV. Procedures for assuring the continuing competence of persons licensed under this chapter including, but not limited to, continuing education requirements.

XV. How licensees shall provide evidence of good professional character and reliability to satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

XVI. Procedures for accepting and responding to written complaints, publicizing the complaint procedure, conducting investigations and conducting disciplinary hearings under this chapter.

XVII. Procedures for appealing hearing board decisions which result in the denial of or failure of a licensing board or the advisory committee to act upon an application for licensure or registration or renewal of a license or registration.

XVIII. The content of the materials and information to be distributed under RSA 330-A:14.

XIX. Requirements to be met by licensees and registrants relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients in RSA 330-A:15.

XX. The establishment of all fees required under this chapter. There shall be no fee for the registration of alternative providers.

XXI. Procedures and mechanisms for providing interdisciplinary collaboration among the mental health disciplines.

XXII. Procedures for the registration of alternative providers of mental health care.

330-A:11 Receipts and Disbursements. The board shall receive and account for all moneys derived under the provisions of this chapter, and shall pay such moneys to the state treasurer to be deposited in the general fund.

330-A:12 Fees. The board shall establish fees for examination of applicants, licensure, renewal of license, transcribing and transferring records, and other services, including investigations and hearings conducted under this chapter.

330-A:13 Records and Reports.

I. The board shall keep records of its proceedings and a register of all applications for licensure. Such records shall show information relative to the applicant and the applicant's licensure or rejection as the rules of the board may prescribe. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

II. Biennially, as of October 1, the board shall submit to the governor a report of the transactions of the preceding biennium, and shall also transmit a complete statement of the receipts and expenditures of the board.

330-A:14 Information on Sexual Misconduct. The board shall inform all applicants for licensure under this chapter that the board deems sexual misconduct as provided in RSA 330-A:37 to be unethical, unprofessional, and dishonorable conduct subject to disciplinary action by the board. The board shall make available to all licensees, or persons applying for licensure, under this chapter information and materials, as determined by the board, pursuant to rules adopted under RSA 541-A, regarding such sexual misconduct.

330-A:15 Mental Health Client Bill of Rights. The board shall develop a model statement of the patient's mental health rights based on the code of ethics of each licensed professional association and distribute it to all practitioners licensed under this chapter. A copy of the patient's mental health rights shall be posted in a prominent location in the office of the mental health practitioner. Reasonable accommodations shall be made for those clients who cannot read or have communication impairments and those who do not read or speak English.

330-A:16 Psychologists.

I. The board shall issue a psychologist license to any person who:

- (a) Has passed a satisfactory examination in psychology.
- (b) Has received the doctoral degree based on a program of studies, which content was primarily psychological, from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training.
- (c) Has had at least 2 years of satisfactory, supervised experience in the field of psychology.
- (d) Is of good professional character.
- (e) Has paid all fees set by the board.

II. Examinations for applicants under this chapter shall be held by the board at least once each year. The board shall determine the subject and scope of the examination, which may be written, oral, or both. If an applicant fails the first examination, the applicant may be admitted to a subsequent examination upon the payment of an additional fee in an amount to be determined by the board.

330-A:17 Pastoral Psychotherapists. The board shall issue a pastoral psychotherapist license to any person who satisfactorily meets all of the following requirements or their equivalent:

I. Has passed a satisfactory examination in pastoral counseling. The examination shall be set and defined by the board.

II. Has a baccalaureate degree from an accredited college.

III. Has a Master of Divinity degree, or an equivalent, from a school of theology accredited by the Association of Theological Schools.

IV. Has been authorized by a denomination or faith group through ordination, consecration, or equivalent means to exercise specific religious leadership and service within and on behalf of the denomination or faith group.

V. Has completed one unit of full-time clinical pastoral education or its equivalent.

VI. Has given evidence of serving at least 3 years as a clergy person, demonstrating growing maturity in one's identity and role as a professional religious leader.

VII. Has received a doctoral degree in pastoral psychotherapy based on a program which content was primarily psychology, pastoral psychotherapy, and clinical studies, or its equivalent in both subject matter and extent of training.

VIII. Has done at least 1,375 hours of pastoral counseling while receiving at least 250 hours of interdisciplinary supervision of that counseling, dealing with the theological and psychological dimensions of human development.

IX. Has given evidence of having undergone sufficient theological and psychotherapeutic investigation of one's own intrapsychic and interpersonal processes so that one is able to protect the client from the pastoral psychotherapist's problems and to deploy oneself to the maximum benefit of the client.

X. Has given evidence of:

- (a) An understanding of the counseling and psychotherapeutic process;
- (b) An ability to develop the counseling or psychotherapeutic relationship;
- (c) An ability to perform a leadership role in the context of the religious community; and
- (d) An ability to integrate one's professional role and personal identity.

XI. Has attained the level of Fellow in the American Association of Pastoral Counselors or an equivalent organization.

330-A:18 Clinical Social Workers. The board shall issue a clinical social worker license to any person who meets all of the following requirements or their equivalent:

I. Has received a college undergraduate degree.

II. Has received a 2-year master's degree or doctorate degree in social work from a school approved by the Council on Social Work Education.

III. Has had 2 years or 3,000 hours of paid, post-masters, supervised clinical experience.

IV. Has passed a national examination approved by the board.

330-A:19 Clinical Mental Health Counselors.

I. The board shall issue a clinical mental health counselor license to any person who meets all of the following requirements or their equivalent:

(a) Has a master's degree or a doctorate degree in counseling from a regionally accredited institution whose graduate program meets the guidelines set forth by the National Academy of Certified Clinical Mental Health Counselors or the National Board for Certified Counselors, Inc. or has a master's degree or doctorate degree with a concentration in the field of counseling or psychology from a regionally accredited institution. After July 1, 1995, the master's degree shall include at least a 2-year master's degree program with a minimum of 60 hours of graduate credit.

(b) Has passed the clinical mental health counselor's examination of the National Board of Certified Counselors, Inc.

(c) Has completed a minimum of 2 years of paid, post-master's experience in a mental health counseling setting, including completion of a minimum of 3,000 hours of supervised clinical work in

no less than a 2-year period and in no more than a 5-year period, and was supervised by a nationally certified or state licensed mental health professional, including 100 hours of face-to-face supervision by a licensed mental health professional.

II. The board shall, for a 6-month period after the board is initially appointed, issue a clinical mental health counselor license to an applicant if the board determines that the applicant has a master's degree or a doctorate in counseling or a closely related field from a regionally accredited college or university and has such qualifications required for professional liability insurance coverage as a mental health counselor, and has at least 10 years of paid, post-masters experience in a mental health setting, including completion of at least 15,000 hours of supervised clinical work, who has not received any disciplinary action or revocation of any previous certification or license, and was supervised by a nationally certified or state licensed mental health professional recognized as qualified to supervise mental health counselors, including 400 hours of face-to-face supervision by a state certified or state licensed mental health professional who will personally and professionally recommend the counselor as qualified to the board to be licensed.

330-A:20 Provisional Clinical Mental Health Counselor License.

I. The board shall issue a provisional clinical mental health counselor license to any person who has at least 5 years demonstrated clinical mental health experience and has a master's degree with a concentration in the field of counseling or psychology from a regionally accredited institution, but who may not meet all of the requirements of RSA 330-A:19. This provisional license shall expire on July 1, 2001 unless the provisional licensee successfully completes the remainder of the 60 hours of graduate credit in RSA 330-A:19, I, and passes the clinical mental health counselor's examination of the National Board for Certified Counselors, Inc. If permitted by such board to take the examination. If the provisional licensee successfully completes the 60 hours of graduate credit and is not allowed by the National Board for Certified Counselors, Inc. to take the examination, then the provisional licensee shall be granted a clinical mental health counselor license.

II. In reviewing the licensure applications of those persons granted a provisional license under paragraph I, the board shall consider appropriate continuing education credits in psychology or closely related fields as a portion of the additional graduate credit hours needed in RSA 330-A:19, I.

330-A:21 Marriage and Family Therapists. The board shall issue a marriage and family therapist license to any person who meets all of the following requirements or their equivalent:

I. Has a master's degree or a doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or has a master's degree or a doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution, or has clinical membership in the American Association for Marriage and Family Therapy.

II. Has passed the national examination of the Association for Marriage and Family Therapy Regulatory Boards.

III. Has completed a minimum of 2 years of post-master's experience in a mental health counseling setting, including completion of a minimum of 1,000 hours of supervised practice of marriage and family therapy under supervision approved by the American Association for Marriage and Family Therapy or the board, and has completed 200 hours of face-to-face supervision by a supervisor approved by the American Association for Marriage and Family Therapy or the board. Supervision standards shall be the equivalent of an American Association for Marriage and Family Therapy

Approved Supervisor, or approved alternate supervision as defined by the American Association for Marriage and Family Therapy Commission on Supervision.

330-A:22 Candidates for Mental Health Licensure.

I. The advisory committee for each mental health discipline, with the approval of the board, may submit to the board for approval as a candidate for mental health licensure any person who:

(a) Has received a master's degree from a regionally accredited institution based upon a program of study, the content of which was primarily psychological in nature.

(b) Has submitted to the board such transcripts, recommendations, and evidence of work as the board shall require.

(c) Is supervised by a person licensed under this chapter who takes responsibility for the mental health candidate, subject to the requirements of this section.

II. The supervision of a candidate for mental health licensure by a person licensed under this chapter shall include the following:

(a) Regular meetings shall be held between the supervisor and the candidate.

