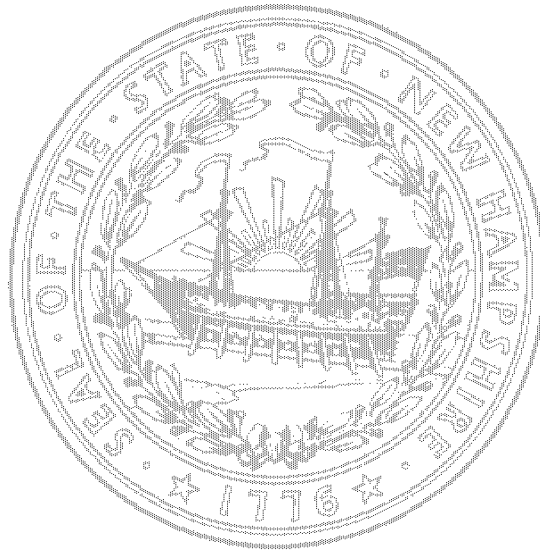


May 17, 2000

No. 30

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR

**REPORTS, MEETINGS, NOTICES & COMMITTEE OF
CONFERENCE**

**THE SENATE WILL MEET IN SESSION ON THURSDAY, MAY 18, 2000
AT 10:00 A.M.**

- **THE SENATE WILL BE MEETING FOR A INFORMAL DISCUSSION AT 9:00 A.M. ON THURSDAY, MAY 18, 2000. FOR A REPORT ON THE FISCAL CONDITION OF THE STATE. PRESENTED BY SENATOR FRED KING AND SENATOR CLIFTON BELOW**

LAI D ON THE TABLE

HB 723-FN, relative to standby and emergency guardianship proxies.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

HB 1113, raising the maximum price for lucky 7 tickets.

HB 1203-L, (New Title) relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

HB 1241, relative to third person liability under the workers' compensation law.

HB 1342-FN, (New Title) directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.

HB 1371, (New Title) relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

SB 203, authorizing electronic games of chance at racetracks.

SB 218-FN-L, regulating the land application of sewage sludge.

SB 365-L, [New Title]relative to the adoption of bonds or notes in school districts and municipalities.

SB 380-FN-A, (New Title) relative to the availability of matching funds for improvements to South Fruit Street at Industrial Drive in the city of Concord.

SB 429-FN, relative to claims before the state commission for human rights.

SB 433, relative to the age at which a minor may purchase or possess handguns and ammunition.

SB 462-FN-A-L, establishing a reformed public school financing system for ensuring educational adequacy for all children, and establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor.

SPECIAL ORDER

10:01 a.m.

ENVIRONMENT

HB 1414, (New Title) authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. Vote 4-3

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

INSURANCE

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. Vote 5-3

Inexpedient to Legislate, Senator Wheeler for the committee.

REPORTS

CAPITAL BUDGET

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. Vote 5-1

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

HB 1471, (New Title) relative to the department of employment security's power to approve building projects. Vote 6-0

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

EDUCATION

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor. Vote 8-1

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

HB 1224, relative to the process for nonrenewal of teacher contracts. Vote 6-3

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

HB 1270-FN-L, relative to charter schools and open enrollment districts. Vote 7-2

Interim Study, Senator Gordon for the committee

HB 1521-FN-L, relative to the definition and administration of an adequate education. Vote 5-4

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

ENERGY & ECONOMIC DEVELOPMENT

HB 733, relative to a state master plan for the deployment of personal wireless service facilities. Vote 6-1

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

HB 1470, relative to divestiture of electric utility assets. Vote 6-0

Inexpedient to Legislate, Senator Johnson for the committee.

ENVIRONMENT

HB 1418-FN-L, relative to mercury-containing products. Vote 5-2

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 725, relative to rulemaking under the administrative procedures act.

MAJORITY REPORT: Ought to pass with amendment, Senator Larsen for the committee. 4-3

MINORITY REPORT: Ought to Pass, Senator Francoeur for the committee. 3-4

FINANCE

HB 405-FN, (2nd New Title) relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. Vote 7-0

Ought to Pass, Senator Larsen for the committee.

HB 618-FN-A, (New Title) establishing a voucher program for smoking cessation. Vote 8-0

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

HB 648-FN, relative to a sludge testing program, and providing that coated printing paper purchased by or for state agencies shall contain not less than 10 percent post consumer waste material. Vote 8-0

Ought to Pass, Senator Larsen for the committee.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law, and relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. Vote 7-1

Ought to Pass, Senator Fraser for the committee.

HB 1240, (New Title) requiring the department of health and human services and insurers to make prompt payments. Vote 8-0

Ought to Pass, Senator Fraser for the committee.

HB 1251, relative to driver education training reimbursement. Vote 8-0

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

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. Vote 8-0

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

HB 1504, relative to submission of biennial budget estimates by agencies. Vote 7-0

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

HB 1573-FN, (New Title) relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. Vote 7-0

Ought to Pass, Senator Fraser for the committee.

INSURANCE

HB 1589, prohibiting the use of genetic testing for certain insurance policies. Vote 7-0

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

INTERNAL AFFAIRS

HB 1592, relative to the display of the United States flag. Vote 4-0

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

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. Vote 4-0

Ought to Pass, Senator Fraser for the committee.

JUDICIARY

CACR 2, (New Title) relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes. Vote 6-2

Inexpedient to Legislate, Senator Trombly for the committee.

HB 53, (New Title) relative to qualifications and appointments of marital masters. Vote 7-1

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

HB 297-FN, (New Title) permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. Vote 7-1

Ought to pass with amendment, Senator Gordon for the committee

HB 628, relative to the relocation of the principal residence of a child. Vote 8-0

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

HB1239, relative to durable powers of attorney. Vote 8-0

Interim Study, Senator Gordon for the committee

HB 1548-FN, abolishing the death penalty. Vote 5-1

Ought to Pass, Senator Cohen for the committee.

HB 1611, recodifying the state's DWI laws. Vote 7-0

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

PUBLIC AFFAIRS

HB 1210-L, relative to capital reserve funds. Vote 6-0

Ought to Pass, Senator Krueger for the committee.

HB 1216, relative to petitions for warrant articles. Vote 6-0

Ought to Pass, Senator McCarley for the committee.

HB 1308, relative to nomination paper requirements. Vote 6-0

Ought to Pass, Senator Krueger for the committee.

HB 1331, relative to campaign contributions by corporations. Vote 6-0

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

HB 1531, relative to the preemption of local regulations of firearms. Vote 6-0

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

HB 1582, (New Title) establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

No Recommendation

HB 1622, (New Title) eliminating the requirement that a deputy town clerk have his or her domicile within the town. Vote 6-0

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

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

HB 1139, establishing a committee to study involuntary emergency admission hearings. Vote 6-0
Ought to Pass, Senator Wheeler for the committee.

HB 1250, (New Title) allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency. Vote 5-0
Ought to Pass, Senator Wheeler for the committee.

HB 1319, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. Vote 6-0
Ought to Pass, Senator Krueger for the committee.

HB 1438-FN, relative to transportation of children for involuntary emergency admissions. Vote 5-0
Ought to Pass, Senator Squires for the committee.

HB 1463, making technical corrections related to the mental health system and guardianship hearings. Vote 5-0
Ought to Pass, Senator Squires for the committee.

HB 1464, relative to the licensing process for new health care facility construction. Vote 3-0
Ought to pass with amendment, Senator Wheeler for the committee.

HB 1506, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C. Vote 3-1
Inexpedient to Legislate, Senator Wheeler for the committee.

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

SPLIT REPORT: Inexpedient to Legislate, Senator Wheeler for the committee. Vote 2-3

SPLIT REPORT: Ought to Pass, Senator Squires for the committee. Vote 2-3

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections. Vote 4-0
Ought to pass with amendment, Senator McCarley for the committee.

HB 1579-FN, (New Title) establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. Vote 5-0
Inexpedient to Legislate, Senator Squires for the committee.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss. Vote 4-0
Ought to Pass, Senator Wheeler for the committee.

HJR 20, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. Vote 6-0
Ought to Pass, Senator Squires for the committee.

TRANSPORTATION

HB 1563-FN-L, establishing the Wolfeboro Airport Authority. Vote 2-0
Ought to pass with amendment, Senator Gordon for the committee.

HB 1620-FN, relative to driver record information. Vote 5-0

Ought to pass with amendment, Senator Gordon for the committee

HB 2000-FN-L, (New Title) relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. Vote 3-0

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

WAYS AND MEANS

HB 1144, (New Title) establishing a committee to study the exemption from property taxes for not-for-profit hospitals. Vote 7-0

Inexpedient to Legislate, Senator Brown for the committee.

HB 1202-L, (New Title) making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes. Vote 6-0

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

WILDLIFE & RECREATION

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. Vote 3-0

Ought to Pass, Senator Roberge for the committee.

AMENDMENT

Environment
May 10, 2000
2000-4452s
08/01

Amendment to HB 1414

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

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.

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

III. Therefore, the department of environmental services should aggressively pursue options for establishing consistent requirements for gasoline composition on a regional basis. The total environmental impacts on air and water of any proposed regional gasoline formulations should be carefully examined.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Requires that any municipal electric utility which, after January 1, 2000, acquires one or more plants for the manufacture of electricity shall, prior to such action, certify to the public utilities commission that it understands that by undertaking such action it will be subject to current and future environmental and safety regulations.

Capital Budget
May 15, 2000
2000-4507s
05/09

Amendment to HB 417-FN-A

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

AN ACT authorizing the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital; making a bonded appropriation for the cost of the Walker building project and providing a funding option for the state treasurer regarding funding the project; and extending the lapse date of the appropriation for the Plaistow district court design.

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

1 New Hampshire Hospital; Walker Building. To provide for the design, rehabilitation and reconstruction of the New Hampshire Hospital Walker building, the department of administrative services, in conjunction with the department of transportation, shall engage an architectural firm to design the office complex and develop bid specifications for the conversion of the Walker building, including a parking plan.

2 Appropriation; Bonds Authorized.

I. The sum not to exceed \$12,600,000 is hereby appropriated to the department of administrative services for the purpose of the design, rehabilitation, and reconstruction of the Walker building at New Hampshire hospital authorized in section 1 of this act.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from rents to be paid by non-general-fund agencies occupying the Walker building. The bonds shall be 20-year bonds.

3 Expenditures. The appropriations made for the program outlined in section 1 for this project shall be expended by the commissioner of administrative services, provided that all contracts and project plans and specifications therefore shall be awarded in accordance with the provisions of RSA 228. The department of administrative services shall have responsibility for the administration of the Walker building, including the determination of appropriate rents to be paid by an agency occupying the Walker building.

