

June 15, 1999

No. 39

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

**THE SENATE WILL MEET IN SESSION ON THURSDAY, JUNE 17, 1999 AT
10:30 A.M.**

LAI D ON THE TABLE

HB 64, relative to changes of registration for undeclared voters.

HB 112-FN-A, increasing the tobacco tax and imposing the tax on all types of tobacco products.

HB 245-FN, relative to fees and appropriations to the division of safety services.

HB 448, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

HB 562, relative to the date of decision for appeals of zoning matters.

HJR 1, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

REPORTS

EDUCATION

HCR 2, recognizing students who display good behavior in the public schools. Vote 6-0

Ought to Pass, Senator J. King for the committee.

HB 265, relative to the student trustees on the university system of New Hampshire board of trustees. Vote 6-0

Rereferred to Committee, Senator McCarley for the committee.

HB 295-FN-L, relative to alternative kindergarten programs in cooperative school districts. Vote 7-0

Inexpedient to Legislate, Senator Larsen for the committee.

HB 454, requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system. Vote 7-0

Inexpedient to Legislate, Senator D'Allesandro for the committee.

HB 487, relative to the adoption of bonds or notes in certain school districts and municipalities. Vote 5-1

Ought to Pass, Senator Cohen for the committee.

HB 675-FN, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. Vote 7-0

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

HB 726-FN, relative to the credentialing of personnel in early care and education programs, establishing a fee for such credential, and making an appropriation therefor. Vote 6-0

Ought to Pass, Senator Larsen for the committee.

ENVIRONMENT

HB 561-FN, reducing lab analysis fees of chemical analyses of water. Vote 4-0

Ought to Pass, Senator Johnson for the committee.

HB 609, relative to construction of a sewer force main through a state land conservation easement. Vote 5-0

Ought to Pass, Senator Below for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 274-FN, relative to the office of the consumer advocate. Vote 4-0

Ought to Pass, Senator Francoeur for the committee.

HB 375, relative to substitutions for disqualified and deceased candidates. Vote 3-0

Ought to Pass, Senator Cohen for the committee.

HB 397, establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner. Vote 4-0

Inexpedient to Legislate, Senator D'Allesandro for the committee.

HB 524, increasing the alternate members on the public employee labor relations board. Vote 3-0

Ought to Pass, Senator Brown for the committee.

HB 586, relative to rulemaking authority of the board of chiropractic examiners and unlawful practice of chiropractic. Vote 4-0

Ought to Pass, Senator Cohen for the committee.

HB 688, relative to the custody and escheat of abandoned and unclaimed property. Vote 3-0

Ought to Pass, Senator Brown for the committee.

FINANCE

HB 236-FN-L, relative to felonious disarming of a law enforcement officer. Vote 7-0

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

HB 272-FN, relative to the use of laser pointing devices. Vote 7-0

Ought to Pass, Senator J. King for the committee.

HB 495-FN-A, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks. Vote 7-0

Ought to Pass, Senator Below for the committee.

SB 219-FN-L, establishing a procedure for providing educational improvement assistance to local school districts. Vote 5-2

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

SB 228-FN, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. Vote 7-0

Ought to Pass, Senator J. King for the committee.

INSURANCE

HB 66-FN, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. Vote 5-0

Ought to Pass, Senator J. King for the committee.

HB 88-FN, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. Vote 4-0

Ought to Pass, Senator Fraser for the committee.

HB 469, raising the medical payments coverage under automobile insurance policies. Vote 5-0

Ought to Pass, Senator Fraser for the committee.

HB 471, exempting certain family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs. Vote 5-0

Inexpedient to Legislate, Senator Fraser for the committee.

HB 473, establishing a committee to study the non-group health insurance market. Vote 5-0

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

HB 485-FN, relative to the calculation of unemployment compensation benefits. Vote 3-0

Ought to Pass, Senator Wheeler for the committee.

HB 742, defining "domestic employee" for purposes of workers' compensation. Vote 4-0

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

INTERNAL AFFAIRS

HB 685-FN-A, relative to the duties of the New Hampshire land and community heritage commission. Vote 3-0

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

JUDICIARY

HB 367, relative to requesting certifying scientists to appear at DWI hearings. Vote 4-0

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

HB 706, relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders. Vote 4-0

Ought to Pass, Senator Gordon for the committee.

PUBLIC AFFAIRS

HJR 8, urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO). Vote 5-0

Ought to Pass, Senator Russman for the committee.

HB 294-FN-L, relative to state aid to municipalities for closure of certain municipal incinerators. Vote 5-0

Ought to Pass, Senator Krueger for the committee.