(b) The supervisor shall assume professional responsibility for the candidate in a written agreement on record with the board. The supervisor must assume both professional and legal responsibility in the agreement.

III. If the supervisor ceases to supervise and assume professional responsibility for the candidate, the licensing board shall be notified in writing.

IV. Each supervisor's agreement shall be approved by the licensing board before becoming effective, and shall remain in effect only as long as the supervisor accepts responsibility for the candidate.

V. No candidate shall engage in independent or private mental health practice or offer to render, or render services, except as provided in this section.

330-A:23 Unlawful Practice; Penalty.

I. Except as provided in RSA 330-A:36, it shall be unlawful for any person to be engaged in mental health practice unless that person is licensed by the board, or to be engaged in the practice of other mental health services unless that person is registered with the board as an alternative provider. The license or the registration of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, a pastoral psychotherapist, a clinical social worker, a clinical mental health counselor, or a marriage and family therapist, or use the title "psychotherapist," unless that person is licensed by the board or working as a candidate under the direct supervision of a person licensed by the board. Psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA 326-B:10 may refer to themselves as psychotherapists.

II. Except as otherwise provided in this chapter, any person who violates paragraph I or paragraph III of this section or who violates any of the other provisions of this chapter relating to psychology, pastoral psychotherapy, clinical social work, clinical mental health counseling, or marriage and

family therapy, or, having had his or her license suspended or revoked, shall continue to represent himself or herself as a licensed psychologist, pastoral psychotherapist, clinical social worker, clinical mental health counselor, or marriage and family therapist or as a psychotherapist shall be guilty of a class B misdemeanor, and each violation shall be deemed a separate offense.

III. Any person whose license under this chapter has been suspended or revoked by the board for disciplinary action under RSA 330-A:28 or sexual misconduct under RSA 330-A:38 shall not engage in mental health practice as defined in RSA 330-A:2, VI unless and until the suspension or revocation of the license has been lifted.

330-A:24 Injunction. The board may request the attorney general to commence an action to enjoin the operation of any person engaged in practicing unlicensed therapy in violation of this chapter. Said action shall be filed in the superior court.

330-A:25 Civil Claims. Any person injured by the actions of a person engaged in the practice of unlicensed therapy in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violations.

330-A:26 Temporary License. The board may issue a temporary license to any person who is otherwise qualified under this chapter until such time as the next annual examinations are given.

330-A:27 Applicants From Other States. The board may license any applicant who is licensed in any other state, provided the other state's licensure requirements are substantially equivalent to or higher than those of this state.

330-A:28 Disciplinary Action.

I. The board may, for just cause, undertake an investigation or disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon referral from any of the advisory committees.

(c) Upon written complaint of any person which charges that a person licensed under this chapter has committed misconduct under paragraph II and which specifies the grounds for such charges.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include any allegations of:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of the profession, including sexual misconduct as provided in RSA 330-A:38.

(d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.

(f) Mental or physical incapacity to practice under this chapter, as established by an independent medical or psychiatric evaluation.

(g) Willful or repeated violation of the provisions of this chapter.

(h) Suspension or revocation of a license or registration, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license for a period of up to 5 years.

(c) By revocation of license.

(d) By requiring the person to participate in a program of continuing education, supervision, or treatment in the area or areas in which the person has been found deficient.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day not exceeding \$2,000.

IV. No civil action for damages shall be maintained against the board, advisory committee, or any member of the board or committee, or its agents or employees, with regard to any action or activity taken in good faith in the performance of any duty or authority established by this chapter. No civil action for damages shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board, or determination by the board in relation to proceedings under this chapter.

V. Nothing in this chapter shall be construed to restrict the right of rehearing appeal under RSA 541.

330-A:29 Investigations and Complaints.

I. The board may investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders. A licensee under this chapter shall be promptly informed of the nature and scope of any pending investigation.

II. The board may employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or investigators to assist with any investigation and with the conduct of hearings. Members of the board are not eligible for retention.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The board may, with just cause, conduct investigations on an ex parte basis only if there is an imminent danger to life or health of a client.

IV.(a) The board or its designee may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents and objects only in a formal investigation or an adjudicatory hearing, except that subpoenas for mental health records as provided in paragraph V may be issued at any time.

(b) The board may serve a subpoena on a licensee by certified mail in accordance with the procedures and fee schedules used in superior court.

(c) Any subpoena related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Board of Mental Health Practice" in order to be valid.

(d) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board may, with just cause, at any time subpoena mental health records from its licensees and from hospitals and other health care providers licensed in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the board of their current business and residence addresses.

VII. On its own motion, with just cause, or in response to a complaint received by one of the advisory committees, the board shall informally mail a copy of a complaint to any licensee who is the subject of the complaint, and require the licensee to provide a detailed and good faith written response to the allegations identified by the board. The licensee shall provide complete copies of the licensee's office records concerning any patient identified in the complaint. The licensee shall respond to such request within a reasonable time period of not less than 15 days, as the board shall specify in its written request.

VIII. Any person may file a written complaint with the board which charges that a person licensed under this chapter has committed misconduct. The board may dismiss complaints when the undisputed allegations do not warrant disciplinary actions and may settle complaints informally with the consent of the licensee. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board chooses to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that the complainant is given an opportunity to comment on the terms of the proposed settlement.

IX. The board is authorized to conduct hearings on appeals of advisory committee decisions that result in the denial of or failure to timely act upon an application for licensure or licensure renewal.

330-A:30 Hearings.

I. The board shall have discretionary authority to decline or defer prosecution of a complaint which, after appropriate investigation, does not contain allegations of a substantial nature, while retaining

the authority to reexamine these allegations at a later date. The board may also dispose of allegations in an investigation by settlement agreement, default order, order of dismissal for failure to state a proper basis for board action, or summary judgment order based on undisputed material facts. Adjudicative proceedings may be similarly resolved by consent orders and summary disposition orders, but all disciplinary actions taken by the board, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

II. The board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time, and place of a hearing, except as otherwise provided in this chapter. Such notice shall include a specification of the issues to be heard and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. Allegations of misconduct or ineligibility for licensure which are not dismissed, denied, deferred, or resolved informally shall be designated for a public adjudicative hearing. In disciplinary proceedings, the board may elect to hold pre-hearing conferences which are exempt from the public meeting provisions of RSA 91-A, but all orders, pleadings, and records pertaining to such conferences shall be included in the board's public docket file.

IV. The board shall designate one of its members or some other qualified person to serve as presiding officer. The presiding officer may issue oaths or affirmations to witnesses.

V. Every final disciplinary action and other adjudicatory decision made final by the board or its designated hearing officer shall be reduced to writing and served upon the parties. Such decisions shall not be made public until they are served upon the parties.

VI. The board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a hearing or investigation.

330-A:31 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may, after hearing, order suspension of a licensee pending hearing for a period of not more than 90 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 330-A:30, II. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

330-A:32 Expirations and Renewals. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration of such license. Renewal may be affected by the payment of the fee as set by the board.

330-A:33 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensee's client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed, unless such disclosure is required by a court order. Confidential relations and communications between a client and any person working under the supervision of a person licensed under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same extent as though those

relations or communications were with the supervising person licensed under this chapter, unless such disclosure is required by a court order. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A.

330-A:34 Disposition of Fees, Fines, and Penalties. All fees, fines, penalties, and other moneys derived from the operation of this chapter shall be paid to the board to be used for the payment of expenses involved in carrying out responsibilities under this chapter.

330-A:35 Prior Certification. Any psychologist, pastoral psychotherapist, clinical social worker, marriage and family therapist, or clinical mental health counselor who was certified on July 1, 1998, under the provisions of former RSA 330-A, shall be issued a license in the respective discipline by the board.

330-A:36 Persons Exempted. Nothing in this chapter shall be construed to limit:

I. The psychotherapy activities, services, or use of official title of a person in the employ of a federal, state, county, or municipal agency, other political subdivision, or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position.

II. The psychotherapy activities and services of a student, intern, or resident in a mental health discipline regulated by the board, who is pursuing a course of study approved by a regionally accredited degree-granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study.

III. The counseling activities and services of rabbis, priests, ministers, Christian Science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognized church or denomination.

IV. The psychotherapy activities and services of any other person providing mental health services as an employee of or consultant to an institution, facility, or nonprofit institution or agency which provides clinical mental health services and which provides clinical supervision of its staff and which assumes professional, ethical, and legal responsibility for such mental health services.

V. The psychotherapy activities and services of psychiatrists, licensed as physicians under RSA 329, and advanced registered nurse practitioners, licensed under RSA 326-B:10.

VI. This chapter shall not be construed to prevent or restrict the mental health practice activities of individuals who volunteer their services to non-profit charitable organizations and receive no remuneration for their services.

Duty to Warn of Violent Acts of Clients

330-A:37 Civil Liability; Duty to Warn.

I. Any person licensed under this chapter has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to such licensee a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by, and no monetary liability or cause of action shall arise against, any person licensed under this chapter if the licensee makes reasonable efforts to communicate the threat to the victim or victims, notifies the police department closest to the client's or potential victim's residence, or obtains civil commitment of the client to the state mental health system.

III. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against any person licensed under this chapter for information disclosed to third parties in an effort to discharge a duty under paragraph II.

Sexual Misconduct

330-A:38 Sexual Misconduct Subject to Disciplinary Action. Sexual relations with a client or a former client shall be considered sexual misconduct and shall be subject to disciplinary action under RSA 330-A and the duty to inform established in RSA 330-A:39.