4 Plaistow District Court Design; Lapse Date Extended to 2001. Amend 1998, 226:4 to read as follows:

226:4 Lapse Date Extended; Plaistow District Court; Department of Administrative Services. The appropriation made to the department of administrative services, division of plant and property management, bureau of court facilities, for the Plaistow district court design in 1993, 359:1, II, B, 2 as extended by 1994, 171:1 and as extended by 1996, 257:5 shall not lapse until June 30, [2000] **2001**.

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

2000-4507s

AMENDED ANALYSIS

This bill:

I. Authorizes the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital.

II. Makes a bonded appropriation for the cost of the Walker building project, and provides a funding option for the state treasurer regarding funding the project.

III. Extends the lapse date of the appropriation for the Plaistow district court design.

Capital Budget
May 15, 2000
2000-4512s
05/10

Amendment to HB 1471

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

1 Capital Expenditures; Purchase or Lease Purchase Agreements. Amend RSA 282-A:112, IV to read as follows:

IV. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized, ~~[notwithstanding any other provision of law]~~ **except as provided in paragraph V**, with the approval of the governor and council, to enter into **purchase or** lease purchase agreements.

2 New Paragraph; Capital Expenditures; Consent Required. Amend RSA 282-A:112 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any provision of the law to the contrary, the consent of the capital budget overview committee, established in RSA 17-J, shall be required for all agreements exceeding \$50,000 for:

- (a) Acquisition of land or existing buildings;
- (b) New construction;
- (c) An addition to an existing facility; or
- (d) An improvement or repair to a facility which exceeds routine maintenance.

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

2000-4512s

AMENDED ANALYSIS

This bill requires the department of employment security to receive the approval of the capital budget overview committee when entering into purchase or lease purchase agreements exceeding \$50,000 for acquisition, construction, renovation or improvement.

Senate Education
May 17, 2000
2000-4553s
04/01

Amendment to HB 413-FN-A

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

1 Statement of Policy. It is hereby declared to be the policy of the state of New Hampshire to support the funding of the state's regional vocational education centers within the capital budget or legislative funding process. Established as state facilities with the adoption of RSA 188-E in 1973, these regional vocational education centers require renovation for the state to maintain the highest level of offerings for its vocational/technical education students.

2 Regional Vocational Education; Appropriation for Renovation and Expansion; Approval and Funding. RSA 188-E:10 is repealed and reenacted to read as follows:

188-E:10 Funding for Renovation and Expansion.

I. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of regional vocational education centers or regional vocational education programs provided that:

- (a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate;
- (b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion;
- (c) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and
- (d) The state shall fund not less than 75 percent of the cost of a project approved pursuant to this section. A school district may request additional state funding in an amount not to exceed 100 percent of the cost of the approved project, provided the school district demonstrates special circumstances which may prevent it from obtaining local funding necessary to complete the project.

II. The renovation and expansion reserve funding required by subparagraph I(c) may be funded through local community funds, vocational education tuition payments, gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions.

III. The provisions of this section shall not constitute the exclusive procedure for obtaining approval of a project. Nothing in this section shall be construed to prevent a school district or the department of education from independently pursuing approval of a project through the legislative process.

3 Regional Vocational Education; Tuition Payments Clarified. Amend RSA 188-E:7 to read as follows:

188-E:7 Tuition. The department of education is authorized to pay from its regular budget tuition for full or part-time students, attending programs at designated vocational centers or designated vocational educational courses at other comprehensive high schools, whose residence is in a district where the high school of normal attendance does not offer a similar vocational education course. The liability of the state and local school districts for tuition shall be determined by the state board under rules adopted pursuant to RSA 541-A, ***provided that a receiving district may charge a student from a sending district, and the department shall reimburse, a tuition amount not to exceed 100 percent of the receiving district's vocational education tuition amount, and that the receiving district shall deposit not less than 25 percent of vocational education tuition amounts collected into its capital reserve account to be used for vocational centers and equipment.***

4 Applicability; Funding Limitation. Any regional vocational education center or regional vocational education program which received approval from the state board of education for initial construction before July 1, 1997 and which has not commenced construction prior to the effective date of this act shall be exempt from the provisions of RSA 188-E:10, I(c). This exemption shall not apply to any other cost-sharing requirements of RSA 188-E or rules of the department of education.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2001.

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

Senate Education
May 17, 2000
2000-4552s
04/01

Amendment to HB 1521-FN-LOCAL

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

AN ACT establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor.

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

1 New Paragraph; Adequate Public Education; Policy and Purpose Amended. Amend RSA 193-E:1 by inserting after paragraph II the following new paragraph:

III. Realizing that the delivery and improvement of education is the primary responsibility of the local school district, it is imperative that parents and other members of the

community be actively involved in planning, implementing, and evaluating locally-developed instructional programs. Therefore, it is also the purpose of this chapter to assist school districts in identifying and using quality standards to determine and report widely on the effectiveness of the educational approaches used to meet student needs. Furthermore, in light of the shared responsibility between state and local government to provide an adequate education, it is the purpose of this chapter to establish processes by which school districts may request educational improvement assistance from the state and to authorize the department of education to deliver such assistance.

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. 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 and evaluate the assessment and performance indicators outlined in this section, which shall be collectively known as quality standards.

I. By June 30, 2002, 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 which shall be aligned with the statewide education improvement and assessment program established in RSA 193-C, and which shall be designed to improve student achievement within each school in the district. Each such plan shall be filed with the department of education. The department of education shall comment to the district on the plan in a timely fashion. At a minimum, the plan shall include the following assessment and performance indicators:

- (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) Each school district shall annually demonstrate that it has met or exceeded its own school and district indicators for achievement or improvement established by the school district in accordance with rules adopted by the state board of education.

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

III. Each public elementary, middle, junior high, and high school in the school district shall meet the standards for school approval adopted by the state board of education.

IV. Beginning December 1, 2002, and annually thereafter, the commissioner of education shall determine the extent to which each school district is meeting its quality

standards established pursuant to paragraphs I, II, and III of this section. A school district that meets or exceeds its quality standards shall be recognized in accordance with RSA 193-E:4, II. A school district that does not meet its 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.

V. 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.(a) Within 60 days of the issuance of the annual report on the condition of education as provided in RSA 193-E:3, V 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.

(b) Once a school district has implemented a local educational improvement and assessment plan pursuant to RSA 193-E:3, I, this plan shall be discussed at the public meeting provided for in subparagraph I(a) of this section.

II. A school district that has been identified pursuant to RSA 193-E:3, IV as meeting or exceeding its 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 the special projects and improvement fund administered by the department of education pursuant to RSA 193-E:8.

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, IV, 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, IV 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, IV 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, 2002, 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, 2003, 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, 2002 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 June 30, 2004, and every 3 years thereafter, the state board of education shall review, and update as necessary, the format and information included in the report required pursuant to RSA 193-E:3.

V. No later than January 1, 2001, 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.

VI. No later than June 30, 2001, the state board of education shall adopt rules for the development and implementation of the local education improvement and assessment plan required under RSA 193-E:3, I.

VII. No later than June 30, 2001, the state board of education shall adopt rules for the establishment of assessment and performance indicators required under RSA 193-E:3, II.

VIII. No later than December 1, 2002, 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).

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

193-E:6 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

(a) The chairperson of the house education committee, or a designee.
(b) The chairperson of the senate education committee, or a designee.
(c) One member of the house of representatives, appointed by the speaker of the house.

(d) One member of the senate, appointed by the senate president.
(e) One member of the house finance committee, appointed by the speaker of the house.

(f) One member of the senate finance committee, appointed by the senate president.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house education committee and the chairperson of the senate education committee. The first chairperson shall be the chairperson of the house education committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by June 30, of each even-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

193-E:7 Special Projects and Improvement Fund. A special projects and improvement fund is hereby 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 RSA 193-E:4, IV(c) shall be authorized to access this fund in accordance with procedures established by the department of education.

4 Appropriation. The sum of \$1 for the biennium ending June 30, 2001 is hereby appropriated to the department of education for the purposes of the special projects and improvement fund established in RSA 193-E:7 as inserted by section 3 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 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.

6 Effective Date. This act shall take effect July 1, 2000.

This bill establishes a procedure for the department of education to identify local school districts which are in need of assistance and to assist in improving the overall quality of educational programs and services offered by such districts. The bill also establishes a special projects and improvement fund within the department of education and appropriates \$1 to this fund for the biennium ending June 30, 2001.

Energy and Economic Development
May 16, 2000
2000-4537s
10/04

Amendment to HB 733

Amend the title of the bill to read as follows:

AN ACT relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

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

1 New Chapter; Deployment of Personal Wireless Services Facilities. Amend RSA by inserting after chapter 21-I the following new chapter:

DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES

12-J:1 Goals; Purpose.

I. The federal Telecommunications Act of 1996 regulates the deployment of wireless services in the United States. Its purpose is to make these services available to the American people quickly and in a very competitive manner. Nothing in this chapter is intended to preempt the federal Telecommunications Act of 1996.

II. The visual effects of tall antenna mounts or towers may go well beyond the physical borders between municipalities, and should be addressed so as to require that all affected parties have the opportunity to be heard.

III. Carriers wishing to build personal wireless service facilities (PWSFs) in New Hampshire should consider commercially available alternative PWSFs to tall cellular towers, which may include the use of the following:

(a) Lower antenna mounts which do not protrude as far above the surrounding tree canopies.

(b) Disguised PWSFs such as flagpoles, artificial tree poles, light poles, and traffic lights, which blend in with their surroundings.

(c) Camouflaged PWSFs mounted on existing structures and buildings.

(d) Custom designed PWSFs to minimize the visual impact of a PWSF on its surroundings.

(e) Other available technology.

IV. A PWSF map is necessary to allow for the orderly and efficient deployment of wireless communication services in New Hampshire, and so that local communities have adequate information with which to consider appropriate siting and options to mitigate the visual effects of PWSFs.

V. Municipalities will benefit from state guidance regarding provisions to be considered in zoning ordinances relative to the deployment of wireless communications facilities, including one or more model ordinances.

VI. Nothing in this chapter shall be construed as altering any municipal zoning ordinance, and this chapter itself shall not be construed as a zoning ordinance.

12-J:2 Definitions. In this chapter:

I. "Antenna" means the equipment from which wireless radio signals are sent and received by a PWSF.

II. "Average tree canopy height" means the average height found by inventorying the height above ground level of all trees over a specified height within a specified radius.

III. "Camouflaged" means for a personal wireless service facility one that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

IV. "Carrier" means a person that provides personal wireless services.

V. "Director" means the director of the office of state planning.

VI. "Disguised" means, for a PWSF, designed to look like a structure which may commonly be found in the area surrounding a proposed PWSF such as, but not limited to, flagpoles, light poles, traffic lights, or artificial tree poles.