HB 739, eliminating certain restrictions on the number of days bingo volunteers may serve. Vote 6-0

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

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

HB 356, relative to the issuance of summons and notice in CHINS petitions. Vote 4-0

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

HB 719-FN, relative to procedures regarding children in need of services. Vote 6-0

Ought to Pass, Senator Wheeler for the committee.

HB 721-FN, relative to procedures regarding delinquent children under RSA

169-B. Vote 6-0

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

WAYS AND MEANS

HB 443, allowing certain beverage manufacturers to distribute products directly to retailers. Vote 6-0

Ought to Pass, Senator D'Allesandro for the committee.

AMENDMENTS

Senate Education

May 3, 1999

1999-1061s

04/10

Amendment to HB 675-FN

Amend the bill by replacing section 1 with the following:

1 Prospective Repeal Extended; Postsecondary Educational Assistance for Members of the New Hampshire National Guard. Amend 1996, 237:7, I as amended by 1998, 65:2 to read as follows:

I. Section 6 of this act shall take effect [~~June 1, 1999~~] **July 1, 2004**.

Amend RSA 110-B:63-g as inserted by section 2 of the bill by replacing it with the following:

110-B:63-g Report. The chancellor of the university system on behalf of the university system and the commissioner of the regional community-technical colleges on behalf of the regional community-technical institute and colleges shall, no later than November 1 of each year, submit a report to the speaker of the house, the senate president, and the governor detailing the number of national guard members enrolled at postsecondary institutions for the prior fiscal year under this subdivision and the specific courses or curriculum in which such members are enrolled.

Senate Finance

June 14, 1999

1999-1590s

04/10

Amendment to SB 219-FN-LOCAL

Amend the bill by replacing all after section 1 with the following:

2 Adequate Public Education; Delivery of an Adequate Public Education; Local Educational Improvement Plan. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Delivery of an Adequate Education.

I. In order to implement New Hampshire's policy of providing all students with the opportunity to acquire an adequate education, each school district shall put in place a local education improvement and assessment plan as follows: by June 30, 2001, and every 3 years thereafter, each school district, through a process involving parents, teachers, employers, and other community members, shall prepare and implement a local education improvement and assessment plan and file such plan with the department of education. The department of education shall comment to the district on the plan in a timely fashion. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C, in preparing the district plan. At a minimum, the plan shall include:

- (a) Curriculum and proficiency standards for all students.
- (b) School and district performance goals based on reported data on educational indicators listed in paragraph II.
- (c) Procedures for aligning curriculum, instructional practices, and student and programmatic assessments, including annual reporting of results.
- (d) Local assessment measures which focus on individual student performance.
- (e) Role of support services and programs.

(f) Role of instructional leadership.

(g) Strategies to promote family and community involvement; and

(h) Staff supervision and evaluation and performance-based professional development.

II.(a) By July 15, 2000, each school district shall report to the department of education its data for the previous school year on its school and district performance indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Performance indicators shall include the following areas:

(1) Attendance and dropout rates.

(2) School environment indicators, such as safe-school data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace; and

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Beginning December 1, 2002, and annually thereafter, the commissioner of education shall determine the extent to which each school district is meeting the requirements of its local education improvement and assessment plan developed under paragraph I of this section. The commissioner of education shall also determine whether each elementary, middle, junior high and high school in each district meets the standards for school approval adopted by the state board of education pursuant to RSA 186:8. A school district that meets or exceeds the quality standards in its local education improvement and assessment plan shall be recognized in accordance with RSA 193-E:4, II. A school district that does not meet the quality standards shall be designated by the commissioner of education as a school district in need of assistance. Each year, the commissioner of education shall provide a report of such determinations to the governor and council, state board of education, speaker of the house, president of the senate, and chairs of the house and senate committees responsible for education and finance.

IV. Beginning no later than December 1, 2000, and annually thereafter, the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph I of this section, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of the school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school board with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

3 New Sections; Adequate Public Education; Education Improvement Assistance to Local School Districts. Amend RSA 193-E by inserting after section 3 the following new sections:

193-E:4 Educational Assistance to Local School Districts.

I. Within 60 days of the issuance of the annual report on the condition of education as provided in RSA 193-E:3, IV each school board shall provide an opportunity for public discussion of the report at a meeting of the board called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

II. A school district that has been identified pursuant to RSA 193-E:3, III as meeting or exceeding the quality standards shall receive formal recognition from the state board of education and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board of education and the governor. Such school districts, schools, or teachers shall be eligible to apply for grants from a special projects and improvement fund administered by the department of education pursuant to RSA 193-E:5, VII.