330-A:39 Sexual Misconduct; Duty to Inform.

I. If, during the course of mental health therapy a client alleges that a person licensed under this chapter has engaged with the client in sexual misconduct as defined in RSA 330-A:38, the person licensed under this chapter shall have a duty to inform the client in the manner provided for in paragraph II.

II. The duty may be discharged by, and no monetary liability or cause of action may arise against, any person licensed under this chapter, if the licensee informs the client of the unethical, unprofessional, and dishonorable conduct of the previous psychotherapist's actions. Any person licensed under this chapter shall also advise the client that such sexual misconduct is cause for disciplinary action by the board.

III. No civil or criminal liability shall arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to the board or any other statutorily created medical occupational licensing board conducting disciplinary proceedings in discharging the responsibilities established under this subdivision, provided that such information is disclosed in good faith.

IV. No civil action shall be maintained against any board member, the board or its agents or employees, or against any organization or its members, including, but not limited to, any member of a professional standards review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section provided that such statement, report, communication, or determination is made in good faith.

V. If the client decides to report such sexual misconduct to the board, the person licensed under this chapter shall provide, either directly or indirectly through referral, support and advocacy to such client in reporting the incident to the board.

2 Cross Reference Revised. Amend RSA 135-C:5, II to read as follows:

II. The commissioner or ~~his~~ designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of the program providing the service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and monitoring may include review of the individual records of state-funded clients in the state mental health

services system, notwithstanding the provisions of RSA 329:26, RSA ~~[330-A:19]~~ **330-A:33**, or any other law.

3 Cross Reference Revised. Amend RSA 135-C:19-a to read as follows:

135-C:19-a Disclosure of Certain Information.

I. Notwithstanding RSA 329:26 and RSA ~~[330-A:19]~~ **330-A:33**, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose information regarding diagnosis, admission to or discharge from a treatment facility, functional assessment, the name of the medicine prescribed, the side effects of any medication prescribed, behavioral or physical manifestations which would result from failure of the client to take such prescribed medication, treatment plans and goals and behavioral management strategies to a family member or other person, if such family member or person lives with the client or provides direct care to the client. The mental health center or facility shall provide a written notice to the client which shall include the name of the person requesting the information, the specific information requested and the reason for the request. Prior to the disclosure, the mental health center or facility shall request in writing the consent of the client. If consent cannot be obtained, the client shall be informed of the reason for the intended disclosure, the specific information to be released and the person or persons to whom the disclosure is to be made.

II. Notwithstanding RSA 329:26 and RSA ~~[330-A:19]~~ **330-A:33**, when the medical director or designee determines that obtaining information is essential to the care or treatment of a person admitted pursuant to RSA 135-C:27-54, a designated receiving facility may request, and any health care provider which previously provided services to any person involuntarily admitted to the facility may provide, information about such person limited to medications prescribed, known medication allergies or other information essential to the medical or psychiatric care of the person admitted. Prior to requesting such information the facility shall in writing request the person's consent for such request for information. If the consent cannot be obtained, the facility shall inform the person in writing of the care providers who have been requested to provide information to the facility pursuant to this section. The facility may disclose such information as is necessary to identify the person and the facility which is requesting the information. No care provider who discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this section shall be held civilly or criminally liable for disclosing such information.

4 Professional Titles; "Certified" Changed to "Licensed." Amend RSA 161-F:54 to read as follows:

161-F:54 Court Ordered Examination. The probate court, at any time, may order a proposed ward to submit to a medical or psychiatric examination to be completed within 30 days by a ~~[certified]~~ **licensed** psychologist, licensed psychiatrist or physician, or local community mental health center. A written report of such examination shall be forwarded to the court and shall contain, but not be limited to, the proposed ward's disease or disability, if any, ~~[his]~~ **the proposed ward's** present mental status, and the prognosis. If the proposed ward objects to the evaluation, the probate court having jurisdiction shall be notified in writing within 5 days after notification of the time and place of such evaluation, and the court shall hold a hearing to consider the objection prior to ordering such evaluation or, upon good cause shown, may excuse the proposed ward from the provisions of this section.

5 Psychologist; "Certified" Changed to "Licensed." Amend RSA 169-B:20 to read as follows:

169-B:20 Determination of Competence. Any minor before the court shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health

evaluation to be completed within 60 days, by an agency other than the Philbrook center, approved by the commissioner of health and human services, a psychologist ~~[certified]~~ **licensed** in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the Philbrook center only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. A written report of the evaluation shall be given to the court before the hearing on the merits is held. The court shall inform the parents, guardian, or counsel of the minor of their right to object to the mental health evaluation. They shall object in writing if they so desire to the court having jurisdiction of the matter within 5 days after notification of the time and place of the evaluation, and the court shall hold a hearing to consider the objection prior to ordering the evaluation or, upon good cause shown, may excuse the minor, parents, guardian, or person in custody or control from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluation facility, agency or individual shall keep records; but no reports or records of information contained in the reports shall be made available, other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

6 Psychologist; "Certified" Changed to "Licensed." Amend RSA 169-D:18-a, I to read as follows:

I. At any point during the proceedings, the court may, either on its own motion or that of any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency other than the Philbrook center which is approved by the commissioner of health and human services, or conducted by a psychologist ~~[certified]~~ **licensed** in New Hampshire or a qualified psychiatrist, or by the Philbrook center only upon receiving prior approval for admission of the child for such evaluation by the commissioner of the department of health and human services. The evaluation shall be submitted to the court in writing prior to the hearing on the merits.

7 Professional Titles; "Certified" Changed to "Licensed." Amend RSA 326-B:32, VII(c) to read as follows:

(c) "Psychotherapist" means a psychiatrist, psychiatric/mental health advanced registered nurse practitioner, **licensed** psychologist, ~~[certified]~~ **licensed** clinical social worker, ~~[certified]~~ **licensed** pastoral counselor, ~~[certified]~~ **licensed** mental health counselor, or ~~[certified]~~ **licensed** marriage and family therapist who performs or purports to perform psychotherapy. 8 "Licensed" Psychologist Inserted; "Certified" Changed to "Licensed" Clinical Social Worker; Pastoral "Counselor" Changed to "Psychotherapist." Amend RSA 415:18-a, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, **licensed** psychologists, licensed pastoral ~~[counselors]~~ **psychotherapists**, psychiatric/mental health advanced registered nurse practitioners, and ~~[certified]~~ **licensed** clinical social workers, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

9 "Certified" Changed to "Licensed;" Pastoral "Counselor" Changed to "Psychotherapist." Amend RSA 415:18-a, III(a) to read as follows:

(a) Benefits for services of a psychiatrist, **licensed** psychologist, licensed pastoral ~~[counselor]~~ **psychotherapist**, psychiatric/mental health advanced registered nurse practitioner, or ~~[certified]~~ **licensed** clinical social worker who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists, **licensed** psychologists, licensed pastoral ~~[counselors]~~ **psychotherapists**, psychiatric/mental health advanced registered nurse practitioners, or ~~[certified]~~ **licensed** clinical social workers shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

10 "Certified" Changed to "Licensed;" Pastoral "Counselor" Changed to "Psychotherapist." Amend RSA 415:18-a, IV and IV-a to read as follows:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a **licensed** psychologist, a licensed pastoral ~~[counselor]~~ **psychotherapist**, a psychiatric/mental health advanced registered nurse practitioner, a ~~[certified]~~ **licensed** clinical social worker, a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the commissioner of the department of health and human services.

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a ~~[certified]~~ **licensed** clinical social worker ~~[certified as provided in RSA 330-A:16-d]~~.

11 Psychologist; "Certified" Changed to "Licensed." Amend RSA 415:18-a, V(b)(1) to read as follows:

(1) Is ~~[certified]~~ **licensed** under RSA 330-A as a psychologist ~~[or associate psychologist]~~;

12 "Certified" Changed to "Licensed;" Pastoral "Counselor" Changed to "Psychotherapist." Amend RSA 415:18-a, V(c) to read as follows:

(c) "Licensed pastoral ~~[counselor]~~ **psychotherapist**" means an individual who is ~~[certified]~~ **licensed** as a pastoral ~~[counselor]~~ **psychotherapist** under RSA 330-A and is a fellow or diplomat in the American Association of Pastoral Counselors.

13 Clinical Social Worker; "Certified" Changed to "Licensed." Amend RSA 415:18-a, V(e) to read as follows:

(e) "[~~Certified~~] **Licensed** clinical social worker" means an individual who is [~~certified~~] **licensed** as a clinical social worker under RSA [~~330-A:16-d~~] **330-A:18**.

14 "Pastoral Counselor" Changed to "Pastoral Psychotherapist." Amend RSA 415:18-a, VI to read as follows:

VI. No services provided by a licensed pastoral [~~counselor~~] **psychotherapist** to a member of his congregation in the course of the duties to which he has been called as a pastor, minister or staff person shall be covered under the provisions of this chapter. This limitation shall not apply to those licensed pastoral [~~counselors~~] **psychotherapists** serving specifically and only as private, part-time consultants in pastoral [~~counseling~~] **psychotherapy** to a parish under contract or otherwise for the purpose of providing services to individuals as a licensed pastoral [~~counselor~~] **psychotherapist**. Nothing in this chapter shall be construed as allowing a parish, church or temple to provide religious ministrations to their parishioners or members under the provisions of this chapter which would normally be the responsibility of the clergy, religious or other religious staff duly called and employed by such congregations.