VII. "Equipment shelter" means an enclosed structure, cabinet, shed vault, or box near the base of a mount within which are housed equipment for PWSFs such as, batteries and electrical equipment.

VIII. "Height" means the height above ground level from the natural grade of a site to the highest point of a structure.

IX. "Mount" means the structure or surface upon which antennas are mounted and include roof-mounted, side-mounted, ground-mounted, and structure-mounted types.

X. "Municipality" means any city, town, unincorporated town, or unorganized place within the state.

XI. "Personal Wireless Service Facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.

XII. "Personal Wireless Services" means any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332 (c)(7)(C)(i).

XIII. "Radio frequency radiation" means the emissions from personal wireless service facilities.

12-J:3 Wireless Carriers Doing Business in this State. All wireless carriers or their appointed agents doing business, or seeking to do business, in this state shall:

I. Be allowed to construct new ground-mounted PWSFs, provided that these PWSFs comply with municipal regulations for maximum height or maximum allowed height above the average tree canopy height, subject to any exceptions, waivers, or variances allowed or granted by the municipality.

II. Comply with all applicable state and municipal land use regulations.

III. Comply with all federal, state and municipal statutes, rules and regulations, including federal radio frequency radiation emission regulations and the National Environmental Policy Act of 1969, as amended.

IV. Provide information at the time of application to construct an externally visible PWSF, or prior to construction if no approval is required, to the municipality in which the facility is to be constructed and to the office of state planning, as follows:

(a) A copy of their license from the Federal Communications Commission (FCC) proving that they are eligible to deploy their systems in this geographical area and that this deployment falls under the jurisdiction of the federal Telecommunications Act of 1996; or a copy of their contract with a person with such a license, and a copy of that license.

(b) Upon request, detailed maps showing all of the carrier's current externally visible tower and monopole PWSF locations in the state within a 20 mile radius of the proposed externally visible PWSF, both active and inactive.

(c) Upon request, site descriptions for each of the above locations showing the antenna height and diameter, and showing all externally visible structures.

(d) Upon request, a description of why less visually intrusive alternatives for this facility were not proposed.

12-J:4 Payment of Costs. A wireless carrier seeking approval to deploy a wireless communication facility may be required to pay reasonable fees, including regional notification costs, imposed by the municipality in accordance with RSA 676:4, I(g).

12-J:5 Fall Zones. Zoning ordinances may include provisions for fall zones for PWSFs to the extent necessary to protect public safety.

12-J:6 Personal Wireless Services Facilities Map. The director of the office of state planning shall develop a personal wireless service facilities map for the state. This map shall include all externally visible tower and monopole PWSF locations in the state, both active and inactive, for all carriers. This map shall also include for each of the above locations a site description as described in RSA 12-J:3, IV(c). Upon request of the director, any wireless carrier or its appointed agent doing business in this state shall provide a map of all of its existing externally visible tower and monopole PWSF locations in the state and a site description of each as described in RSA 12-J:3, IV(c).

12-J:7 Regional Notification.

I.(a) Any municipality or state authority or agency which receives an application to construct a PWSF which will be visible from any other New Hampshire municipality within a 20 mile radius shall provide written notification of such application and pending action to such other municipality within the 20 mile radius.

(b) This notification shall include sending a letter to the governing body of the municipality within the 20 mile radius detailing the pending action on the application and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within the 20 mile radius, stating the specifics of the application, the pending action, and the date of the next public hearing on the application. Such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

II.(a) Any person, prior to constructing a new PWSF in any location where no approval is required but which will be visible from any other New Hampshire municipality within a 20 mile radius, shall provide written notification of such planned construction to such other municipality within the 20 mile radius.

(b) This notification shall include sending a letter to the governing body of the municipality within the 20 mile radius detailing the planned construction and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within a 20 mile radius, outlining the planned construction.

III. Municipalities within the 20 mile radius described in paragraphs I or II and their residents shall be allowed to comment at any public hearing related to the application. Regional notification and comments from other municipalities or their residents shall not be construed to imply legal standing to challenge any decision.

12-J:8 Model Ordinances and Guidance. The director of the office of state planning shall develop a set of model municipal ordinances relative to the deployment of personal wireless communications facilities. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The office of state planning shall provide a copy of the set of model ordinances to any New Hampshire municipality that requests it.

12-J:9 Rulemaking. The director of the office of state planning, after holding a public hearing, shall adopt rules under RSA 541-A as necessary to implement this act and to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public.

2 Committee Established. There is established a committee to study state wireless communications policy.

3 Membership and Compensation.

I. The members of the study committee shall be as follows:

(a) At least 3 but not more than 5 members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, appointed by the speaker of the house. The speaker of the house may also appoint up to 5 additional house members as alternates, if deemed appropriate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall review state policies regarding the use of state lands, state right-of-ways, state buildings, and other state facilities for wireless communications, including commercial, public, and quasi-public purposes, and how such policies balance varied public interests, including promotion of telecommunications, alternatives to tall cellular towers, public safety, public and municipal participation in siting decisions, and preservation of aesthetic, landscape, and historic values.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Six members of the committee shall constitute a quorum.

6 Report. The study committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2000.

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

2000-4537s

AMENDED ANALYSIS

This bill establishes a master plan for the orderly deployment of personal wireless service facilities in communities throughout the state.

The bill also establishes a committee to study the state wireless communications policy.

Senate Environment

May 10, 2000

2000-4456s

03/01

Amendment to HB 1418-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. Mercury is a persistent and toxic pollutant that bioaccumulates in the environment.

II. According to recent studies, mercury deposition is a significant problem in the northeastern United States.

III. Consumption of mercury-contaminated freshwater fish poses a significant public health threat.

IV. Because of this threat, all of the northeastern states have issued freshwater fish advisories, warning certain individuals against consuming fish from affected water bodies.

V. Studies have documented that exposure to the elevated levels of mercury in the environment has resulted in serious harm to fish-consuming wildlife.

VI. Combustion of municipal and other solid waste is a major source of mercury emissions in the northeastern United States.

VII. Recent studies have raised concern about potential emissions of mercury during the transportation and disposal of solid waste.

VIII. Several state programs have demonstrated that removal of mercury-containing products from the waste stream prior to combustion is an effective way to reduce mercury emissions from solid waste management facilities.

IX. The governors of the New England states and the premiers of the eastern Canadian provinces have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment."

X. Manufacturers of certain mercury-added products, such as thermostats, have established successful "take back" programs for properly managing the products at the end of their useful life.

XI. Accidental mercury spills, breakages, and releases have occurred throughout the northeastern United States. These incidences have proven costly to clean up and have exposed students, teachers, and administrators to mercury emissions.

XII. Health care facilities, educational and research institutions, and businesses have also experienced significant employee exposures and incurred significant costs due to accidental mercury releases.

XIII. The intent of this act is to achieve significant reductions in mercury emissions by encouraging the establishment of effective state and local waste reduction, recycling, and management programs while continuing to spur economic development.

XIV. To be effective, this act requires the cooperation of mercury products industries in identifying and quantifying mercury containing products.

Amend RSA 149-M:52 as inserted by section 2 of the bill by replacing it with the following:

149-M:52 Notification.

I. Six months after the effective date of this section no mercury-added product shall be offered for final sale or use or distributed for promotional purposes in this state without prior notification in writing by the manufacturer of the product to the department in accordance with the requirements of this section. Such notification shall at a minimum include:

- (a) A brief description of the product to be offered for sale, use, or distribution.
- (b) The amount of and purpose for mercury in each unit of the product reported as an exact number or average per product with an upper and lower limit unless waived by the department due to confidentiality or practical considerations.
- (c) The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer.
- (d) The total amount of mercury contained in all mercury containing products sold in the United States, provided either by individual manufacturers or aggregated for an industry by a trade group.

II. With the approval of the department, the manufacturer may supply the information required above for a product category rather than an individual product. The manufacturer shall update and revise the information in the notification whenever there is significant change in the information or when requested by the department. The department may define and adopt specific requirements in accordance with RSA 541-A for the content and submission of the required notification.

III. Any information furnished pursuant to the requirements of this section, which, as certified by the manufacturer, relates to production or sales figures or to processes or production unique to the manufacturer or which would tend to affect adversely the competitive position of the manufacturer, shall be only for the confidential use of the department and the interstate

clearing house in the administration of this section, unless the manufacturer shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of such information by the department and the interstate clearinghouse in compiling or publishing analyses or summaries relating to the amount and effect of mercury in products and the environment; provided that the analyses or summaries do not identify any manufacturer or reveal any information otherwise confidential under this section.

IV. This section shall not apply to prescription drugs or any substance that may be lawfully sold over the counter without a prescription under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et. seq.

Amend RSA 149-M as inserted by section 2 of the bill by deleting RSA 149-M:54 and renumbering the original RSA 149-M:55-58 to read as RSA 149-M:54-57, respectively.

Amend RSA 149-M:56 as inserted by section 2 of the bill by replacing it with the following:

149-M:56 Interstate Clearinghouse. The department is hereby authorized to participate in the establishment and implementation of a regional, multi-state clearinghouse to assist in carrying out the requirements of this subdivision and to help coordinate reviews of the manufacturers' notifications regarding mercury-added products, applications for phase-out exemptions, reviews of the collection plans, the disclosures of mercury content, applications for alternative labeling, and education and outreach. The clearinghouse may also maintain a list of all products containing mercury, including mercury-added products; a file on all exemptions granted by the states; and a file of all the manufacturers' reports on the effectiveness of their collection systems.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 New Paragraph; Mercury Study Committee as Extended by 2000, 87; Duties Amended. Amend 1999, 71:4 by inserting after paragraph II the following new paragraph:

III. Identifying, with the assistance of the department of environmental services and the department of health and human services, and to the greatest extent feasible, all consumer products and products used in health care facilities that contain mercury in amounts greater than one part per billion. The committee shall seek to achieve this goal with voluntary industry cooperation and may otherwise study and make recommendations for future legislative action.

2000-4456s

AMENDED ANALYSIS

This bill:

- I. Prohibits the sale of certain mercury-added products.
- II. Establishes notification and disclosure requirements for permissible mercury-containing products.
- III. Establishes limitations on the use of elemental mercury.
- IV. Authorizes the department of environmental services to participate in the establishment and implementation of a regional, multi-state clearinghouse or manufacturers' notifications of mercury-added products.

V. Amends the duties of the Mercury Study Committee to include assistance in identification of mercury-added, consumer products and health care facility products.