III.(a) A school board, in response to the annual report on the condition of education, may request from the department of education the assistance available under paragraph IV.

(1) If a school board requests assistance on behalf of a school district that has not been designated as a school district in need of assistance pursuant to RSA 193-E:3, III, then the assistance requested under paragraph IV to be provided by the department of education shall be based on the availability of resources as determined by the commissioner of education.

(2) If a school board requests assistance on behalf of a school district that has been designated as a school district in need of assistance, then the school or district shall receive assistance from the department of education in accordance with subparagraph IV(a)(2).

(b) If a school board has received notice pursuant to paragraph VI, then the school district shall receive assistance from the department of education in accordance with subparagraph IV(a)(3).

IV. The department of education and the state board of education shall work cooperatively with school boards to provide assistance as follows:

(a)(1) Within 30 days of a school board's request for assistance pursuant to subparagraph III(a)(1), the commissioner of education may appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. If the plan is not approved, the local school board may revise the plan and resubmit it to the state board. The school board may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(2) Within 30 days of a school board's request for assistance pursuant to subparagraph III(a)(2), the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of

the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school board may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(3) Within 30 days of the issuance of a notice to a school board pursuant to paragraph VI, the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school board may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(b) If the state board of education does not approve a corrective action plan submitted in accordance with subparagraphs IV(a)(2) or IV(a)(3), then the commissioner of education shall work with the local school board and superintendent to revise the corrective action plan. If the local school board and superintendent do not revise the corrective action plan within 2 months or the state board of education does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board of education for approval without further action of the local school board.

(c) If an approved corrective action plan includes the use of a technical assistance advisor, then the commissioner of education shall appoint a technical assistance advisor who is authorized to access the state special projects and improvement fund to provide assistance to local school district staff in the implementation of the corrective action plan until the goals of the corrective action plan are met.

(d) If an approved corrective action plan includes the use of a peer review team, then the commissioner of education shall name a peer review team consisting of one person appointed by the chairperson of the local school board, one person appointed by the chairperson of the state board of education, and a third member chosen by the local school board and state board of education appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

V. If, by the time of the annual school district meeting or by April 30 in a city with a dependent school department, the school board of a school district in which a school district has been designated as a school district in need of assistance pursuant to RSA 193-E:3, III has not submitted a request for assistance under paragraph III, then the legislative body of the school district may vote to direct the school board to submit a request for assistance under paragraph III. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with paragraphs III and IV.

VI. A school board shall have one year from the date that a school district has been designated as a school district in need of assistance pursuant to RSA 193-E:3, III to remedy identified problems at the local level. If the school district is designated as a school district in need of

assistance and the school board does not request assistance under paragraph III within one year of such designation, then on December 1 of the year following the designation, if the school district continues to be designated as a school district in need of assistance, the commissioner of education shall issue a notice to the school board and shall initiate a process for providing assistance pursuant to subparagraph IV(a)(3), without further action of the school board.

193-E:5 Assistance to Local School Districts.

I. By June 30, 2000, and every 3 years thereafter, the state board of education through a process that provides opportunities for public input from parents, employers, educators, and other citizens shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department of education will help schools and school districts improve student achievement. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

II.(a) Notwithstanding any other provisions of law, no later than June 30, 2001, and every 5 years thereafter, the state board of education shall review and update school approval standards based on input from parents, employers, educators and other citizens.

(b) The state board of education shall work with a joint select committee of the house and senate education committees, whose members shall be appointed by the speaker of the house and the president of the senate, to identify amendments that should be made to the school approval standards to reflect the provisions of RSA 193-E. Further, any proposed amendments shall consider the recommendations of the adequate education and education financing commission established in RSA 198:49 and should be reviewed by the house and senate education committees, which may submit comments on the proposed amendments to the state board of education. The state board of education shall consider such recommendations and comments in adopting amendments to the school approval standards pursuant to RSA 541-A.

III. Beginning no later than January 1, 2000 the commissioner of education shall ensure that the state curriculum frameworks adopted under RSA 193-C shall be reviewed on a staggered, 5-year cycle such that no more than 2 frameworks are being reviewed at the same time. In order to provide reliable annual comparisons of data at the school and district levels, the statewide improvement and assessment program shall be expanded to include more than the 3 grades required under RSA 193-C:6.

IV. No later than January 1, 2000, the state board of education shall adopt rules, pursuant to RSA 541-A, establishing the requirements for data keeping and the form of the report as required in RSA 193-E:3, II.