15 Psychologist; "Licensed" Inserted. Amend RSA 460:6 to read as follows:

460:6 Conveyance, Spouse Insane. A married man or woman, whose wife or husband is insane, and has continued insane for one year, and who wishes to convey real estate, may apply by petition to the judge of probate for the county in which the real estate lies for a license to convey the [~~same~~] **real estate** in such manner as to bar all rights which the insane wife or husband has [~~therein~~] **in the real estate**. A verified statement by a psychiatrist licensed as a physician in this state or by a psychologist [~~certified~~] **licensed** in this state shall accompany said petition and shall state that [~~he~~] **such psychiatrist or psychologist** has personally examined the insane wife or husband and found [~~said~~] **such** person to be incompetent to participate in such a conveyance.

16 Cross Reference Revised. Amend RSA 622:47 to read as follows:

622:47 Medical Records. Notwithstanding the provisions of RSA 329:26 and RSA [~~330-A:19~~] **330-A:33**, medical and mental health records concerning current patients shall be exchanged between other state medical and mental health facilities and the unit to facilitate treatment.

17 Applicability; Persons Certified Under Prior State Law. Anyone certified as a psychologist, pastoral counselor, clinical social worker, mental health counselor, or marriage and family therapist under prior New Hampshire law shall be granted a license under RSA 330-A as a licensed psychologist, licensed pastoral psychotherapist, licensed clinical social worker, licensed mental health counselor, or licensed marriage and family therapist upon application to the board without payment of additional fees.

18 Effective Date. This act shall take effect July 1, 1998.

1998-0636s

AMENDED ANALYSIS

This bill recodifies the mental health practice act by:

I. Creating a board of mental health practice.

II. Redefining certain terms and combining other sections.

III. Changing references from "certified" to "licensed."

IV. Adding a requirement for candidates for licensure.

V. Requiring mandatory licensing for certain mental health professionals and establishing licensing qualifications.

VI. Revising related cross references.

VII. Providing for disciplinary proceedings.

VIII. Making any person, with certain exceptions, guilty of a class B misdemeanor for violations of the mental health practice laws.

Public Institutions, Health and Human Services

February 9, 1998

1998-0717s

04/01

Amendment to SB 210-FN

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

AN ACT relative to an exemption from licensing for day care in private homes.

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

1 New Subparagraph; Private Home Exemption. Amend RSA 170-E:3, I by inserting after subparagraph (g) the following new subparagraph:

(h) Private homes in which the only children in care are the provider's own children, children related to the provider, and children residing with the provider.

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

1998-0717s

AMENDED ANALYSIS

This bill exempts from licensing private homes where the only children cared for are the provider's own children, children related to the provider, or children residing with the provider.

Senate Education

February 2, 1998

1998-0549s

04/09

Amendment to SB 313

Amend the introductory paragraph of RSA 187-A:39, I as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 187-A:40 as inserted by section 1 of the bill by replacing it with the following:

187-A:40 Responsibility for Compliance. It shall be the duty of any official having charge of or authority over the hiring of employees by the state or its political subdivisions, and over state supported institutions of postsecondary higher education, and over decisions relating to the granting of state-supported financial assistance for postsecondary higher education as described in this subdivision, to assure themselves that applicants are in compliance with the provisions of RSA 187-A:39.

Ways and Means

February 5, 1998

1998-0624s

09/01

Amendment to SB 324-FN

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

AN ACT relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification.

Amend the bill by replacing section 1 with the following:

1 Entertainers. Amend RSA 179:19, II-III to read as follows:

II. No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under ~~[17]~~ **15** years of age in a cocktail lounge where liquor or beverages are sold.

III. A person under ~~[17]~~ **15** years of age may serve as an entertainer in a licensed dining room.

Amend RSA 179:62, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Any money, coin, currency, negotiable instruments, or securities or other investments knowingly used or intended for use in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery, or distribution of a false identification card in felonious violation of this section, and all proceeds, including moneys, coin, currency, negotiable instruments, securities or other investments, and any real or personal property traceable thereto.

1998-0624s

AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor to sell liquor from 17 to 15 years. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

The bill was requested by the liquor commission.

Ways and Means

January 26, 1998

1998-0439s

09/01

Amendment to SB 328

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

AN ACT allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Draft Beer Dispensing Equipment and Representatives. Amend RSA 178:32 by inserting after paragraph VI the following new paragraph:

VI-a. Notwithstanding any other provision of this chapter, holders of beverage manufacturer, beverage vendor, beverage vendor importer, wholesaler, and brewpub licenses or any other industry member not licensed in New Hampshire may furnish draft beer equipment and/or representatives to dispense and promote their beverages at licensed beer festivals.

1998-0439s

AMENDED ANALYSIS

This bill allows liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals.

Public Affairs

February 5, 1998

1998-0620s

03/01

Amendment to SB 333

Amend the bill by replacing sections 1-2 with the following:

1 Absentee Voting; Eligibility; Unable to Appear for Any Cause Added. Amend RSA 657:1 to read as follows:

657:1 Absence, Religious Observance, and Disability Absentee Voting. Any person who is absent on the day of any state election from the city, town, or unincorporated place in which ~~[he]~~ **the person** is registered to vote or who cannot appear in public on any election day because of ~~[his]~~ **the person's** observance of a religious commitment or who is unable to vote there in person by reason of physical disability **or any cause** may vote at such elections as provided in this chapter.

2 Town Elections; Official Ballot; Absentee Voting; Unable to Appear for Any Cause Added. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of ~~[his]~~ **the person's** observance of a religious commitment, or who, by reason of physical disability **or any cause**, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-29.

1998-0620s

AMENDED ANALYSIS

This bill allows any registered voter who is unable to vote in person for any cause to vote by absentee ballot.

Public Affairs

February 5, 1998

1998-0631s

09/01

Amendment to SB 338

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Special Town Meetings. Amend RSA 31:5 by inserting after paragraph III the following new paragraph:

IV. When the selectmen vote to petition the superior court for permission to hold a special town meeting, the selectmen shall post notice of such vote within 24 hours after taking the vote and a minimum of 10 days prior to filing the petition with the court. The selectmen shall post notice of the court date for an evidentiary hearing on the petition within 24 hours after receiving notice of the court date from the court. Such notices shall be posted at the office of the selectmen and at 2 or more other conspicuous places in the town, and in the next available edition of a local newspaper with a wide circulation in the town.

2 New Paragraph; Special School District Meetings. Amend RSA 197:3 by inserting after paragraph III the following new paragraph:

IV. When the school board votes to petition the superior court for permission to hold a special school district meeting, the school board shall post notice of such vote within 24 hours after taking the vote and a minimum of 10 days prior to filing the petition with the court. The school board shall post notice of the court date for an evidentiary hearing on the petition within 24 hours after receiving notice of the court date from the court. Such notices shall be posted at the office of the school board and at 2 or more other conspicuous places in the school district, and in the next available edition of one or more local newspapers with a wide circulation in the school district. If the district is a multi-town school district, the notices shall be posted at the office of the school board and at 2 or more other conspicuous places in each town of the multi-town school district, and in the next available edition of one or more newspapers with a wide circulation in all towns of the multi-town school district.

1998-0631s

AMENDED ANALYSIS

This bill requires that when the selectmen of a town or the school board of a school district votes to petition the superior court for permission to hold a special meeting, they post notice of the vote within 24 hours after the vote and within 10-days before the filing of the petition. The bill also requires that the selectmen or the school board post notice of the date of the evidentiary hearing on the petition within 24 hours after receipt of notice of the date from the court.

Banks

January 15, 1998

1998-0320s

01/08

Amendment to SB 344

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

1 Removal or Replacement of Trustee. RSA 564:9 is repealed and reenacted to read as follows:

564:9 Removal or Replacement.

I. A trustee who, in the opinion of the judge, becomes incompetent, or who shall neglect or refuse to comply with the provisions of this chapter may be removed following a hearing which is preceded by notice to the trustee, all known beneficiaries, and such other persons determined by the judge to be interested in the trust.

II. A beneficiary of a trust who believes that the existing trustee should be replaced by a more suitable trustee may petition the court for such replacement. Upon receiving such a petition, and upon the court's determination that all other known beneficiaries have been notified, the court may remove the existing trustee and appoint a replacement trustee when, upon considering all relevant factors, the court finds that a change in trustee would be in keeping with the intent of the grantor, provided further that in deciding whether to replace a trustee, the court may consider the following additional factors in making such determination:

- (a) It would substantially improve or benefit the administration of the trust.
- (b) The relationship between the grantor and the trustee as it existed at the time the trust was created.
- (c) Changes in the nature of the trustee since the creation of the trust.
- (d) The relationship of the trustee with the beneficiaries.
- (e) The responsiveness of the trustee to the beneficiaries.
- (f) The experience and level of skill of the trustee.
- (g) The investment performance of the trustee.
- (h) The charges for services performed by the trustee.
- (i) Any other reasonable factors pertaining to the administration of the trust.

2 Compensation of Certain Trustees. Amend RSA 564:21-a to read as follows:

564:21-a Compensation for Trustees of Charitable Trusts. A trustee of a charitable trust shall be allowed reasonable expenses incurred in the execution of the trust; and unless otherwise expressly provided in the trust instrument, the trustee shall have such reasonable compensation for services as the judge may allow. Such compensation and expenses shall be payable ***as provided in the trust instrument, or in the absence of such direction, shall be payable*** out of income [only, unless otherwise provided in the trust instrument or where the judge determines that certain unusual and non-recurring services and expenses such as the distribution of principal are involved that should be charged to the corpus] ***or principal, or both as may be consistent with the intent of the grantor and/or customary industry practices, subject to the approval by the court.***

3 Effective Date. This act shall take effect January 1, 1999.

1998-0320s

AMENDED ANALYSIS

This bill allows trustees of charitable trusts to be compensated from the income and principal of the trust. Current law requires such compensation to be paid from the income of the trust.