Senate Executive Departments and Administration
May 16, 2000
2000-4525s
10/01

Amendment to HB 725

Amend RSA 541-A:1, XV as inserted by section 2 of the bill by replacing it with the following:

XV. "Rule" means each regulation, standard or other statement of general applicability adopted by an agency to (a) implement, interpret or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters or other explanatory material which refers to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against [him] **such employee**, (d) declaratory rulings, or (e) forms. **The term "rule" shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system. Notwithstanding the requirements of RSA 21-I:14, the term "rule" shall not include the manual described in RSA 21-I:14, I or the standards for the format, content, and style of agency annual and biennial reports described in RSA 21-I:14, IX, which together comprise the manual commonly known as the administrative services manual of procedures.**

Amend the bill by replacing section 15 with the following:

15 Time Limit; Reference to Manual Added; Expansion of Rules Which do not Expire.
Amend RSA 541-A:17, I and II to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, **in conformance with the drafting and procedure manual adopted under RSA 541-A:8.**

II. Notwithstanding the provisions of paragraph I, the [organizational] rules proposed and adopted pursuant to RSA 541-A:16, I(a), **(b)(2), (b)(3), (c), and (d)** shall not expire, provided that they have been approved by the committee. However, if **the adoption or amendment of** a statute governing the agency [~~reorganizes or reassigns any of the responsibilities outlined in the agency's rules describing its organization~~] **renders the agency's rules under RSA 541-A:16, I(a), (b)(2), (b)(3), (c), or (d) no longer accurate**, such rules shall expire one year after the effective date of the statute that makes such change, and the agency shall commence rulemaking to amend its rules no later than 6 months after the effective date of such statute. If the agency reorganizes its organization and responsibilities in such a way that the agency's rules **under RSA 541-A:16, I(a)** describing its organization are no longer

accurate, the agency shall amend its rules as soon as is practicable, but shall commence rulemaking not later than 6 months after such changes occur.

Senate Finance
May 12, 2000
2000-4504s
09/04

Amendment to HB 618-FN-A

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

AN ACT establishing a voucher program for smoking cessation.

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

1 New Chapter; Smoking Cessation Voucher Program. Amend RSA by inserting after chapter 126-N the following new chapter:

CHAPTER 126-O

SMOKING CESSATION VOUCHER PROGRAM

126-O:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

126-O:2 Program Established; Rulemaking.

I. There is established the smoking cessation program which shall be administered by the department. The department shall make available to persons receiving temporary assistance to needy families, vouchers which may be issued to persons for smoking cessation aids and educational programs. Vouchers shall not be issued for pharmaceuticals which are covered under Medicaid.

II. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

(a) An application process and manner of distribution of vouchers.

(b) Authorized smoking cessation aids and educational programs.

(c) Any other matter necessary to the administration of this chapter.

2 Appropriation. There is hereby appropriated to the department of health and human services for the purposes of RSA 126-O as inserted by section 1 of this act, the sum of \$150,000 for the fiscal year ending June 30, 2001, and \$150,000 for each of fiscal years 2002 and 2003, from the moneys received under RSA 126-K:15, the tobacco use prevention fund.

3 Repeal. RSA 126-O, relative to a smoking cessation voucher program, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

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

2000-4505s

AMENDED ANALYSIS

This bill establishes a smoking cessation voucher program to be administered by the department of health and human services and funded from the tobacco use prevention fund.

Senate Finance
May 12, 2000
2000-4506s
05/09

Amendment to HB 1251

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2000.

Senate Finance
May 16, 2000
2000-4529s
09/04

Amendment to HB 1504

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

AN ACT making certain budgetary revisions and technical corrections, and increasing certain appropriations to the legislative branch for consultants.

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

1 Legislative Branch; Senate. Amend 1999, 159:1.01, 02, 01, 01 as follows:

FY 2000 FY 2001

Strike out:

46 Consultants	33,000	33,000
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Insert in place thereof:

46 Consultants	333,000	33,000
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Strike out:

Total	1,347,509	1,369,735
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Estimate source of funds for
Senate

General fund	1,347,509	1,369,735
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Total	1,347,509	1,369,735
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Insert in place thereof:

Total	1,647,509	1,369,735
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Estimated source of funds for
Senate

General fund	1,647,509	1,369,735
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Total	1,647,509	1,369,735
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2 Legislative Branch; House. Amend 1999, 159:1.01, 02, 01, 02 as follows:

FY 2000 FY 2001

Strike out:		
46 Consultants	2,000	2,000
Insert in place thereof:		
46 Consultants	302,000	2,000
Strike out:		
Total	2,741,217	2,864,330
Estimated source of funds for House		
General fund	2,741,217	2,864,330
Total	2,741,217	2,864,330
Insert in place thereof:		
Total	3,041,217	2,864,330
Estimated source of funds for House		
General fund	3,041,217	2,864,330
Total	3,041,217	2,864,330
3 Legislative Budget Assistant; Audit Division.	Amend 1999, 159:1.01, 02, 03, 02 as follows:	
	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	2,197,629	2,218,598
Estimated source of funds for Audit division		
06 Agency income	300,000	300,000
General fund	1,897,629	1,918,598
Total	2,197,629	2,218,598
Insert place thereof:		
Total	2,197,629	2,218,598
Estimated source of funds for Audit division		
06 Agency income	1,100,000	300,000
General fund	1,097,629	1,918,598
Total	2,197,629	2,218,598
4 Legislative Budget Assistant; Budget Division.	Amend 1999, 159:1.01, 02, 03, 01 as follows:	
	<u>FY 2000</u>	<u>FY 2001</u>
Insert:		
94 Tax Modeling	185,000	0
Strike out:		
Total	808,264	803,865
Estimated source of funds for Budget division		
General fund	808,264	803,865
Total	808,264	803,865
Insert in place thereof:		
Total	993,264	803,865
Estimated source of funds for Budget division		
General fund	993,264	803,865
Total	993,264	803,865

5 Department of Revenue Administration; Administration. Amend 1999, 159:1.01, 07, 01, 01 as follows:

		<u>FY 2000</u>	<u>FY2001</u>
Insert:			
90 Tax modeling	F	15,000	0
Strike out:			
Total		1,313,889	1,311,748
Estimated source of funds for Administration			
General fund		1,313,889	1,311,748
Total		1,313,889	1,311,748
Insert in place thereof:			
Total		1,328,889	1,311,748
Estimated source of funds for Administration			
General fund		1,328,889	1,311,748
Total		1,328,889	1,311,748

6 Department of Environmental Services; Oil Pollution Control Fund. Amend 1999, 159:1.03, 04, 04, 04, 01 as follows:

		<u>FY 2000</u>	<u>FY 2001</u>
Strike out:			
59 Part-time-benefited		45,000	47,250
Insert in place thereof:			
59 Part-time-benefited*		70,584	74,707
* There is hereby established one new librarian I (labor grade 17) position in the public information center.			
Strike out:			
60 Benefits		152,280	150,176
Insert in place thereof:			
60 Benefits		160,212	158,688
Strike out:			
Total		2,073,557	2,075,922
Estimated source of funds for Oil pollution control fund			
09 Agency income	C	2,073,557	2,075,922
Total		2,073,557	2,075,922
Insert in place thereof:			
Total		2,107,073	2,111,891
Estimated source of funds for Oil pollution control fund			
09 Agency income	C	2,107,073	2,111,891
Total		2,107,073	2,111,891

7 Health and Human Services Building. Amend 1999, 159:1.01, 04, 04, 05, 06 as follows:

		<u>FY 2000</u>	<u>FY 2001</u>
Strike out:			
99 HHS transfer reduction		381,269-	393,951-
Strike out:			
Total		1,958,435	2,036,214
Estimated source of funds for health & human services bldg			
01 Transfers from other agencies	I	1,958,435	2,036,214

Total		1,958,435	2,036,214
Insert in place thereof:			
Total		2,339,704	2,430,165
Estimated source of funds for health & human services bldg			
01 Transfers from other agencies	I	2,339,704	2,430,165
Total		2,339,704	2,430,165

8 Medicaid Administration; Transfers to General Services. Amend 1999, 159:1.05, 01, 02, 04, 10 as follows:

		<u>FY 2000</u>	<u>FY 2001</u>
Strike out:			
28 Transfers to general services	D	149,552	155,360
Insert in place thereof:			
28 Transfers to general services	D	530,821	549,311
Strike out:			
Total		13,175,828	14,290,419
Estimated source of funds for Medicaid administration			
00 Federal funds		8,894,873	9,695,902
General fund		4,280,955	4,594,517
Total		13,175,828	14,290,419
Insert in place thereof:			
Total		13,557,097	14,684,370
Estimated source of funds for Medicaid administration			
00 Federal funds		9,085,508	9,892,878
General fund		4,471,589	4,791,492
Total		13,557,097	14,684,370

9 Quality Assurance; Brown Building. Amend 1999, 159:1.05, 01, 04, 01, 01 as follows:

		<u>FY 2000</u>	<u>FY 2001</u>
Strike out:			
90 Brown Building Op Exp		133,031	139,683
Strike Out:			
Total		791,897	776,727
Estimated source of funds for Quality assurance			
00 Federal funds		398,504	390,585
General fund		393,393	386,142
Total		791,897	776,727
Insert in place thereof:			
Total		658,866	637,044
Estimated source of funds for Quality assurance			
00 Federal funds		335,021	323,563
General fund		323,845	313,481
Total		658,866	637,044

10 Office of Director; Building Rent. Amend 1999, 159:1.05, 01, 06, 01, 01 as follows:

		<u>FY 2000</u>	<u>FY 2001</u>
Strike Out:			
91 Building rent		165,000	173,250
Insert in place thereof:			
91 Building rent		54,339	64,486
Strike out:			

Total	2,731,028	2,014,057
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Estimated source of funds for
office of director

00 Federal funds	394,966	384,435
General fund	2,336,062	1,629,622
Total	2,731,028	2,014,057

Insert in place thereof:

Total	2,620,367	1,905,293
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Estimated source of funds for
office of director

00 Federal funds	380,580	370,296
General fund	2,239,787	1,534,997
Total	2,620,367	1,905,293

11 Food Protection; Rent. Amend 1999, 159:1.05, 01, 10, 04, 03 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
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Strike out:

99 Rent	31,389	31,389
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Insert in place thereof:

99 Rent	4,904	0
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Strike out:

Total	786,726	770,240
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Estimated source of funds for

Food protection

09 Agency income	I	41,945	41,945
General fund		744,781	728,295
Total		786,726	770,240

Insert in place thereof:

Total	760,241	738,851
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Estimated source of funds for

Food protection

09 Agency income	I	40,271	40,245
General fund		719,970	698,606
Total		760,241	738,851

12 Purpose. Section 13 of this bill adds a new program appropriation unit, "NF Settlement," to the operating budget for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

13 NF Settlement. Amend 1999, 159:1 by inserting the following new PAU:

05 Health and Social Services

01 Dept of Health and Human Services

06 Div Elderly & Adult Services

04 Medical Services

05 NF Settlement

90 Client Payments	F	1	1
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Total		1	1
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Estimated Source of Funds for

NF Settlement

General Fund		1	1
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Total		1	1
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14 Capital Projects; 1993 Totals Adjusted. Amend 1993, 359:1, total state appropriation as amended by 1993, 360:7; 1994, 204:3; 1994, 382:8; and 1995, 309:25 to read as follows:

Total state appropriation section 1

~~[\$41,906,731]~~ **\$53,112,158**

15 Capital Projects; 1993 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10; 1994, 204:4; 1994, 382:8, 1995, 309:26, and 1995, 310:190 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$69,974,158~~] **\$75,974,158**, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

16 Office of Emergency Management; Reallocation of Existing Appropriation Authority.

I. From the following disaster accounts within the office of emergency management, the following amounts shall lapse to the general fund:

010-088-2790-090 Local Assistance – October/November 1995	\$ 4,556.00
severe rain and wind storms	
010-088-2799-090 Public Assistance – October/November 1996	\$119,412.75
severe rain and wind storms and flooding	
010-088-2800-092 Individual Assistance – January 1998	
ice storm	\$ 1.00

II.(a) The following sums are hereby appropriated to the following accounts within the office of emergency management.