V. No later than December 1, 2000, the state board of education shall adopt rules, pursuant to RSA 541-A, for the approval of corrective action plans as required by RSA 193-E:4, IV(a).

VI. The department of education shall implement credible procedures to review compliance with school approval standards.

VII. A special projects and improvement fund shall be established in the department of education and continually appropriated to the department. The department of education shall use moneys appropriated for this fund to provide grants to school districts pursuant to RSA 193-E:4, II. The department of education shall also use moneys appropriated for this fund to support the implementation of approved corrective action plans. The technical assistance advisor assigned to

work in school districts pursuant to subparagraph IV(c) shall be authorized to access this fund in accordance with procedures established by the department of education.

193-E:6 Enforcement. The attorney general has authority to enforce the provisions of this act in accordance with New Hampshire law through appropriate civil and equitable relief, including but not limited to injunctive relief.

4 Repeal. RSA 194:23-d, relative to state financial aid to elementary schools and high schools which are approved by the state board of education, is repealed.

5 Effective Date. This act shall take effect July 1, 1999.

Insurance

June 10, 1999

1999-1547s

01/09

Amendment to HB 473

Amend the bill by replacing section 6 with the following:

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

Insurance

June 9, 1999

1999-1522s

01/10

Amendment to HB 742

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Definitions Added. Amend RSA 281-A:2 by inserting after paragraph V the following new paragraphs:

V-a. "Domestic", "domestic employee" or "domestic worker" means a person performing domestic services in a private residence of the employer, where the employer is an individual, family, local college club, or local chapter of a college fraternity or sorority and not an agency or other entity engaged in the business of providing domestic workers to the public and the person is not defined as an independent contractor under RSA 281-A:2, VI(b).

V-b.(a) "Domestic labor" or "domestic services" means the performance of such duties as housekeeping, childcare, gardening, handy person work, and serving as a companion or caregiver for children or others who are not physically or mentally infirm.

(b) "Domestic labor" or "domestic services" shall also include the services rendered by paid roommates or live-in companions who provide fellowship, care, and protection for persons who because of advanced age, or physical or mental infirmity cannot care for their own needs, regardless of whether the paid roommate or companion is employed by an agency or entity other than the person using such services, but subject to the following limitations:

(1) The services may encompass housekeeping duties provided such services do not exceed 20 percent of the total hours worked; and

(2) The services do not include those relating to the care and protection of the aged and infirm that require and are performed by specially trained personnel such as registered or licensed practical nurses or similarly trained personnel.

Internal Affairs

June 12, 1999

1999-1565s

05/09

Amendment to HB 685-FN-A

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

AN ACT relative to the duties of the New Hampshire land and community heritage commission and making an appropriation therefor.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as section 4:

3 Appropriation; Department of Cultural Resources; New Hampshire Land and Community Heritage Commission. The sum of \$15,000 is hereby appropriated to the department of cultural resources for the fiscal year ending June 30, 2000, for the purpose of supplementing funds raised privately in anticipation of this appropriation for the purposes of continued staffing, operational support, and public outreach and communication for the New Hampshire land and community heritage commission during the 1999 legislative session. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

1999-1565s

AMENDED ANALYSIS

This bill clarifies the duties of the New Hampshire land and community heritage commission, and makes an appropriation to the department of cultural resources to fund the second year of the New Hampshire land and community heritage commission's study.

Senate Judiciary

June 14, 1999

1999-1582s

05/09

Amendment to HB 367

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

1 Official Record of Tests. Amend RSA 265:90, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 265:84 shall file notice in said court, within ~~[10]~~ **30** days immediately following the receipt by the person of the results of any alcohol concentration test administered to ~~[him]~~ **such person**, requiring the attendance of the ~~[person who conducted said test]~~ **certifying scientist**. Failure to file notice shall be deemed a waiver to require ~~[his]~~ attendance **of the certifying scientist** at the trial. The official report of the test issued pursuant to RSA 265:84 shall be deemed conclusive evidence of the conduct and result of said test.

2 Boating While Intoxicated; Implied Consent for Boaters. Amend RSA 270:56, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 270:48-a shall file notice in the court, within ~~[10]~~ **30** days immediately following the receipt by said person of the results of any alcohol concentration test administered to ~~[him]~~ **such person**, requiring the attendance of the ~~[person who conducted the test]~~ **certifying scientist**. Failure to file notice shall be

deemed a waiver to require [his] attendance ***of the certifying scientist*** at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

3 Effective Date. This act shall take effect January 1, 2000.

Public Affairs

June 12, 1999

1999-1566s

08/09

Amendment to HB 739

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

AN ACT eliminating the restrictions on the number of days bingo volunteers may serve.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 287-E:7, XIV, relative to restrictions on assisting in the conduct of bingo games or of lucky 7, is repealed.