The bill also makes it easier for a judge to remove unsuitable trustees.

Public Affairs

February 5, 1998

1998-0625s

03/09

Amendment to SB 348

Amend the bill by replacing section 1 with the following:

1 Landlord's Responsibility for Storage of Tenant's Property. Amend RSA 540-A:3, VII to read as follows:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, either voluntarily or by eviction, for a period of ~~[45]~~ **28** days after the date upon which such tenant has vacated. ***During this period, the tenant shall be allowed to recover personal property without payment of rent or storage fees.*** After the ~~[45-day]~~ **28-day** limit has expired, such personal property may be disposed of by the landlord without notice to the tenant.

1998-0625s

AMENDED ANALYSIS

This bill changes the period that a landlord is obligated to store personal property of a tenant who has vacated the premises from 45 days to 28 days and permits the tenant to recover the property without payment of rent or storage fees.

Internal Affairs

February 6, 1998

1998-0690s

10/09

Amendment to SB 359-FN

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

AN ACT providing immunity to the state and political subdivisions for certain computer errors caused by the year 2000 problem.

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

1 Reference Corrected. Amend RSA 31:125 to read as follows:

31:125 Limit on Liability. The provisions of RSA 507-B relative to ~~[bodily injury]~~ actions against governmental units shall apply to all municipal activities performed in connection with a central business service district.

2 Chapter Title Changed; Actions Against Governmental Units. Amend the chapter title of RSA 507-B to read as follows:

CHAPTER 507-B

~~[BODILY INJURY]~~ ACTIONS AGAINST GOVERNMENTAL UNITS

3 New Section; Governmental Unit Immunity; Year 2000 Problem. Amend RSA 507-B by inserting after section 2-b the following new section:

507-B:2-c Immunity for Certain Computer Errors. A governmental unit shall not be held liable for damages from any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem.

4 New Subparagraph; Computer Error Immunity. Amend RSA 541-B:19, I by inserting after subparagraph (d) the following new subparagraph:

(e) Any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem.

5 Applicability. The provisions of this act shall apply to any error produced, calculated, or generated after the effective date of this act.

6 Effective Date. This act shall take effect January 1, 1999.

1998-0690s

AMENDED ANALYSIS

This bill provides immunity to the state and political subdivisions for changes resulting from computer errors caused by the year 2000 problem.

Environment

February 9, 1998

1998-0709s

03/01

Amendment to SB 365

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

AN ACT relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river.

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

1 RSA 483-B Applicable to Merrimack, Lamprey, Swift, and Contoocook Rivers. Notwithstanding RSA 483-B:20, the provisions of RSA 483-B, relative to comprehensive shoreland protection, shall apply to the Lamprey River, the Swift River and to those portions of the Merrimack River and the Contoocook River designated as protected under RSA 483:15, I-III, V, and VII.

2 Exeter River Designated as Protected; Local Approval; Deadline Deleted. Amend 1995, 219:6 to read as follows:

219:6 Local Approval. Notwithstanding RSA 483:7, 483:7-a, I(b)(1), and 483:15, XI, the segment of the Exeter River from its confluence with Great Brook 2.3 miles to the base of the Great Dam in Exeter shall be designated as a rural river provided that the selectmen of the town of Exeter, after a public hearing, vote to approve such designation and notify the commissioner of the department of environmental services of such action ~~[no later than July 1, 1998]~~.

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

1998-0709s

AMENDED ANALYSIS

This bill includes the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the main stem and north branch of the Contoocook River under the shoreland protection act. This bill also deletes the deadline for local approval of the designation of the Exeter River as a rural river.

Insurance

February 6, 1998

1998-0659s

08/09

Amendment to SB 372

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

1 New Paragraph; Exemption from Approval of Form. Amend RSA 412:2 by inserting after paragraph I the following new paragraph:

I-a.(a) The requirements of paragraph I shall not apply to policies covered by RSA 412:1 which are issued to a large scale commercial insured. The form of any policy issued to a large scale commercial

insured pursuant to this paragraph shall be kept available by the insurer for inspection by the insurance commissioner, upon request.

(b) For the purposes of this paragraph, a large scale commercial insured is an insured certifying that it presently meets any 2 of the following criteria:

- (1) Generates annual net revenues or sales in excess of \$100,000,000.
- (2) Employs more than 500 employees per individual insured or is a member of an affiliated group employing more than 1000 employees in the aggregate.
- (3) Procures its insurance through use of a risk manager, employed or retained.
- (4) Pays annual aggregate insurance premiums of \$500,000 or more.
- (5) Possesses a net worth in excess of \$50,000,000.
- (6) Is a not-for-profit organization or a public body or agency generating annual budgeted expenditures of at least \$45,000,000.
- (7) Is a municipality with a population in excess of 50,000 persons.

2 New Paragraph; Exemption from Rate Filing Requirement. Amend RSA 414:4 by inserting after paragraph X the following new paragraph:

XI.(a) The requirements of this section shall not apply to policies of insurance which are issued to a large scale commercial insured. Information relating to classifications, rules and rates applicable to any policy issued to a large scale commercial insured pursuant to this paragraph shall be kept available by the insurer for inspection by the insurance commissioner, upon request.

(b) For the purposes of this paragraph, a large scale commercial insured is an insured certifying that it presently meets any 2 of the following criteria:

- (1) Generates annual net revenues or sales in excess of \$100,000,000.
- (2) Employs more than 500 employees per individual insured or is a member of an affiliated group employing more than 1000 employees in the aggregate.
- (3) Procures its insurance through use of a risk manager, employed or retained.
- (4) Pays annual aggregate insurance premiums of \$500,000 or more.
- (5) Possesses a net worth in excess of \$50,000,000.
- (6) Is a not-for-profit organization or a public body or agency generating annual budgeted expenditures of at least \$45,000,000.
- (7) Is a municipality with a population in excess of 50,000 persons.

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

Banks

February 9, 1998

1998-0710s

09/01

Amendment to SB 377

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

AN ACT authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.

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

1 Purpose. The purpose of section 2 of this act is to enable New Hampshire financial institutions to assist and promote the development of small businesses in this state by authorizing the organization of merchant banks to provide equity financing and related services to small businesses.

2 New Chapter; Merchant Banking. Amend RSA by inserting after chapter 392 the following new chapter:

CHAPTER 392-A

Merchant Banking

392-A:1 Definitions. In this chapter:

I. "Accredited investor" means a person deemed to be an "accredited investor" under applicable federal securities laws and regulations.

II. "Business entity" means a corporation, limited liability company, limited partnership, or limited liability partnership.

III. "New Hampshire financial institution" means:

(a) A New Hampshire-chartered bank, trust company, savings bank, savings association, or cooperative bank;

(b) A national bank or a federally chartered savings bank or association having its principal place of business in New Hampshire;

(c) A corporation chartered by the state of New Hampshire to engage in business development and lending and subject to examination by the bank commissioner; and

(d) A company which is a bank holding company or savings and loan holding company under applicable federal laws and regulations and controls any of the foregoing institutions under such laws and regulations.

392-A:2 Organization.

I. A merchant bank may be organized by one or more New Hampshire financial institutions as a nondepository trust company pursuant to RSA 392. The organizational instruments of a merchant bank shall contain a statement to the effect that it may not solicit, receive or accept money or its equivalent as a savings deposit, time deposit, demand deposit or any other type of instrument or facility of like character or nature. A merchant bank shall be subject to and governed by the provisions of RSA 392 that relate to nondepository trust companies and other applicable banking statutes, except as otherwise provided in this chapter. The provisions of this chapter shall govern any conflicting or inconsistent provisions in RSA 392 or any other chapter.

II. Notwithstanding any other provision of law to the contrary, a merchant bank may be organized as a corporation, limited liability company, limited partnership, or limited liability partnership. A merchant bank organized as a business entity other than a corporation shall be subject to the provisions of state law applicable to such type of entity, provided, however, any filing required to be made with the secretary of state shall be made instead with the bank commissioner. Any reference to a corporation in the banking statutes shall also include any other type of business entity for purposes of this chapter. A noncorporate merchant bank shall be subject to all of the same laws and regulations that relate to a corporate merchant bank. Any partner, manager, or senior management official of a noncorporate merchant bank shall be subject to the same duties and liabilities as pertain to directors, trustees, and senior management officials of a corporate merchant bank.

III. Any New Hampshire financial institution is authorized to invest in a merchant bank organized under this chapter. One or more accredited investors may participate in the organization of, and invest in, a merchant bank, provided that at least a majority of the voting rights of the merchant bank are controlled at all times directly or indirectly by one or more New Hampshire financial institutions. The organizers of the merchant bank shall submit a list of all investors in the bank and the amount of their respective investments. This list shall be accompanied by a certificate signed by each investor attesting to its eligibility to invest in the merchant bank, as part of the petition submitted under RSA 392:5.

IV. Any New Hampshire financial institution may reorganize into a merchant bank by submitting an application to reorganize with the board of trust company incorporation and complying with the organization requirements of RSA 392, as applicable. The application of the New Hampshire financial institution shall be signed by a majority of the members of the board of directors. The reorganization shall be approved by a 2/3 majority of the members of the board of directors and a 2/3 majority of each class of shareholders. If the reorganization is approved by the board of trust company, notice of the reorganization shall be filed with the office of the secretary of state at the same time the charter of the merchant bank is filed pursuant to RSA 392:17. The certificate of incorporation issued by the secretary of state pursuant to RSA 392:18 shall make reference to the reorganization authorized by this chapter.