010-088-2800-090 Local Assistance – January 1998	
ice storm	\$ 91,785.00
010-088-2801-490 Local Assistance – June 1998	
flooding	\$ 24,567.75
010-088-2801-491 State Agencies – June 1998	
flooding	\$ 7,617.00

(b) The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

17 Education Trust Fund; Transfer of Tax Revenues for Fiscal Year 2001. In lieu of the transfers required by RSA 77-A:20-a and 77-E:14, for fiscal year 2001, the state treasurer shall make quarterly transfers of \$13,125,000, based on estimates made by the commissioner of revenue administration, from the general fund into the education trust fund established in RSA 198:39. These transfers shall occur on the following dates: July 1, 2000, October 1, 2000, January 1, 2001, and April 1, 2001.

18 Lapse Date. Legislative Branch Appropriations. Amend 1999, 159:1 by replacing the totals and estimated source of funds for legislative branch with the following:

	<u>FY 2000</u>	<u>FY 2001</u>
Total	11,513,802	10,587,326
Estimated source of funds for		
Legislative branch		
General fund	10,311,002	10,184,526
Other funds	1,202,800	402,800
Total	11,513,802	10,587,326

All funds appropriated to the legislative branch for fiscal year 2000 which would otherwise lapse on June 30, 2000 shall not lapse until June 30, 2001.

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

2000-4529s

AMENDED ANALYSIS

This bill:

I. Increases appropriations to the house and senate for consultants' fees.

II. Increases an appropriation to the department of environmental services for part-time-benefited personnel.

III. Adjusts certain building usage and rent class lines in PAU's of the department of administrative services and the department of health and human services.

IV. Adds a new program appropriation unit to the operating budget "NF Settlement" for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

V. Corrects the total state appropriation and bond totals in the amended version of the 1993 capital budget (1993, 359).

VI. Lapses sums in certain office of emergency management accounts to the general fund and makes appropriations to certain office of emergency management accounts.

VII. Establishes the amount of business profits tax and business enterprise tax revenues to be transferred quarterly to the education trust fund for fiscal year 2001.

VIII. Provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

Insurance
May 12, 2000
2000-4505s
01/09

Amendment to HB 1589

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

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance.

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

1 Reference Additions. Amend RSA 141-H:2, II and III to read as follows:

II. Except as required to establish paternity under RSA 522, or as required to test newborns for metabolic disorders under RSA 132:10-a, or as required for purposes of criminal investigations and prosecutions, or as is necessary to the functions of the office of chief medical examiner, no genetic testing shall be done in this state on any individual or anywhere on any resident of this state based on bodily materials obtained within this state, without the prior written and informed consent of the individual to be tested, ***the parent, guardian, or custodian if the individual is a minor under the age of 18, or the legal guardian or conservator if the individual is an incompetent person.*** The results of any such test shall be provided only to those persons approved in writing by the individual, ***the parent, guardian, or custodian if the individual is a minor under the age of 18, or the legal guardian or conservator if the individual is an incompetent person.*** No person shall refuse to perform genetic testing, or to arrange for genetic testing to be performed, or to do business with an individual, solely because the individual to be tested refuses to consent to providing the test results to some or all persons.

III. Except as provided in paragraph II, no person shall disclose to any other person that an individual has undergone genetic testing, and no person shall disclose the results of such testing to any other person, without the prior written and informed consent of the individual, ***the parent, guardian, or custodian if the individual is a minor under the age of 18, or the legal guardian or conservator if the individual is an incompetent person. Discussion and disclosure of genetic testing for a patient, requested of a physician by a patient, by appropriate professionals within a physician's medical practice or hospital shall not be a violation of this chapter.***

2 Committee Established. There is established a committee to study and review issues relating to the use of genetic and other health information testing and access to the results of such tests in connection with life, disability income, and long-term care insurance.

3 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall study the following matters:

(a) Personal privacy interests relating to genetic and other health information test results.

(b) All issues concerning the definition of genetic testing and the potential consequences of a prohibition or restriction on the use of genetic testing and other health information or access to results of genetic tests and other health information in connection with insurance underwriting.

(c) The options available to the general court to balance the protection of privacy of genetic information and other health information with the potential adverse impact on the availability and affordability of life, disability income, and long-term care insurance.

II. The committee shall seek input from interested parties including, but not limited to, the commissioner of insurance, an individual familiar with Bioethics as it pertains to Genome Research, insurance consumers, insurance companies, and the American Council of Life Insurers.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

6 Report. The committee shall submit an interim report together with its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000 and a final report to be presented in the same manner on or before November 1, 2001.

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

2000-4505s

AMENDED ANALYSIS

This bill clarifies the issue of informed consent for genetic testing.

This bill also establishes a committee to study the use of genetic and other health information testing and access to the results of such tests with respect to certain insurance policies.

Senate Judiciary
May 17, 2000
2000-4561s
09/04

Amendment to HB 53

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

AN ACT relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

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

1 Intent. It is the intent of the general court that a family court be implemented statewide in a manner which most expeditiously achieves the goal of providing enhanced services to parties involved in cases relating to divorce, custody, children, domestic violence, and other family law matters. The general court finds that this area of law requires the skills and attention of experienced and committed individuals who are dedicated to serving families and to the appropriate, timely resolution of family law cases in a manner which best services the public interest. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division that is geographically accessible to the family.

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 31 the following new subdivision:

Family Division

490:32 Family Division.

I. There is hereby established a family division which shall be a permanent component of the judicial branch under the administrative authority of the supreme court in the counties of Rockingham and Grafton on the effective date of this subdivision. All matters under the jurisdiction of the family division shall be transferred from other state courts no later than 6 months after the effective date of this section.

II. The supreme court shall expand the family division to 2 counties of the supreme court's choice during the biennium beginning July 1, 2001.

III. In establishing the family division, the supreme court shall:

(a) Designate the courthouses within each county which will house the family division.

(b) Select and designate judges, marital masters, and other court personnel from the district, probate and superior courts to serve in the family division, based on their expertise in, and commitment to, family law matters;

(c) Designate an administrative judge for the family division by selecting, from among the district and probate court judges serving in the family division, a jurist who has demonstrated an interest in legal issues affecting the family and a commitment to the values, objectives, and ideals of the family division.

490:33 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the family division is established, jurisdiction over the following matters shall be exclusively exercised through the family division as jurisdiction was previously exercised in the superior, district and municipal and probate courts:

- I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.
- II. Actions for support or custody for children of unwed parties.
- III. Actions under RSA 169-B, relating to delinquent children.
- IV. Actions under RSA 169-C, relating to abused and neglected children.
- V. Actions under RSA 169-D, relating to children in need of services.
- VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA 173-B:4.
- VII. The adoption of children.
- VIII. The guardianship of the person of minors.
- IX. The termination of parental rights.
- X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490:34 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in which the family division is established, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the family division. Suits in equity where subject matter jurisdiction lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice or marital master of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division to have issues of fact framed and tried by a jury, unless federal law preempts a jury trial, according to the rules in equity, or the course of such proceedings at common law.

490:35 Judges and Marital Masters. With the understanding of the special nature of matters within the family division, judges and marital masters selected to serve shall possess the following qualifications:

- I. Willingness to serve in the family division;
- II. Professional experience in family law matters;
- III. Legal and personal qualities including, but not limited to:
 - (a) Knowledge of family matters, including related matters such as tax and pension law;
 - (b) Personal maturity so as to understand and make decisions on matters before the court; and
 - (c) Personal qualities of patience and understanding of the difficult personal matters which are the subject of the division and a willingness to deal with complex family matters in a non-adversarial manner.

3 Committee Established. There is established a committee to study procedures for implementation of a statewide family division.

4 Membership and Compensation.

- I. The members of the committee shall be as follows:
 - (a) Three members of the house, 2 of whom shall be members of either the judiciary committee or the children and family law committee and one of whom shall be a member of the finance committee, appointed by the speaker of the house.
 - (b) Three members of the senate, who shall be members of the judiciary committee, appointed by the senate president.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study and recommend the best method of establishing procedures for implementing a statewide family division.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before January 1, 2001.

8 Transfer of Funds and Personnel. Funds within the judicial branch operating budget and court personnel shall be transferred to the family division from the superior court and other courts as necessary.

9 Jurisdiction; Family Division in Rockingham County. Amend 1995, 152:4, IV as amended by 1996, 265:14 to read as follows:

IV. The courthouses in Rockingham county which will house the program shall be the Rockingham county courthouse, the Portsmouth district court, the Salem district court, and the Auburn district court. In the case of the Auburn district court, the supreme court shall have discretion to designate such other facility within the Auburn or Derry district as it deems appropriate.

(a) Matters arising in municipalities located within the Portsmouth district and the Hampton district shall be heard in the Portsmouth district court ***or such other location within the Portsmouth or Hampton district as the supreme court may designate.***

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem district court.

(c) Matters arising in municipalities located within the Auburn district, ***except for the towns of Deerfield, Northwood, and Nottingham,*** and the Derry district shall be heard in the Auburn district court or such other location within the Auburn or Derry district as the supreme court may designate.

(d) Matters arising in municipalities located within the Exeter district and Plaistow district, ***as well as the towns of Deerfield, Northwood, and Nottingham,*** shall be heard in the Rockingham county courthouse.

10 Effective Date.

I. Sections 3-7 of this act shall take effect 60 days after its passage.

II. Section 9 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2000.

2000-4561s

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to 2 other counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a statewide family division.

The bill also provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

Senate Judiciary

May 17, 2000
2000-4559s
08/09

Amendment to HB 297-FN

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

AN ACT relative to the state commission for human rights and claims before it.