1999-1566s

AMENDED ANALYSIS

This bill eliminates the restrictions on the number of days volunteers may assist in the conduct of bingo games or lucky 7.

Public Institutions, Health and Human Services

June 8, 1999

1999-1517s

05/09

Amendment to HB 356

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

1 Issuance of Summons and Notice. Amend RSA 169-D:6, I to read as follows:

I. After a legally sufficient petition has been filed, the court shall issue a summons to be served personally or if personal service is not possible, at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time which time shall not be less than 24 hours [~~nor more than 7 days~~] after service. If the person so notified is not the parent or guardian of the child, then a parent or guardian shall be notified, provided they and their residence are known, or if there is neither parent nor guardian, or their residence is not known, then some relative, if there be one and [~~his~~] **the** residence is known.

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

1999-1517s

AMENDED ANALYSIS

This bill requires that a person having custody or control of a child and served with a summons in a CHINS petition appear with the child not less than 24 hours after service.

Public Institutions, Health and Human Services

June 8, 1999

1999-1518s

05/09

Amendment to HB 721-FN

Amend the bill by replacing section 1 with the following:

1 Applicability of Chapter; Purpose. Amend RSA 169-B:1, II to read as follows:

II. Consistent with the protection of the public interest, to promote the minor's acceptance of personal responsibility for delinquent acts committed by the minor, encourage the minor to understand and appreciate the personal consequences of such acts, and provide a minor who has committed delinquent acts with counseling, supervision, treatment, and rehabilitation ***and make parents aware of the extent if any to which they may have contributed to the delinquency and make them accountable for their role in its resolution.***

Amend RSA 169-B:2-a, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Fully participate in all services ordered by the court including, but not limited to, substance abuse treatment, parenting classes, mediation, and community service.

Amend RSA 169-B:2-a, II as inserted by section 3 of the bill by replacing it with the following:

II. Failure to supervise and otherwise accept responsibility as required by this section may be treated as criminal contempt of court punishable by up to a \$1,000 fine and 90 days' imprisonment. It shall be a defense to any such charge of contempt that the parent, guardian or such other person or persons having custody and control of the minor made reasonable efforts to comply.

Amend the bill by replacing section 5 with the following:

5 Juvenile Diversion. RSA 169-B:10 is repealed and reenacted to read as follows:

169-B:10 Juvenile Diversion.

I. An officer authorized under RSA 169-B:9 to take a minor into custody may dispose of the case without court referral by releasing the minor to a parent, guardian, or custodian. The officer shall make a written report to the officers department identifying the minor, specifying the grounds for taking the minor into custody and indicating the basis for the disposition.

II. At any time before or at arraignment pursuant to this chapter, a minor and the minor's family may be referred to a court-approved diversion program or other community resource. Referral may be made by the arresting or prosecuting agency or juvenile services officer, prior to filing a petition with the court or after the filing of a petition by such agency with the court's approval, or by the court on its own, or any party's motion. The administrative judge of the district court shall have the authority to approve diversion referral procedures for use in all juvenile matters throughout the state.

III. Referral to diversion or other community resource after filing is appropriate if:

- (a) The facts bring the case within the jurisdiction of the court;
- (b) Referral of the case is in the best interest of the public and the minor; and
- (c) The minor and the parents, guardian, or other custodian consent with the knowledge that consent is not obligatory.

IV. Referral after filing shall stay the proceedings for a period not to exceed 3 months from the date of referral, unless extended by the court for an additional period not to exceed 3 months and does not authorize the detention of the minor.

V. During the period of referral, the court may require further conditions of conduct on the part of the minor and the minor's parents.

Amend RSA 169-B:21, I as inserted by section 11 of the bill by replacing it with the following:

I. Any court, finding that a minor has committed the alleged offense may, before making a final disposition, order the minor, minor's parents, guardian, or person with custody or control to submit to a mental health or substance abuse evaluation to be completed within 60 days. Any substance abuse evaluation of the parent guardian, or person having custody of the child shall be conducted by a provider contracted with the bureau of substance abuse services, or a provider paid by the parent, guardian, or person having custody of the child. The cost of such evaluation shall be paid by private insurance, if available, or otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or at reduced cost if the person is of limited means. A written report of the evaluation shall be given to the court before the dispositional hearing. If the parents, guardian, minor, or person having custody or control objects to the mental health or substance abuse evaluation, they shall object in writing to the court having jurisdiction within 5 days after notification of the time and place of the evaluation. The court shall hold a hearing to consider the objection prior to ordering such evaluation. Upon good cause shown, the court may excuse the parents, guardian, minor, or person having custody or control from the provisions of this section.