V. The business and affairs of a merchant bank shall be governed by a board of directors, if it is a corporation, or its equivalent governing body if it is any other type of business entity, composed of at least 5 natural persons. No person shall serve as a director if the merchant bank is a corporation, or as a member of its governing body if it is any other type of organization, at any time without the prior approval of the bank commissioner. The bank commissioner shall review the background, experience, and financial integrity of a person proposed for service as a director or member of its

governing body. The person shall apply to the bank commissioner for approval to serve in that capacity and shall submit such information as may be required by the bank commissioner to make a decision. The bank commissioner shall make a decision within 30 days of receipt of a complete application.

392-A:3 Capital; Other Funds. A merchant bank shall maintain capital at a level which is commensurate with the risk undertaken in connection with its loans, investments, and other activities, as determined by its board of directors, if it is a corporation, or its equivalent governing body if it is any other type of business entity, but in no event shall its capital be less than 6 percent of its assets. The initial capital of a merchant bank shall consist of common stock in the amount of at least \$1,000,000 paid in the form of cash or its equivalent. The balance of any capital required by the board of trust company of incorporation may consist of preferred stock or other equity capital, subordinated notes, or debentures, as approved by said board. Notwithstanding the foregoing, the capital structure of a New Hampshire financial institution that reorganizes into a merchant bank may continue in the same form and amount as existed at the time of reorganization, provided that the capital is at least \$1,000,000. A merchant bank may borrow funds to engage in the merchant banking business only from accredited investors. Following the organization or reorganization of a merchant bank, if the bank commissioner finds that the capital is inadequate based on the risk profile of its investments, the bank commissioner may require that the capital be increased by an amount necessary to protect the safety and soundness of the merchant bank.

392-A:4 Business of Merchant Banks. Except as provided in this chapter, a merchant bank has all the powers of and is entitled to engage in the business of a trust company, including without limitation, powers with respect to investments, loans, and fiduciary and trust functions and transactions. In addition, a merchant bank may provide commercial and investment banking services, act as a securities broker or dealer or an investment advisor, underwrite securities, invest in the equity or debt securities of any company and, in general, engage in any financial service activity which assists, supports, or benefits commerce. A merchant bank shall not solicit, receive, or accept money or its equivalent as a savings deposit, time deposit, demand deposit, or any other type of instrument or facility of like character or nature.

392-A:5 Policy for Business Activities. The board of directors of a merchant bank if it is a corporation, or its equivalent governing body if it is any other type of business entity, shall establish a written policy under which the merchant bank's business activities are conducted. This policy shall be reviewed and ratified by the board of directors, or equivalent governing body of the merchant bank at least annually.

392-A:6 Reports; Change in Control. In addition to any reports that are required to be submitted by a trust company under state laws and regulations, a merchant bank shall submit an annual report to the bank commissioner listing all of the investors in the bank and the amount of their respective investments and voting rights, which report shall be accompanied by a certificate signed by each investor who has not previously submitted a certificate to the bank commissioner attesting to its eligibility to invest in the merchant bank. No change in control of a merchant bank shall occur without the prior approval of the bank commissioner. The term "change of control" shall mean the direct or indirect acquisition by a person or group of persons acting in concert of 10 percent or more of the beneficial ownership or control of the voting shares. The person or group seeking to acquire control of the merchant shall submit an application to the bank commissioner for approval which shall contain such financial, business, experience and other information as the bank commissioner shall require to determine whether such person or group is suitable to exercise control of a merchant bank. Upon receipt of a complete application, the bank commissioner may hold a hearing on such application and shall make a decision within 60 days after receipt of the application.

329-A:7 Rules. The bank commissioner may adopt rules, pursuant to RSA 541-A, governing the activities of merchant banks and implementing this chapter.

3 Exception to Aging Requirement; Interstate Acquisition of Bank by Bank Holding Company. Amend RSA 384:58, II to read as follows:

II. Except as otherwise provided in this paragraph, an out-of-state bank holding company may directly or indirectly acquire a New Hampshire bank or a national bank having its principal place of business in New Hampshire which has been in existence for at least 5 years. ***The 5-year aging requirement of this paragraph shall not apply to a New Hampshire bank which was incorporated pursuant to RSA 386-A or RSA 392 prior to September 29, 1995.*** For purposes of this section, an out-of-state bank holding company may organize, and be the sole incorporator of, a New Hampshire bank which is chartered under applicable New Hampshire law solely for the purpose of acquiring control of, or acquiring all or substantially all of the assets and liabilities of, an existing New Hampshire bank or an existing national bank having its principal place of business in New Hampshire, provided that such newly chartered bank does not open for business prior to the consummation of the acquisition. Such newly chartered bank shall be deemed to have been in existence for the same period of time as the bank to be acquired. No acquisition shall be permitted which will result in a violation of the 20 percent deposit limitation contained in RSA 384-B:3(2), except as otherwise permitted under RSA 384-B:3 and RSA 384-B:8.

4 Exception to Aging Requirement; Interstate Bank Merger. Amend RSA 384:59, I to read as follows:

I. Unless otherwise provided in this paragraph, a New Hampshire bank or a national bank having its principal place of business in New Hampshire may merge with any out-of-state bank in accordance with applicable laws and regulations of New Hampshire and any other applicable state and federal authority. If the resulting bank is an out-of-state bank, the New Hampshire bank or national bank having its principal place of business in New Hampshire shall be required to be in existence for at least 5 years in order to be eligible to merge. ***The 5-year aging requirement of this paragraph shall not apply to a New Hampshire bank which was incorporated pursuant to RSA 386-A or RSA 392 prior to September 29, 1995.*** No merger shall be permitted which will result in a violation of the 20 percent deposit limitation contained in RSA 384-B:2, I and II or RSA 384-B:3(2), except as otherwise permitted under RSA 384-B:3 and RSA 384-B:8.

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

1998-0710s

AMENDED ANALYSIS

This bill authorizes the organization of merchant banks in this state to provide equity financing and related services to small businesses. The bill grants the bank commissioner rulemaking authority relative to such merchant banks.

The bill also exempts certain New Hampshire banks incorporated prior to September 29, 1995 from the 5-year aging requirement for interstate acquisitions and mergers.

Insurance

January 28, 1998

1998-0491s

01/09

Amendment to SB 399

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

An act correcting a reference in the insurance laws.

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

1998-0491s

AMENDED ANALYSIS

This bill makes a reference correction in the law relative to third party administrators.

Internal Affairs

February 6, 1998

1998-0669s

10/01

Amendment to SB 405-FN

Amend the bill by replacing section 1 with the following:

1 Audited Financial Report; Available to the Public. Amend RSA 21-I:8, I(h) to read as follows:

(h) Not later than 90 days after the close of the fiscal year, unless the governor and council for good cause shall extend such period, complete a comprehensive annual report concerning the preceding fiscal year that details the financial condition and operation of the state during that period in a manner consistent with generally accepted accounting principles. Said report shall subsequently be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this section provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. ***The audited report shall be completed and available to the public by December 31 of each year unless for good cause the joint legislative fiscal committee shall extend such period. The department of administrative services may charge a reasonable fee to cover the cost of printing and handling.***

1998-0669s

AMENDED ANALYSIS

This bill requires the legislative budget assistant to make its audited report of the state's financial condition and operation available to the public by each December 31 unless extended by the joint legislative fiscal committee.

Internal Affairs

February 6, 1998

1998-0689s

10/08

Amendment to SB 406

Amend the bill by replacing section 4 with the following:

4 Duties. The task force shall examine the effectiveness of government restructuring processes and how they were developed and implemented in other jurisdictions. The task force shall consult widely with individuals and organizations among the public, private, and volunteer sectors both within and outside the state, who have expertise in one or more government restructuring techniques.

Amend the bill by replacing section 7 with the following:

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

Insurance

February 5, 1998

1998-0622s

01/09

Amendment to SB 433-FN

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

1 Workers' Compensation; Computing Benefits. RSA 281-A:15, II is repealed and reenacted to read as follows:

II.(a) The average weekly wage for any of the following injured while on duty shall be computed on the basis of the weekly wages received by the employee from all employers at the time of the injury and any documented income from self-employment or shall be deemed to be the average weekly wage that entitles such employee to 60 percent of the state's average weekly wage as a maximum benefit, whichever yields the result more favorable to the injured employee:

(1) Any call firefighter or special police officer, volunteer or auxiliary member of a fire or police department or ambulance or rescue service of the state or any of its political subdivisions, whether paid or not paid.

(2) Any part-time firefighter or police officer.

(3) Any paid or not paid employee as defined by RSA 281-A:2, VII(a)(4) or (5).

(4) Any member of the general court injured in the performance of the duties as such a member.

(b) The employer in whose employment the employee was injured shall be liable in the first instance for payment of all benefits. Any additional compensation resulting from the increase in average weekly wages due to the employee's concurrent employment shall be reimbursed from the special fund created under RSA 281-A:55. The employer in whose employment the employee was injured shall be liable for all payments under RSA 281-A:24 and 25.