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

1 State Commission for Human Rights; Quorum. Amend RSA 354-A:3, II to read as follows:

II. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded. ~~[Three]~~ **Four** members of the commission shall constitute a quorum for the purpose of conducting the commission's business, ***with the exception of hearings conducted pursuant to RSA 354-A:21, II(b).*** A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission. Each member of the commission shall be entitled to ~~[his]~~ expenses actually and necessarily incurred by ~~[him]~~ ***the member*** in the performance of ~~[his]~~ ***the member's*** duties.

2 New Paragraph; Powers and Duties of the Commission; Fees for Services and Programs. Amend RSA 354-A:5 by inserting after paragraph XIV the following new paragraph:

XV. To charge reasonable fees for educational services, programs, publications, and other written materials.

3 Commission for Human Rights; Procedure on Complaints. Amend RSA 354-A:21, II(a) to read as follows:

(a) After the filing of any complaint, one of the commissioners designated by the chair shall make, with the assistance of the commission's staff, prompt investigation in connection therewith; during the course of the investigation, the commission shall encourage the parties to resolve their differences through settlement negotiations; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, the commissioner shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not disclose what has occurred in the course of such endeavors, provided that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been so disposed of. ***When the investigating commissioner finds no probable cause to credit the allegations in the complaint, the complaint shall be dismissed, subject to a right of appeal to superior court. A finding of probable cause by the investigating commissioner shall likewise be subject to a right of appeal to superior court. In either case, the appealing party shall have 60 days from receipt of the probable cause or no probable cause finding to appeal the finding. To prevail on appeal, the moving party shall establish that the commission decision is unlawful or unreasonable by a clear preponderance of the evidence. The findings of the investigating commissioner upon questions of fact shall be upheld as long as the record contains credible evidence to support them. An unsworn investigative report compiled by a commissioner shall not be received in evidence.***

4 Commission for Human Rights; Procedure on Complaints. Amend RSA 354-A:21, II(c) to read as follows:

(c) The case in support of the complaint ~~[shall]~~ **may** be presented before the commission by ~~[one of its attorneys or agents,]~~ **the complainant or complainant's representative** and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the subsequent deliberation of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent shall file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. ~~[In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel.]~~ The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript.

5 Commission for Human Rights; Procedure on Complaints. Amend RSA 354-A:21, IV to read as follows:

IV. In administering this section, the commission shall be exempt from the provisions of RSA 541-A:29, II, but shall close each case or commence adjudicative proceedings on such case under RSA ~~[354-A:22]~~ **354-A:21** within 24 months after the filing date of the complaint.

6 New Section; Claims of Unlawful Discriminatory Practices; Choice of Remedies. Amend RSA 354-A by inserting after section 21 the following new section:

354-A:21-a Choice of Remedies. Any party alleging to be aggrieved by or alleged to have committed any practice made unlawful under this chapter may, upon receipt of a finding of probable cause or no probable cause by the investigating commissioner, appeal the finding to the superior court. Upon filing of an appeal, such party may remove his or her claim from the jurisdiction of the commission and bring an action in the superior court within 60 days of receipt of the finding of probable cause or no probable cause. If the superior court upholds a no probable cause finding, legal remedies of the petitioner are exhausted.

7 Commission for Human Rights; Judicial Review and Enforcement. Amend RSA 354-A:22, I and II to read as follows:

I. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review of the order, and the commission **or any interested person** may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the superior court of the state within any county in which the unlawful practice which is the subject of the commission's order occurs or in which any person required in the order to cease and desist from an unlawful practice or to take other affirmative action resides or transacts business.

II. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission **in the case of a petition for judicial review**, and issuance and service of an order of notice as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission, with full power to issue injunctions against any respondent and to punish for contempt of court. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

8 Effective Date. This act shall take effect January 1, 2001.

2000-4559s

AMENDED ANALYSIS

This bill:

I. Provides a right of appeal to superior court on a claim of a discriminatory practice after a finding of probable cause or no probable cause by a human rights commissioner.

II. Allows a party, upon filing of an appeal, to remove his or her claim from the jurisdiction of the commission and bring an action in the superior court.

III. Allows the commission to charge fees for educational services, programs, publications, and other materials.

IV. Changes the quorum to 4 members for purposes of conducting the commission's business.

Senate Judiciary
May 17, 2000
2000-4565s
04/10

Amendment to HB 628

Amend RSA 458:17, VI-a, (c) as inserted by section 1 of the bill by replacing it with the following:

(c) The court may approve the relocation of the principal residence of a minor child if the court determines that such relocation would be in the best interest of such minor child or children. In making its determination, the court shall consider the following factors:

- (1) The age of each child involved.
- (2) The developmental maturity and needs of each child.
- (3) The possible impact that relocation may have on the physical, educational, emotional, and developmental well-being of the child or children, taking into consideration the nature of the relationship of the child to each parent and any special needs that the child may have.
- (4) Actual visitation and custodial schedules.
- (5) Founded cases of child abuse or domestic violence as defined in RSA 169-C or RSA 173-C.
- (6) The child's contact with the community.

Senate Judiciary
May 17, 2000
2000-4560s
05/09

Amendment to HB 1611

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

AN ACT creating a house committee to study recodification of the state's DWI laws.

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

1 Committee Established. There is established a house of representatives committee to study the feasibility of recodifying the state's DWI laws.

2 Membership and Compensation.

I. The membership of the committee shall consist of all members of the house criminal justice and public safety committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review existing laws throughout the statutes relative to operating motor vehicles, boats and OHRVs while alcohol or drug impaired, and study the feasibility of creating a chapter within Title 21 dealing exclusively with such offenses.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the chairperson of the house criminal justice and public safety committee. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, the governor, and the state library on or before November 1, 2000.

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

2000-4560s

AMENDED ANALYSIS

This bill establishes a committee to review existing laws throughout the statutes relative to operating motor vehicles, boats and OHRVs while alcohol or drug impaired, and study the feasibility of creating a chapter within Title 21 dealing exclusively with such offenses.

Public Affairs
May 17, 2000
2000-4569s
03/09

Amendment to HB 1331

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

1 New Paragraph; Definition; "Segregated Accounts." Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's employees, officers, shareholders, directors, partners, or members for political purposes.

2 Prohibited Political Organizations; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, officer, director, executive, agent, partner or employee acting in behalf of such business organization. This paragraph shall not prohibit the establishment or administration of a separate, segregated account which shall constitute a political committee as defined in RSA 664:2 that operates independently of the business organization to be used for making political contributions and expenditures if the fund consists only of voluntary contributions solicited from an individual who is an employee, officer,

shareholder, director, partner or member of the business organization. The provisions of this section shall not apply to sole proprietorships.

3 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This paragraph shall not prohibit the establishment of a separate, segregated account which shall constitute a political committee, as defined in RSA 664:2, III, that operates independently of the labor union to be used for making political contributions and expenditures if the account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the labor union.***

4 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

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

2000-4569s

AMENDED ANALYSIS

This bill eliminates the prohibition on political contributions by business organizations and labor unions that have established segregated accounts for voluntary contributions.

Public Affairs
May 17, 2000
2000-4570s
05/10

Amendment to HB 1531

Amend the bill by replacing section 1 with the following:

1 New Section; Preemption of Local Firearms Regulations. Amend RSA 159 by inserting after section 6-f the following new section:

159:6-g Preemption of Local Firearms Regulations. No political subdivision shall impose special taxation on, enact any law, ordinance, or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, carrying, or possession of handguns or other firearms, or components of handguns or other firearms, except as otherwise provided in state or federal law. This section shall not be deemed to affect RSA 159-B, nor the control of municipalities over the use of municipally owned property, excluding public highways as defined by RSA 229:1, nor the administration of other sections of this chapter.

Public Affairs
May 17, 2000
2000-4574s
08/01

Amendment to HB 1622-LOCAL

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

AN ACT making the requirement that a deputy town clerk have his or her domicile within the town optional, and ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk.

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

1 Town Officers; Deputy Town Clerk; Town Domicile Not Required; Local Option. Amend RSA 41:18 to read as follows:

41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk and who shall perform all the duties of the town clerk in case of his *or her* absence by sickness, resignation, or otherwise. A deputy town clerk appointed hereunder shall be appointed by the elected town clerk with the approval of the selectmen. ***A deputy town clerk need not be a resident of the town, unless the town, by adopting a warrant article at a town meeting, votes to require that the deputy town clerk be a resident of the town.***

2 Certain Annual Town Meetings Prior to Effective Date of This Act Ratified. No acts, votes, notices, or proceedings of any annual town meeting held prior to the effective date of this act shall be held invalid due to the town's deputy town clerk residing outside the town. Acts, votes, notices, and proceedings of any annual town meeting held prior to the effective date of this act which are of questionable legality solely due to the town having a nonresident deputy town clerk, are hereby legalized, ratified, and confirmed.

2000-4574s

AMENDED ANALYSIS

This bill eliminates the requirement that a deputy town clerk have his or her residence in the town, unless the town votes at a town meeting to require residence by the deputy town clerk in the town. This bill also ratifies and legalizes all acts, votes, notices, and proceedings of any annual town meeting held prior to the effective date of this bill that are of questionable legality solely due to the town having a nonresident deputy town clerk.

Public Institutions, Health and Human Services
May 10, 2000
2000-4449s
01/09

Amendment to HB 1464

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

AN ACT relative to ambulatory surgical facilities in service areas of rural hospitals.

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

1 New Paragraph; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XXXIV the following new paragraph:

XXXIV-a. "Rural hospital" means a hospital that has less than 70 beds licensed by the department of health and human services.

2 Threshold Limits. Amend RSA 151-C:5, II (f) to read as follows:

(f)(1) ***Except as provided in subparagraph (2),*** the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than \$1,000,000. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) The threshold amount for construction of ambulatory surgical centers within the service area of a rural hospital shall be \$500,000, unless there is an objection by the rural hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of rural hospitals.

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

2000-4449s

AMENDED ANALYSIS

This bill lowers the threshold amount necessary for certificate of need review of the construction of ambulatory surgical centers within the service areas of rural hospitals.

Public Institutions, Health and Human Services
May 11, 2000
2000-4493s
03/10

Amendment to HB 1571-FN

Amend RSA 99-D:9, I as inserted by section 1 of the bill by replacing it with the following:

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity and not in a wanton or reckless manner, arising out of clinical services of psychiatrists or other medical doctors provided in accordance with any contract limited to such services entered into by the department of corrections.

Amend RSA 541-B:21-a, I as inserted by section 2 of the bill by replacing it with the following:

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity, providing clinical services of psychiatrists or other medical doctors in

accordance with any contract limited to such services entered into by the department of corrections.