COMMITTEE OF CONFERENCE

HB 67, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

MEETING: Wednesday, May 26, 1999, Room 206, LOB, 1:00 p.m.

Senate Conferees: Senators Pignatelli, Fernald, Squires

House Conferees: Representatives R. Lyman, I. Pratt, D. Bickford, E. Moran

SB 30, relative to the cruelty to animals law.

Senate Conferees: Senators Wheeler, Trombly, Disnard

SB 101, relative to landlord-tenant obligations.

Senate Conferees: Senators Trombly, Disnard, Russman

SB 124, establishing a committee to study the integration of technology at the state and municipal level.

Senate Conferees: Senators D'Allesandro, McCarley, Klemm

SB 204, establishing the New Hampshire excellence in higher education endowment trust fund.

Senate Conferees: Senators Larsen, Gordon, Cohen

HEARINGS

WEDNESDAY, JUNE 16, 1999

EDUCATION, Room 105-A, SH

8:30 a.m. **HB 690-FN-L**, relative to charter schools and open enrollment districts.

9:30 a.m. **HB 503-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

10:30 a.m. **HB 633-FN-L**, establishing parental choice scholarships.

JUDICIARY, Room 102, LOB

10:15 a.m. **HB 576-FN-A**, establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

10:30 a.m. **HB 216**, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases.

10:45 a.m. **HB 715-FN-A-L**, granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

11:00 a.m. **HB 722-FN**, revising the law relative to protection of persons from domestic violence.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **HB 411**, requiring voters to present identification.

1:15 p.m. **HB 468**, relative to the home rule powers of municipalities.

2:00 p.m. **CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

● **PLEASE NOTE THE FINANCE COMMITTEE WILL MEET FOR
BUDGET WORKSESSION IMMEDIATELY FOLLOWING THE BRIEFING**

WAYS & MEANS & FINANCE, Room 103, SH

1:00 p.m. Revenue Briefing (Briefing on Revenue Estimates by the Department of Safety, Highway, Fish and Game and Sweepstakes)

WILDLIFE & RECREATION, Room 101, LOB

2:45 p.m. **HJR 7**, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System.

3:00 p.m. **HB 574-FN-A**, establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.

EXECUTIVE SESSION ON PENDING LEGISLATION TO FOLLOW.

THURSDAY, JUNE 17, 1999

INTERNAL AFFAIRS, Room 103, LOB

2:45 p.m. **HB 414-FN**, establishing a committee to study the unclassified salary structure for state officers.

3:00 p.m. **HB 728-FN**, establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.

3:20 p.m. **HB 606-FN**, relative to managed care programs under workers' compensation and relative to certain members of the compensation appeals board.

3:40 p.m. **HB 551**, revising the definition of "employer" under the employment discrimination laws of the state.

FRIDAY, JUNE 18, 1999

● **PLEASE NOTE THE FINANCE HEARINGS ORIGINALLY SCHEDULED FOR THIS DATE HAVE BEEN RESCHEDULED TO JUNE 25TH.**

JOINT COMMITTEE ON ADDRESS, Room 208, LOB

11:00 a.m. Regular Meeting on HA1, For The Removal Of David C. Brock, Chief Justice Of The New Hampshire Supreme Court, From His Said Office.

Executive session to Follow

MONDAY, JUNE 21, 1999

CAPITAL BUDGET, Room 103, SH

9:00 a.m. Proposed Amendment (Capital Budget)

INTERNAL AFFAIRS, Room 103, LOB

1:00 p.m. **HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

1:30 p.m. **HB 301**, relative to burials and funerals at the New Hampshire state veterans cemetery.

● **PLEASE NOTE THE FOLLOWING HEARINGS ARE RESCHEDULED FROM JUNE 22ND.**

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **HB 657**, relative to the health services planning and review board and the certificate of need process.

2:00 p.m. **HB 545-FN**, establishing a committee to study ambulatory surgical facilities.

2:40 p.m. **HB 640-FN**, relative to grievance procedures of managed care organizations.