2 Concurrent Employment; Computing Benefits. Amend RSA 281-A:15, III to read as follows:

III. Where the employee is employed as of the date of injury concurrently by 2 or more employers subject to this chapter and is disabled from any such employment, "average weekly wages" shall be computed on the basis of the weekly wages received by the employee from all such employers at the time of the injury. ~~[Notwithstanding paragraph II, if the computation of average weekly wage under this paragraph is more favorable to the injured employee, he shall be entitled to such amount.]~~ The employer in whose employment the employee was injured shall be liable in the first instance for payment of all benefits. Any additional compensation resulting from the increase in average weekly wages due to the employee's concurrent employment shall be reimbursed by the special fund created under RSA 281-A:55. The employer in whose employment the employee was injured shall be liable for all payments under RSA 281-A:24 and 25.

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

1998-0622s

AMENDED ANALYSIS

This bill clarifies the procedure for computing average weekly wages for the purpose of determining workers' compensation benefits.

Senate Education

February 2, 1998

1998-0550s

04/09

Amendment to SB 452-FN-LOCAL

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

1 New Subdivision; Miscellaneous; Pupil's Right of Refusal. Amend RSA 193 by inserting after section 33 the following new subdivision:

Miscellaneous

193:34 Pupil's Right of Refusal. No student shall be compelled to participate in or observe a course exercise or school activity involving dissection of animals.

2 Effective Date. This act shall take effect January 1, 1999.

1998-0550s

AMENDED ANALYSIS

This bill would prohibit a student from being compelled to participate in a school exercise or activity involving the dissection of animals.

Environment

February 9, 1998

1998-0712s

03/09

Amendment to SB 493

Amend the bill by replacing section 1 with the following:

1 Declaration of Purpose. The general court recognizes that the state's economy and quality of life are inextricably linked to our valuable natural resources and historical and cultural heritage. The general court further recognizes that sustained economic growth must be coupled with the conservation of priority forest and farmlands, public water supply lands, cultural and historical landscapes and features, special wildlife habitats, lands of ecological significance, lands with high recreational value, and other natural, historical, and cultural resources of local and regional importance. The general court finds that, as at many other critical junctures in the past, it is now necessary to act decisively to safeguard New Hampshire's natural and cultural legacy for the benefit of future generations of New Hampshire citizens. The commission established by this act is intended to determine the feasibility of new public-private partnerships to address these issues.

Amend paragraph IX of section 3 of the bill by replacing it with the following:

IX. Seven public members appointed by the governor, who shall represent the following interests: municipalities and local conservation commissions; regional and local planning interests; regional and local land trusts; rivers and lakes; travel and tourism; water supply protection; and wildlife habitat.

Amend subparagraph I(b) of section 4 of the bill by replacing it with the following:

(b) A preliminary catalog of specific natural, cultural, and historical resources deemed important for protection by communities, local individuals, and local organizations.

Amend the bill by replacing section 7 with the following:

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

Senate Education

January 26, 1998

1998-0443s

04/09

Amendment to SB 495

Amend the bill by replacing section 4 with the following:

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

SENATE HEARINGS

TUESDAY, FEBRUARY 10, 1998

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 105-A, SH

2:00 p.m. **SB 479-FN**, relative to juvenile services.

2:30 p.m. **SB 329**, changing the title of "juvenile services officers" to "juvenile probation-parole officers."

3:00 p.m. **SB 396**, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission.

3:30 p.m. **SB 404**, relative to home care.

4:00 p.m. **SB 453-FN**, relative to reimbursable treatment and expenses under the catastrophic illness program.

TRANSPORTATION, Room 101, LOB

1:00 p.m. **SB 467-FN**, requiring the department of transportation to construct sound barriers along certain streets in Nashua.

1:45 p.m. **SB 464-FN**, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles.

WEDNESDAY, FEBRUARY 11, 1998

CAPITAL BUDGET, Room 103, SH

1:30 p.m. **SB 342**, relative to capital appropriations for the Glencliff home for the elderly.

1:45 p.m. **SB 339-L**, relative to the bidding for design and construction of a new medium security prison and relative to the location of such prison.

EDUCATION, Room 105-A, SH

1:00 p.m. **SB 321-FN-L**, relative to creating a joint maintenance high school in certain towns.

1:30 p.m. **SB 448**, establishing a committee to study joint maintenance agreements in school districts.

2:30 p.m. **SB 400**, relative to withdrawal of a school district from an area district.

ENVIRONMENT, Room 102, LOB

9:00 a.m. **EXECUTIVE SESSION**

INSURANCE, Room 101, LOB

● EXECUTIVE SESSION AFTER LAST HEARING; DISCUSS SENATOR K. WHEELER'S AMENDMENT TO SB 118

8:30 a.m. **SB 362**, relative to the proper classification of jobs in the New Hampshire retirement system.

9:00 a.m. **SB 423**, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system.

9:30 a.m. **SCR 7**, supporting the mission of economic security 2000.

9:45 a.m. **SB 316**, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course.

JUDICIARY, Room 103, SH

● SB 350 WAS RECESSED ON JANUARY 14, 1998, AND IS RESCHEDULED BELOW

10:15 a.m. **SB 440-FN-L**, relative to civil bench warrants for defaults on civil fines which may be paid by mail and continuing the court modernization fund.

10:30 a.m. **SB 417-FN**, continuing the court modernization fund and its source of funding from penalty assessments.

10:45 a.m. **SB 350**, relative to probate court procedures.

11:00 a.m. **SB 460**, relative to parole supervision for life for sexual offenders.

11:30 a.m. **SB 420**, preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent.

PUBLIC AFFAIRS, Room 104, LOB

10:15 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

THURSDAY, FEBRUARY 12, 1998

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 104, LOB

1:00 p.m. **SB 367**, requiring attorneys to be bonded through the New Hampshire Bar Association.

1:30 p.m. **SB 388**, relative to membership of the personnel appeals board.

2:00 p.m. **SB 389**, transferring rulemaking authority from the director of the division of personnel to the commissioner of the department of administrative services.

2:30 p.m. **SB 469-FN**, relative to public employee polygraph protection.

INTERNAL AFFAIRS, Room 103, LOB

2:30 p.m. **SB 497**, relative to disbursement of tobacco settlement funds received by the state.

2:45 p.m. **HCR 12**, urging the United States Senate to consider the Convention on the Elimination of All Forms of Discrimination Against Women

TUESDAY, FEBRUARY 17, 1998

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 105-A, SH

2:00 p.m. **SB 442-FN**, requiring doctors performing abortions on first pregnancies to warn patients of breast cancer risks.

WEDNESDAY, FEBRUARY 18, 1998

EDUCATION, Room 105-A, SH

● BILLS BELOW ARE RESCHEDULED FROM JANUARY 21, 1998

1:00 p.m. **SB 443-L**, requiring the state to pay for in-home support and care for special education children.

2:00 p.m. **SB 485-L**, exempts special education catastrophic aid payments from the municipal budget law.

ENVIRONMENT, Room 102, LOB

10:00 a.m. **SB 499-FN**, establishing incentives for state agencies to increase energy efficiency.

JUDICIARY, Rooms 205-207, LOB

● PLEASE NOTE LOCATION AND TIME CHANGE

10:30 a.m. **SB 392**, relative to requirements for law enforcement personnel who conduct interviews of minors.

10:45 a.m. **SB 477-FN**, making certain crimes punishable by the death penalty.

PUBLIC AFFAIRS, Room 104, LOB

10:15 a.m. **HB 1119**, relative to the town line between the towns of Groton and Plymouth, New Hampshire.

10:30 a.m. **HB 443**, relative to push-polling.

11:00 a.m. **HB 467-FN**, clarifying the definition of "telephone cloning paraphernalia."

11:30 a.m. **HB 505**, relative to smoking in indoor public places.

TUESDAY, FEBRUARY 24, 1998

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 105-A, SH

● SB 470 AND 458 HAVE BEEN RESCHEDULED TO MARCH 10, 1998

● SB 491 HAS BEEN RESCHEDULED TO MARCH 3, 1998

TUESDAY, MARCH 3, 1998

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 105-A, SH

2:00 p.m. **SB 398**, relative to prescription drug therapy management.

3:00 p.m. **SB 409-FN**, extending the moratorium on new nursing home beds.

3:45 p.m. **SB 491-FN**, relative to the reimbursement of nursing homes.

WAYS AND MEANS, Room 103, SH

2:45 p.m. **HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation.

3:00 p.m. **HB 642**, clarifying the effect of subdivision on property tax assessment and collection.

3:30 p.m. **HB 676-FN-L**, relative to distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner.

4:00 p.m. **HB 717-FN-A**, relative to taxation of qualified investment capital companies.

WEDNESDAY, MARCH 4, 1998

JUDICIARY, Room 103, SH

10:30 a.m. **SB 498**, clarifying the definition of "right of custody" with respect to the crime of interference with custody.

PUBLIC AFFAIRS, Room 104, LOB

10:15 a.m. **HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities.

10:45 a.m. **HB 659**, modifying restrictions on televised political advertising.

11:15 a.m. **HB 670-FN**, prohibiting telephone solicitors from using caller identification blocking services.

TUESDAY, MARCH 10, 1998

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 105-A, SH

2:00 p.m. **SB 470-FN**, establishing a "parents as scholars" pilot program.

2:45 p.m. **SB 458-FN-A**, establishing a supportive residential care pilot program and making an appropriation therefor.

WEDNESDAY, MARCH 11, 1998

PUBLIC AFFAIRS, Room 104, LOB

10:15 a.m. **HB 697-FN-A-L**, establishing a homeless coordination council.

10:45 a.m. **HB 798**, relative to the regulation of health clubs.