Senate Transportation
May 17, 2000
2000-4577s
09/04

Amendment to HB 1563-FN-LOCAL

Amend the bill by replacing sections 9 and 10 with the following:

9 Repayment of Initial Investment. The Authority shall give priority to the repayment of any moneys, if any, advanced to the Authority by private individuals or organizations toward the acquisition of the airport. Those individuals or organizations shall be known as the private investors.

10 Membership of the Authority.

I. A member of the board of selectmen of the town of Wolfeboro shall constitute the mandated member of the Authority. The selectmen member, together with 6 other individuals appointed as hereinafter provided, shall constitute the Authority, and shall be vested with all the powers and charged with all the duties hereinafter granted to and imposed upon the Authority.

II. Two members, both of whom shall be residents of the town of Wolfeboro and, so long as any moneys advanced have not been repaid, one of whom shall be chosen from nominees provided by the individual investors, shall be appointed by the board of selectmen. Four members shall be appointed by the commissioner of the department of transportation, 3 of whom shall be residents of the town of Wolfeboro. One appointee shall have general knowledge of and interest in the aeronautics industry and shall not be required to be a resident of the town of Wolfeboro. The members of the Authority shall be nominated and appointed prior to any state transfer of property to the Authority. Authority members shall serve for 3-year terms and until their successors are appointed. However, upon the initial formation of the Authority, 2 of the members shall serve for a period of 4 years, 2 of the members shall serve for a period of 3 years, and 2 of the members shall serve for a period of 2 years. At the initial meeting of the Authority, the length of term shall be determined for each appointee, provided that the nominee of the individual investors appointed by the selectmen shall be given one of the 4-year terms.

III. After public hearing, any of the members of the Authority may be removed by a majority vote of the Authority members for neglect of duty, malfeasance, or misconduct. Any such removal shall be accompanied by written findings made by the Authority.

IV. Except for the mandated member, no person shall be eligible for membership of the Authority who at the time of the appointment of such member holds any remunerative public office or position or any employment for compensation (except as an independent contractor) with the town of Wolfeboro.

V. Any member of the Authority who is also a private investor shall fully and publicly disclose the type and extent of his or her investments in the Authority before participating in any board activities which might impact the value of or return on that investment.

Amend the bill by replacing section 14 with the following:

14 Audits and Reports. All financial transactions of the Authority shall be independently audited annually and at such other times and in such manner as the Authority shall determine. The Authority shall make an annual report of its financial and other transactions for the

preceding calendar year. This report shall be forwarded to the department of transportation and shall be made available for inspection by the public and by the private investors.

Amend the bill by replacing section 16 with the following:

16 Penalties. Any violation of the published rules, ordinances, and regulations of the Authority relating to the operation of the airport, and any unjustified refusal or repeated neglect to pay lawfully prescribed fees for the use of the airport or its facilities, shall be a class B misdemeanor, provided, however, that nothing contained in this section shall be construed as a limitation upon the civil rights of individuals or of the Authority.

Senate Transportation
May 17, 2000
2000-4562s
05/09

Amendment to HB 1620-FN

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

AN ACT relative to driver record information, liquor liability insurance coverage, retail selling, and requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

Amend RSA 260:14, XV(a)(2) as inserted by section 10 of the bill by replacing it with the following:

(2) The legitimate business provides the commissioner with a list of all users of the information, including the name and address of the business, provided, however, that such list shall not be a public record available for public inspection pursuant to RSA 91-A.

Amend the bill by replacing all after section 10 with the following:

11 New Section; Alcoholic Beverages; Liquor Licenses and Fees; Insurance for Liquor Liability. Amend RSA 178 by inserting after section 2 the following new section:

178:2-a Insurance for Liquor Liability.

I. If the commission finds that a licensee or applicant has violated RSA 179:5, the commission may require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide a certificate of insurance for liquor liability of the licensee to a limit of not less than \$100,000 to any one person and \$200,000 to all persons.

II. Effective 60 days after the inception of a liquor liability insurance contract, no notice of intention to terminate the contract or, if the contract is a renewal, no notice of intention not to renew the contract shall be effective unless the insurer at least 60 days prior to the effective date of cancellation or the end of the contract period, as the case may be, mails or delivers to the insured, and to the commission, at the address shown on the policy such notice of intention not to renew, except where cancellation is for nonpayment of premium, or where the insured no longer has a license. If cancellation is for nonpayment of premium pertaining to contracts required pursuant to paragraph I, the insurer shall not cancel such liquor liability insurance except upon 30 days prior written notice to the licensee and the commission.

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

12 Retail Installment Sales; Retail Selling; Disclosure, Exceptions; Telephone Number; Limitation. Amend RSA 361-B:2-a, I(c) to read as follows:

(c) ***In the case of a telephone solicitation, an address or*** a telephone number for customer inquiries and complaints.

13 New Section; Service by State Police. Amend RSA 106-B by inserting after section 12 the following new section:

106-B:12-a Service by State Police. The director shall make a quarterly report to the commissioner of safety and the governor, the senate president and the speaker of the house on the results of service of criminal process, warrants and notices and arrests of persons wanted for outstanding warrants and court defaults. This report shall include the number of persons arrested and denied a license, and the amount of revenue raised.

14 NCIC Record Checks Required Prior to Issuance of Permanent Driver's License. Amend RSA 263:5-a, III to read as follows:

III. The director may issue a temporary driver's license to a person who applies for a license under paragraph I until he receives the record and determines whether the person should be granted a driver's license. The director may refuse to issue a temporary driver's license to a person who is under suspension or revocation in another jurisdiction or who would present a hazard to the safety of others. ***After issuance of the temporary license and prior to issuance of a permanent license the applicant's record for outstanding warrants or defaults shall be checked through the NCIC, by running the exact name and date of birth given on the surrendered license or birth certificate through the NCIC computer system. The department shall not isolate applicants based on NCIC "Soundex", phonetic matches; name only; or date of birth only computer matches. If there is an exact match of name and date of birth, the application shall be denied until such time as the warrant or court default is cleared. During that period the applicant's current license and operating privileges shall be suspended by the state.***

15 New Paragraph; Nonrefundable Fee. Amend RSA 263:5-a by inserting after paragraph VI the following new paragraph:

VII. Any person who provides false information as provided in paragraph VI shall forfeit any fee paid.

16 New Paragraph; Interest after Suspension. Amend RSA 263:56-a by inserting after paragraph II the following new paragraph:

II-a. After suspension as provided in paragraph II, interest on amounts not paid when due shall be computed at the rate of 1 percent per month from the date of suspension to the date payment is actually made. Interest shall be collected by the department or the court and deposited into the general fund. No interest shall be computed on fines assessed before January 1, 2001. The commissioner and the court shall have the discretion, as justice may require, to waive the payment of interest computed under this paragraph.

17 Interest on Fines Credited to the General Fund. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA 263:56-a, I, I-a, II and III-VII, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the default bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses up to a maximum amount of \$100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the default bench warrant fund to pay the costs related to law enforcement officials and bench warrants. The commissioner may also draw upon

such fund to pay the cost of breath analyzer machines, upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.

18 Notice of Interest on Unpaid Fines. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to ~~his~~ **the** summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" ~~[which];~~ **the fine schedule** shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail **and notification that unpaid fines may be subject to interest pursuant to RSA 263:56-a, II-a.** The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

19 Default of Personal Recognizance. Amend RSA 597:38-b, I to read as follows:

I. Whenever a party recognized to appear for any offense ~~[involving driving]~~ makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he **or she** has paid the amount of the forfeited recognizance to the court.

20 Effective Date.

I. Sections 12-19 of this act shall take effect January 1, 2001.

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

2000-4562s

AMENDED ANALYSIS

This bill:

I. Further defines the various circumstances under which a person's motor vehicle record may be released, and provides added measures of security to those persons wishing to restrict its use.

II. Permits the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide a certificate of insurance for liquor liability of the licensee if the licensee or applicant has violated the prohibition on serving minors or intoxicated persons.

III. Limits to telephone solicitation the telephone number for customer inquiries and complaints disclosure that certain home solicitation sellers must provide, and permits disclosure of an address instead of a telephone number.

IV. Requires any person applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC).

V. Authorizes the collection of interest on outstanding unpaid fines, with proceeds dedicated to the general fund.

VI. Broadens the scope of personal recognizance defaults subject to interest penalties.

VII. Requires that any person who provides false information when applying for a license forfeit any fee paid.

Senate Transportation
May 16, 2000
2000-4540s
01/09

**Amendment to HB
2000-FN-LOCAL**

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

AN ACT relative to a 10-year transportation plan, establishing a committee to study the transportation plan projects, relative to proposed toll booths in the city of Nashua, and relative to alternatives to the statewide toll booth system.

Amend the bill by replacing section 8 with the following:

8 Statement of Intent. The general court recognizes that building additional toll booths create safety concerns and pollution issues. The general court also recognizes that more toll booths detract from the New Hampshire scenery and negatively impact the New Hampshire tourism industry.

9 Proposed Toll Booths Eliminated. The department of transportation shall eliminate the proposed toll booths for the city of Nashua.

10 Alternatives to Toll Booth System Required; Department of Transportation. The commissioner of the department of transportation shall recommend alternatives to the statewide toll booth system. The commissioner shall submit a report on or before November 1, 2000 with recommendations for legislation to the senate president, the speaker of the house, the chairpersons of the senate and house transportation committees, and the governor.

11 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

4540s

AMENDED ANALYSIS

This bill:

I. Updates the 10-year transportation plan to maintain the highways and bridges in the state.

II. Adds a budget footnote to 1999, 159:1.

III. Establishes a committee to study the priority and funding of the projects included in the 10-year transportation plan.

IV. Eliminates proposed toll booths in Nashua.

V. Requires the commissioner of the department of transportation to create alternatives to the state's toll booth system.

Ways and Means
April 10, 2000
2000-4062s
09/01

Amendment to HB 1202-LOCAL

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

AN ACT making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes.

Amend the bill by replacing all after section 10 with the following:

11 Notification; Grant Distribution. RSA 198:42, III is repealed and reenacted to read as follows:

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof to the school district. Upon distribution of the first grant payment made to a school district in any year, the municipality on whose behalf the payment is made shall receive notification from the state treasurer of the amount of the total grant distribution for that year and the amount of the payments which comprise the total grant distribution for that year.

12 Effective Date.

I. Sections 4 and 7 of this act shall take effect upon its passage.

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

COMMITTEE OF CONFERENCE

HB 75, changing the number required for a quorum on the commission for human rights.

Senate Conferees: Senators Cohen, Larsen, Roberge.

House Conferees: Representatives O'Neil, Mercer, Zolla, Murphy.

HB 97, relative to the right to farm.

Senate Conferees: Senators Below, Wheeler, Krueger.

House Conferees: Representatives Babson, K. Marshall, Patten, Phinizy.

HB 228, clarifying permissible political expenditures.