TUESDAY, JUNE 22, 1999

- **PLEASE NOTE THE PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES HEARINGS SCHEDULED FOR TODAY HAVE BEEN RESCHEDULED TO JUNE 21ST.**

ENERGY & ECONOMIC DEVELOPMENT, Room 105A, SH

2:45 p.m. **HB 464**, relative to electric rate reduction financing.

3:15 p.m. **HB 314**, relative to the escrowing of certain utility payments.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

1:00 p.m. **HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions.

EXECUTIVE SESSION ON PENDING LEGISLATION TO FOLLOW

- **PLEASE NOTE HB 331 HAS BEEN ADDED TO THE FOLLOWING HEARING:**

TRANSPORTATION, Room 104, LOB

3:00 p.m. **HB 449-FN**, requiring boating safety education.

3:15 p.m. **HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

3:30 p.m. **HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

WEDNESDAY, JUNE 23, 1999

BANKS, Room 103, LOB

9:00 a.m. **HCR 7**, urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **HB 399**, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary.

1:30 p.m. **HB 252**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

THURSDAY, JUNE 24, 1999

ENVIRONMENT, Room 104, LOB

2:00 p.m. **HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds.

FRIDAY, JUNE 25, 1999

- **PLEASE NOTE THE FOLLOWING HEARINGS WERE ORIGINALLY SCHEDULED FOR JUNE 18TH.**

FINANCE, Room 103, SH

9:00 a.m. **HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.

9:30 a.m. **HB 738-FN**, making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

10:00 a.m. **HB 666-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances.

MEETINGS

WEDNESDAY, JUNE 16, 1999

JOINT COMMITTEE ON EMPLOYEE RELATIONS (RSA 273-A:9,V) Room 208, LOB

10:00 a.m. Regular Meeting

FRIDAY, JUNE 18, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

MONDAY, JUNE 21, 1999

NH CONSERVATION NUMBER PLATE ADVISORY COMMITTEE (RSA 261:97-d) Room 203, LOB

9:00 a.m. Regular Meeting

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a) Room 207, LOB

12:00-2:00 Regular Meeting

THE JOINT HEALTH COUNCIL NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord

4:00 p.m. Special Meeting

TUESDAY, JUNE 22, 1999

THE DEPARTMENT OF TRANSPORTATION East Concord Community Center, Eastman Street, East Concord

7:00 p.m. Public Informational Meeting Re: Construction Schedule & Landscaping

THE DEPARTMENT OF TRANSPORTATION Belmont Middle School, 38 School Street, Belmont

7:00 p.m. Public Informational Meeting

WEDNESDAY, JUNE 23, 1999

THE DEPARTMENT OF TRANSPORTATION Meredith Police Department, conference Room, 347 Daniel Webster Highway, Meredith

7:00 p.m. Public Officials Meeting (US 3 Parade Road)

MONDAY, JUNE 28, 1999

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

9:30 a.m. Regular Meeting

DEVELOPMENTAL DISABILITY WAITLIST (RSA 171-A:1-b) Room 205, LOB

10:00 a.m. Regular Meeting

TUESDAY, JUNE 29, 1999

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

1:00 p.m. Regular Meeting

THE DEPARTMENT OF TRANSPORTATION Plymouth regional Senior Center, 8 Depot Street, Plymouth

7:00 p.m. Public Hearing Holderness-Plymouth, Bridge Replacement NH 175A Over Pemigewasett River)

THURSDAY, JULY 1, 1999

THE DEPARTMENT OF TRANSPORTATION UNH Elliot Alumni Center, The 1925 Room, Edgewood Road, Durham

7:00 p.m. Combined Public Officials/Public Informational Meeting

FRIDAY, JULY 2, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

WEDNESDAY, JULY 14, 1999

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

9:00 a.m. Regular Business

9:30 a.m. Audit: State of New Hampshire, Department of Education, Special Education Catastrophic Aid Program, Performance Audit Report July 1999)

FRIDAY, JULY 16, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

MONDAY, JULY 19, 1999

NATURAL, CULTURAL & HISTORIC RESOURCE CONSERVATION COMMISSION (SB 493, Chapter 161, 1998) Room 308, LOB

1:00-4:00 Regular Meeting

MONDAY, JULY 26, 1999

THE DEPARTMENT OF TRANSPORTATION Exeter Office Building, Nowak Room, 10 Front Street, Exeter

7:00 p.m. Public Hearing (Exeter, Lincoln Street, Railroad Platform & Parking Area)

FRIDAY, AUGUST 6, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, AUGUST 20, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