11:15 a.m. **HB 802**, relative to judgments on past due rent.

WEDNESDAY, MARCH 18, 1998

PUBLIC AFFAIRS, Room 104, LOB

10:15 a.m. **HB 1103-L**, relative to the state representative districts of towns.

10:30 a.m. **HB 1244-FN**, relative to collusive bidding at auctions.

11:00 a.m. **HB 1424**, relative to filling a vacancy in the position of a county officer.

11:30 a.m. **HCR 20**, recognizing the 100th anniversary of Old Home Day in New Hampshire.

WEDNESDAY, MARCH 25, 1998

PUBLIC AFFAIRS, Room 104, LOB

10:15 a.m. **HB 1430**, relative to political expenditure limitation amounts.

11:00 a.m. **HB 1518-L**, increasing the minimum purchase amount by a county requiring competitive bidding.

MEETINGS

WEDNESDAY, FEBRUARY 11, 1998

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular Business

9:30 a.m. Audits:

New Hampshire Retirement System Comprehensive Annual
Financial Report for the Fiscal Year Ended June 30, 1997

State of New Hampshire, New Hampshire Retirement System
Management Letter for the Year Ended June 30, 1997

State of New Hampshire, Single Audit of Federal Financial
Assistance Program for the Year Ended June 30, 1997

State of New Hampshire, Health Services Planning and Review
Board Performance Audit Report, January 1998

SENATE SELECT COMMITTEE ON EDUCATION FUNDING AND ADEQUACY, Room 103,
SH

4:00 p.m. Meeting

DEPARTMENT OF TRANSPORTATION, The Birches Restaurant, Gorham, New Hampshire

6:00 p.m. Working Group Meeting, Route 16 Corridor Study

THURSDAY, FEBRUARY 12, 1998

DEPARTMENT OF TRANSPORTATION, Roberge Center, Rochester, New Hampshire

6:00 p.m. Working Group Meeting, Route 16 Corridor Study

TUESDAY, FEBRUARY 17, 1998

DEPARTMENT OF TRANSPORTATION, Runnell's Hall, Chocorua, New Hampshire

6:00 p.m. Working Group Meeting, Route 16 Corridor Study

DEPARTMENT OF TRANSPORTATION, Newport Opera House, 20 Main Street, Newport

7:00 p.m. Public Hearing, Newport, Central Street

WEDNESDAY, FEBRUARY 18, 1998

DEPARTMENT OF TRANSPORTATION, Town Office Building, Route 3, West Stewartstown

6:00 p.m. Public Information/Officials Meeting, Stewartstown, NH
Route 145 over Bishop's Brook

DEPARTMENT OF TRANSPORTATION, Stratham Municipal Center, 10 Bunker Hill Ave,
Stratham

7:00 p.m. Public Hearing (Commission), Newfields-Stratham, NH
Route 108

THURSDAY, FEBRUARY 19, 1998

DEPARTMENT OF TRANSPORTATION, Room 201, LOB, Concord

2:00 p.m. Public Hearing on current applications for funding,
Transportation Enhancement Advisory Committee

FRIDAY, FEBRUARY 20, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Meeting

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

9:00 a.m. Regular Meeting

● SENATE SELECT COMMITTEE ON EDUCATION FUNDING AND
ADEQUACY RESCHEDULED TO FRIDAY, MARCH 6, 1998, AT 10:00 A.M.,
LOCATION TO BE ANNOUNCED.

FRIDAY, FEBRUARY 27, 1998

JUDICIAL COUNCIL (RSA 494:1), Room 208, LOB

3:00 p.m. Regular Meeting

MONDAY, MARCH 2, 1998

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

9:30 Regular Meeting

WEDNESDAY, MARCH 4, 1998

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

9:00 a.m. Meeting

SENATE SELECT COMMITTEE ON EDUCATION FUNDING AND ADEQUACY, Room 103,
SH

4:00 p.m. Meeting

THURSDAY, MARCH 5, 1998

DEPARTMENT OF TRANSPORTATION, Room 201, LOB, Concord

3:00 p.m. Committee Meeting to discuss project applications,
Transportation Enhancement Advisory Committee

FRIDAY, MARCH 6, 1998

OSTEOPOROSIS EDUCATION AND ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB

10:00 a.m. Regular Meeting

NEW HAMPSHIRE COLLEGE TUITION SAVINGS PLAN COMMISSION (RSA 195-H:2),
Room 103, SH

1:30 p.m. Meeting

SENATE SELECT COMMITTEE ON EDUCATION FUNDING AND ADEQUACY, Location
TBA

10:00 a.m. Public Meeting

MONDAY, MARCH 9, 1998

PERINATAL ALCOHOL, TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19),
Room 101, LOB

9:00 a.m. Meeting

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2), Director's Conference Room, NH
Fish and Game Department, 2 Hazen Drive, Concord

10:00 a.m. Meeting

TUESDAY, MARCH 10, 1998

DEPARTMENT OF TRANSPORTATION, Room 201, LOB

3:00 p.m. Public Hearing on current applications for funding,
Congestion Mitigation and Air Quality (CMAQ) Advisory Committee

WEDNESDAY, MARCH 11, 1998

SENATE SELECT COMMITTEE ON EDUCATION FUNDING AND ADEQUACY, Room 103,
SH

4:00 p.m. Meeting

FRIDAY, MARCH 13, 1998

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

9:00 a.m. Quarterly Meeting

NOTICES

Members of the NH Senate and House are encouraged to utilize the complimentary ski privileges afforded them. Upon presentation of proper credentials at the ticket window, NH Senators and Representatives may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials, unless prior arrangement is made with Commissioner Thomson. *Lift tickets are to be picked up at Guest Services at Sunapee; and at Guest Services or the Ticket Window at Cannon.*

Senator Joseph Delahunty

The third round of funding for the Health Care Transition Fund, Community Grant Program is about to begin. The Department of Health and Human Services, under the leadership of the Legislature, the Governor and the Executive Councilors, has initiated this grantmaking process to assist communities in their efforts to improve access to health care services. Grants will be awarded for up to eighteen months to encourage creativity and innovation in health care. Successful proposals will demonstrate broad community collaboration as an essential method of achieving project objectives. A *Request for Proposals* was mailed to the leadership of the New Hampshire House and Senate including Committee Chairs and 1,200 community organizations and providers. All legislators are invited to request a copy of the proposal by contacting Therese Smith of the Department's Office of Planning and Research at 271-5256 or access a copy through the Department's website at <http://www.state.nh.us/dhhs/deptlinks.htm>.

Senator Amy Patenaude

TUESDAY, FEBRUARY 10, 1998

The Officers and Board of Directors of the New Hampshire Lodging and Restaurant Association cordially invite Senators and staff to their Annual 1998 Legislative Reception on Tuesday, February 10, 1998, 5:00 - 8:00 p.m. at The Event Center at CR Sparks, Bedford, New Hampshire. Please RSVP to Kathleen Gust, (603) 228-9585.

Senator Leo Fraser

WEDNESDAY, FEBRUARY 11, 1998

The New Hampshire Society of CPAs invites all legislators and staff to a reception on Wednesday, February 11 from 4:00 to 7:00 p.m. at the Holiday Inn, Concord.

Senator Amy Patenaude

THURSDAY, FEBRUARY 12, 1998

All legislators are cordially invited to attend a Legislators for Limited Spending Buffet Breakfast on Thursday, February 12, at 8:30 a.m. at the Eagles Nest, Eagle Square, Concord, New Hampshire. Noted author and lecturer, Mr. Grover Norquist, President of Americans for Tax Reform,

Washington, DC, will be the guest speaker. For tickets, contact Representative Sylvia Holley at 882-1891 or Representative Don White at 886-8267.

Senator Carl Johnson

WEDNESDAY, MARCH 11, 1998

The Retail Merchants Association cordially invites all legislators and staff to a Legislative Reception on Wednesday, March 11, 1998, from 4:30 - 7:00 p.m. at the Holiday Inn in Concord. The reception will be held in the lounge area. We look forward to seeing you there!

Senator Carl Johnson

VISITORS' CENTER SCHEDULE – FEBRUARY

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of school groups visiting the State House in January/February 1998. 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. Please contact the Visitors' Center for further information. Thank you for your continued participation with our School Visitation Program.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
2/10	10:00	Cornish School	4/20
2/10	10:00	Kearsarge Mtn. Home School - Warner	4+/8
2/11	10:00	Sant Bani - Sanbornton	4/14
2/11	11:15	Stoddard Elementary	4&5/15
2/11	1:30	Newmarket Elem. Student Council	4&5/16
2/12	9:15	Washington Street School - Penacook	4/40
2/13	9:30 & 10:45	Fairgrounds Elem. - Nashua	4/63
2/13	12:30	Mastway - Lee	4/25
2/17	9:00 & 10:00	Greenland Central	4/40
2/18	10:00	Liberty School House - Bedford	K/12
2/18	11:00 & 12:30	Infant Jesus - Nashua	4/52

2/19	10:00 & 11:15	Towle School - Newport	4/50
2/19	12:30	Manchester Youthbuild	HS/25
2/20	9:00;10:00 & 11:00	Conant Elementary - Concord	4/75
2/20	12:30	Cardigan School(<i>Finnish Team</i>) - Canaan	14-16/40
2/23	10:00	Troop 22 BSA - Amherst	11-15/20
2/26	10:00	Heritage Heights/Havenwood - Concord	SRS/12
2/26	1:00	K.A. Brett School - Tamworth	3&4/65