Meeting: Wednesday, May 23, 2000, Room 308, LOB, 10:00 a.m.

Senate Conferees: Senators Trombly, Eaton, McCarley.

House Conferees: Representatives Clegg, Horton, Letourneau, Clemons.

HB 553-FN-A, establishing a commission on the status of men.

Meeting : Wednesday May 17, 2000, Room 101, LOB, 4:00 p.m.

Senate Conferees: Senators Cohen, Larsen, Brown.

House Conferees: Representatives Sapareto, Zolla, Boyce, Burkush.

HB 1198, establishing a procedure for the 2001 voter checklist verification.

Meeting: Wednesday, May 23, 2000, Room 308, LOB, 11:00 a.m.

Senate Conferees: Senators Trombly, Disnard, Eaton.

House Conferees: Representatives Clegg, Horton, Stritch, Buckley.

HB 1212, relative to extending the reporting date of the open adoption study committee.

Meeting: Tuesday, May, 16, 2000, Room 203, LOB 10:30 a.m.

Senate Conferees: Senators Trombly, Squires, Pignatelli.

House Conferees: Representatives Lyman, Gile, Arnold, Bickford.

SB 135-FN, relative to water supply land protection grants.

Senate Conferees: Senators Russman, Johnson, Pignatelli.

House Conferees: Representatives Royce, Whalley, Downing, Stone.

SB 403, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

Senate Conferees: Senators Disnard, Russman, Below.

House Conferees: Representatives Scanlan, L. Pratt, Babson, Phinizy.

SB 431, relative to certain secondary vocational education programs.

MEETING: Tuesday, May 16, 2000, Room 103, SH, 3:30 p.m.

Senate Conferees: Senators Larson, McCarley, Gordon.

House Conferees: Representatives Daniels, Ward, Alger, Guest.

MEETINGS

THURSDAY, MAY 18, 2000

NH DEPARTMENT OF TRANSPORTATION Tilton Town Hall 257 Main St. Tilton, NH -
Tilton 12635 East Main St.

7:00 p.m. Public Info Meeting

FRIDAY, MAY 19, 2000

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

9:00 a.m. Regular Meeting

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMITTEE (RSA 198:49,I) Room 210-211, LOB

9:30 a.m. Regular Meeting

DRED STUDY (HB 535, Chapter 92, Laws of 1999) Room 202-204, LOB

10:00 a.m. Meeting to receive testimony from environmental & conservation groups and from state employees who work on a daily basis in the State Park System.

MONDAY, MAY 22, 2000

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

9:00 a.m. Regular Meeting

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

10:00 a.m. Regular Meeting with area agencies

TUESDAY, MAY 23, 2000

NH DEPARTMENT OF TRANSPORTATION Troy Town Library - Troy 10434 NH 12 Bypass

4:30 p.m. Meeting with Conservation Commission

NH DEPARTMENT OF TRANSPORTATION Canaan Senior Center Church St. Canaan, NH - Canaan, 12870 Replacement of US 4 Bridge

6:30 p.m. Combined Public Officials/ Public Informational

WEDNESDAY, MAY 24, 2000

SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT (HB 379, Chapter 201, Laws of 1999) Room 301, LOB

10:00 a.m. Regular Meeting

THURSDAY, MAY 25, 2000

NH DEPARTMENT OF TRANSPORTATION Center of NH Manchester, NH - Second Annual Bike/Ped Conference

8:00 a.m. - 5:00 p.m. Regular Meeting

TUESDAY, MAY 30, 2000

NH DEPARTMENT OF TRANSPORTATION Belmont Middle School Café. School St. Belmont, NH - Belmont, 12916 us 3/NH 11

7:00 p.m. Public Informational Meeting

MONDAY, JUNE 5, 2000

SEED STERILIZATION OR "TERMINATOR" TECHNOLOGY STUDY (HB 291, Chapter 282, Laws of 1999) Room 303, LOB

1:00 p.m. Regular Meeting

WEDNESDAY, JUNE 7, 2000

FISCAL COMMITTEE OF THE GENERAL COURT Room 210-211, LOB

9:00 a.m. Regular Business

FRIDAY, JUNE 9, 2000

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

9:00-11:00 a.m. Regular Meeting

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

1:00 p.m. Regular Meeting

MONDAY, JUNE 12, 2000

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

9:00 a.m. Regular Meeting

SEED STERILIZATION OR "TERMINATOR" TECHNOLOGY STUDY (HB 291, Chapter 282, Laws of 1999) Room 303, LOB

1:00 p.m. Regular Meeting

WEDNESDAY, JUNE 14, 2000

UPDATING NH LAWS RELATED TO FENCES STUDY (HB 1154, Chapter 62, Laws of 1998) Room 301, LOB

1:00 p.m. Regular Meeting

FRIDAY, JUNE 16, 2000

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

9:00 a.m. Regular Meeting

MONDAY, JUNE 19, 2000

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

1:00 p.m. Complaint Hearings

MONDAY, JULY 10, 2000

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

9:00 a.m. Regular Meeting

FRIDAY, JULY 21, 2000

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

9:00 a.m. Regular Meeting

MONDAY, AUGUST 14, 2000

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

9:00 a.m. Regular Meeting

FRIDAY, AUGUST 18, 2000

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

9:00 a.m. Regular Meeting

MONDAY, SEPTEMBER 11, 2000

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

9:00 a.m. Investment Subcommittee Meeting

10:00 a.m. Regular Meeting

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

9:00 a.m. Regular Meeting

FRIDAY, SEPTEMBER 15, 2000

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

9:00 a.m. Regular Meeting

MONDAY, OCTOBER 16, 2000

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

9:00 a.m. Regular Meeting

FRIDAY, OCTOBER 20, 2000

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

9:00 a.m. Regular Meeting

MONDAY, NOVEMBER 13, 2000

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

9:00 a.m. Regular Meeting

FRIDAY, NOVEMBER 17, 2000

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

9:00 a.m. Regular Meeting

MONDAY, NOVEMBER 27, 2000

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

9:00 a.m. Investment Subcommittee Meeting

10:00 a.m. Regular Meeting

MONDAY, DECEMBER 11, 2000

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

9:00 a.m. Regular Meeting

FRIDAY, DECEMBER 15, 2000

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

9:00 a.m. Regular Meeting

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

**SB 36, SB 128, SB 135, SB 136, SB 153, SB 176, SB 178, SB 185, SB 186, SB 206, SB 219,
SB 228, SB 310, SB 389, SB 390, SB 391, SB 392, SB 393, SB 395, SB 397, SB 399, SB 401,
SB 402, SB 403, SB 406, SB 409, SB 410, SB 412, SB 413, SB 414, SB 415, SB 417, SB 421,
SB 423, SB 425, SB 429, SB 432, SB 434, SB 435, SB 436, SB 444, SB 445, SB 447, SB 449,
SB 450, SB 458, SB 465, SB 470**

NOTICES

There are extra copies of the PSNH Proposed Restructuring Settlement as well as the Executive Summary available in the Senate President's office.

Senator Beverly Hollingworth

THURSDAY, MAY 18, 2000

The March of Dimes New Hampshire Chapter is having a Advocacy Breakfast , "Saving babies, together" in the State House Cafeteria on Thursday, May 18, 2000 from 7:45 a.m. - 9:00 a.m. Come learn what the March of Dimes is doing in New Hampshire to improve the health of babies!

The mission of the March of Dimes is to improve the health of babies by preventing birth defects and infant mortality. The March of Dimes carries out its mission through programs of research, advocacy, education and community service.

Senator Thomas Eaton

THURSDAY, MAY 18, 2000

Senators are cordially invited to attend a Legislative Luncheon sponsored by the Women's Fund of New Hampshire during the recess on Thursday, May 18th. Join us to learn more about the progress of the Women's Fund, which has been established as a charitable endowment to serve the needs of women and girls of New Hampshire for generations to come. The Women's Fund will announce the grant recipients for 2000 during the luncheon. The event will be held at Rath, Young and Pignatelli Professional Association, One Capital Plaza, Concord (Citizen's Bank Building, 2nd Floor, corner of Main and School Streets).

Senator Beverly A. Hollingworth

WEDNESDAY, MAY 24, 2000

The New Hampshire Women's Lobby is celebrating its 20th anniversary on Wednesday, May 24th from 4:30 to 6:30 p.m. at the Holiday Inn. Please join us in honoring Rep. Carol Moore, who will be receiving the Women in Leadership Award which has been awarded only four times in the lobby's 20 years. The previous recipients were Rep. Caroline Gross, Sen. Susan McLane, Governor Jeanne Shaheen, and Rep. Elizabeth Hager. Other honored guests will include all past Women's Lobby board chairs and staff. Tickets are \$10 for lobby members, and \$15 for non-members and are available from the lobby office (224-9105), Senator Wheeler, Representatives Sandy Keans, Fran Potter or Marjorie Smith, or from other lobby members.

Senator Katie Wheeler

MONDAY, JUNE 26, 2000

The **27th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 26 at Bretwood Golf Course in Keene. The entry fee for this annual tourney is \$60.00 per person and includes greens fee, cart, dinner and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up 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 12th to Sandy Wheeler at the LOB Lobby Desk. Please make check payable to Legislative Golf Tournament, care of David S. Saltmarsh.

Senator Burton Cohen

Senator Carl Johnson

27th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_____ (2)_____

(3)_____ (4)_____

Telephone No: _____ Amount Enclosed: _____

VISITORS' CENTER SCHEDULE – MAY

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in May 2000. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors' Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
May 18	9:30&11:00	Thornton's Ferry – Merrimack	4/50
May 18	12:30	St. John Elem. School – Concord	4/30
May 19	9:30	Mountain View Middle School – Goffstown	4/50
May 19	11:00&12:30	Lakeway Elem. School – Littleton	4/90
May 22	9:30ish	Linwood Elem. School – Lincoln	4/29
May 22	11:00&12:30	Little Harbor Elem. School – Portsmouth	4/75
May 23	10:00	Underhill School – Hooksett	4/50
May 23	11:00&12:30	Milford Elem. School	4/75
May 24	10:00	Underhill School – Hooksett	4/50
May 24	11:00&12:30	Milford Elem. School	4/75
May 25	10:00	Underhill School – Hooksett	4/50
May 25	11:00	Dondero Elem. School – Portsmouth	4/42
May 25	12:30	Ed Fenn Elem. School – Gorham	4/44
May 25	12:30	Bethlehem Elem. School	4/20
May 26	9:30&10:45	St. Anthony's School – Manchester	4/65
May 26	1:00	Berlin Junior High School	8/35
May 30	9:30&11:00	Plymouth Elem. School	4/66
May 31	9:30&11:00	Green Acres School – Manchester	4/90
May 31	12:30	Webster Elem. School	4/23