MONDAY, AUGUST 23, 1999

NATURAL, CULTURAL & HISTORIC RESOURCE CONSERVATION COMMISSION (SB 493, Chapter 161, 1998) Room 308, LOB

1:00-4:00 Regular Meeting

FRIDAY, SEPTEMBER 3, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, SEPTEMBER 10, 1999

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

8:30-5:00 Regular Meeting

FRIDAY, SEPTEMBER 17, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

MONDAY, SEPTEMBER 27, 1999

NATURAL, CULTURAL & HISTORIC RESOURCE CONSERVATION COMMISSION (SB 493, Chapter 161, 1998) Room 308, LOB

1:00-4:00 Regular Meeting

FRIDAY, OCTOBER 1, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, OCTOBER 15, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, NOVEMBER 5, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, NOVEMBER 19, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, DECEMBER 3, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, DECEMBER 17, 1999

**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room
306-308, LOB**

9:00 a.m. Meeting

FISCAL NOTES NOW AVAILABLE IN THE SENATE CLERK'S OFFICE:

**HB 108, HB 109, HB 116, HB 118, HB 119, HB 120, HB 124, HB 200, HB 224, HB 237, HB 245,
HB 274, HB 395, HB 412, HB 453, HB 477, HB 479, HB 494, HB 495, HB 522, HB 537, HB 546,
HB 549, HB 565, HB 574, HB 579, HB 616, HB 624, HB 625, HB 639, HB 641, HB 650, HB 652,
HB 655, HB 672, HB 676, HB 685, HB 692, HB 693, HB 694, HB 695, HB 696, HB 715, HB 719,
HB 722, HB 733, HB 734, HB 735, HB 738, HB 740, SB 15, SB 45, SB 46, SB 47, SB 48, SB 49,
SB 50, SB 68, SB 70, SB 71, SB 113, SB 114, SB 122, SB 153, SB 167, SB 170, SB 176, SB 178,
SB 187, SB 207, SB 209, SB 212, SB 213, SB 217, SB 226, SB 227, SB 228, SB 228, SB 409**

NOTICES

The Office Of Legislative Services Has A Number Of Extra Copies Of Softbound Volumes Of 1997 Session Laws. They Will Be Available To House And Senate Members On A First Come, First Serve Basis, In Room 109 Of The State House.

Senator Clesson Blaisdell

MONDAY, JUNE 21, 1999

Perinatal Alcohol, Tobacco And Other Drug Use Task Force Invites All Legislators To Attend A Special Informational Forum And Treatment Of Substance Use During Pregnancy. Presentations Will Include An Overview Of The Scope And Effects OF Alcohol, Tobacco And Other Drug (ATOD) Problems During Pregnancy And Approaches Necessary TO Assist Women Avoid, Reduce And Recover From Substance Dependence. Members Of The Task Force Will Lead A Discussion With Policy Makers Around New Hampshire's Current Perinatal Substance Use Problem. The Forum Will Take Place On Monday, June 21 At The Odyssey Family Center In Canterbury (a residential substance abuse treatment program for pregnant and parenting women and their children) From 10:00 a.m. To Noon. Refreshments Will Be Served, Followed By Tours Of The Odyssey Family Center. Come Learn About This Important Issue. For Further Information, Reservations And Directions, Please Call 1-800-852-3345, Extension 6108 Or 783-9104. Reservations Requested By Wednesday, June 16th.

Senator Mary Brown

The Bill White Memorial 26th Annual Legislative Golf Tournament Is Scheduled For Monday, June 21, 1999, At The White Mountain Country Club In Ashland, NH. The Entry Fee For This Annual Tourney Is \$60.00 Per Person And Includes Greens Fee, Cart, Dinner And Prizes. A Shotgun Start Is Scheduled For 9:00 a.m. The Format Is "Captain And Crew." Sign-ups As A Foursome Or Sign-up By Yourself And Be Placed In A Foursome. A Maximum Of 120 Players Will Be Allowed. Please Return Your Entry And Payment No Later Than June 8th To Sandy Wheeler At The LOB Lobby Desk. Please Make Checks Payable To Legislative Golf Tournament c/o David S. Saltmarsh.

Senator Clesson Blaisdell

FRIDAY, JUNE 25, 1999

New Hampshire Women's Forum (a non partisan political organization) Is Hosting Congressman Charles Bass At The Langdon Place Of Nashua, 319 East Dunstable Road, Nashua, On June 25th At 7:00 p.m. Coffee And Desert Will Be Served.

Directions: Langdon Place Is Off Exit 1 Of The Everett Turnpike South. After Exit Take A Right And Langdon Place Of Nashua Is On The Left Past Sky Meadow.

Senator Gary Francoeur