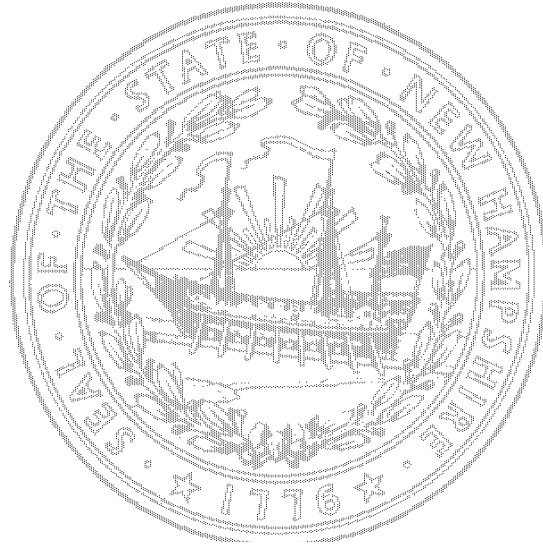


April 17, 2001

No. 19

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

**THE SENATE WILL MEET IN SESSION ON THURSDAY, APRIL 19, 2001
AT 10:15 A.M.**

LAI D ON THE TABLE

- SB 10**, relative to the transcription of hearings before standing committees of the senate.
- SB 30**, establishing a committee to study the DNA database of sexual offenders.
- SB 31**, eliminating straight ticket voting.
- SB 32**, exempting dumbwaiters from the elevator law.
- SB 52**, relative to liquor liability insurance coverage.
- SB 90**, relative to misdemeanor jury trials.
- SB 95**, relative to campaign contribution limits and independent expenditures.
- SB 96-FN**, repealing the requirements for resident and nonresident licenses to carry concealed weapons.
- SB 97-FN**, requiring the annual registration of manufactured housing parks.
- SB 112**, relative to voter registration forms.
- SB 116-FN**, relative to motor vehicle offenses which result in the death or serious bodily injury of another.
- SB 122-FN**, relative to the license to carry a weapon.
- SB 126**, relative to the use of certain credit data in underwriting certain insurance policies.
- SB 180-FN-A**, establishing the Hooksett district court as a full-time court and making an appropriation therefor.
- HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists.

REPORTS

EDUCATION

- SB 135-FN-L**, relative to kindergarten funding. Vote 5-0
Ought to pass with amendment, Senator Gordon for the committee.
- SB 153-FN-L**, relative to adjustments to educational adequacy grants. Vote 3-0
Re-referred to committee, Senator O'Hearn for the committee.
- SB 155-L**, limiting the liability of teachers and other educational employees. Vote 4-1
Ought to pass with amendment, Senator O'Hearn for the committee.

ENERGY & ECONOMIC DEVELOPMENT

- SB 45**, relative to the legislative oversight committee on electric utility restructuring. Vote 5-0
Ought to Pass, Senator Johnson for the committee.

SB 83, relative to the New Hampshire film and television commission. Vote 5-0

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

HB 480, relative to the divisions within the department of resources and economic development. Vote 5-0

Ought to Pass, Senator Cohen for the committee.

HB 489, (New Title) relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service. Vote 5-0

Ought to Pass, Senator Below for the committee.

HB 585, relative to the membership and duties of the council on resources and development. Vote 5-0

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

ENVIRONMENT

HB 189-FN, increasing the facility funding limits under the oil discharge and disposal cleanup fund. Vote 4-0

Ought to Pass, Senator Eaton for the committee.

HJR 3, encouraging the preservation of the system of locks on the Merrimack River. Vote 2-0

Ought to Pass, Senator Cohen for the committee.

INSURANCE

HB 232, relative to compensability of work-related stress injuries under the workers' compensation act. Vote 5-0

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

INTERNAL AFFAIRS

HB 101, (New Title) requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts. Vote 4-0

Ought to Pass, Senator Boyce for the committee.

HB 242, extending the reporting deadlines for certain study committees and commissions. Vote 4-0

Ought to Pass, Senator Roberge for the committee.

JUDICIARY

SB 129, establishing a minimum age for issuing a license to carry a concealed pistol or revolver. Vote 3-2

Inexpedient to Legislate, Senator Prescott for the committee.

SB 148, relative to certain penalties for violations of the youth tobacco laws. Vote 5-0

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

HB 121, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. Vote 5-0

Ought to Pass, Senator Pignatelli for the committee.

PUBLIC AFFAIRS

SB 29, relative to amending warrant articles by political subdivisions that have adopted the official ballot referendum form of meeting. Vote 4-0

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

SB 60, relative to the authority of the board of tax and land appeals to assess attorney's fees. Vote 4-1

Inexpedient to Legislate, Senator Roberge for the committee.

SB 185, relative to push-polling. Vote 4-0

Inexpedient to Legislate, Senator Francoeur for the committee.

HB 395, relative to the time for the first meeting for county conventions following election. Vote 4-0

Ought to Pass, Senator Disnard for the committee.

TRANSPORTATION

SB 134-FN-A, establishing a 2-year pilot program to allow businesses to use their logos on business directional signs for an added fee, and creating a committee to evaluate the program and recommend legislation. Vote 4-0

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

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. Vote 3-0

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

HB 146, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. Vote 3-0

Ought to Pass, Senator Eaton for the committee.

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. Vote 3-0

Ought to Pass, Senator Flanders for the committee.

HB 263, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. Vote 3-0

Ought to Pass, Senator McCarley for the committee.

WAYS & MEANS

SB 91, prohibiting persons involved in the administration or enforcement of bingo and lucky 7 laws from participating, playing, or otherwise being involved with bingo and lucky 7 games beyond the scope of their official duties, and relative to the total value of prizes that may be awarded for bingo. Vote 5-0

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

SB 131-FN-A, authorizing the sweepstakes commission to allow and regulate multi-hall linked bingo games. Vote 5-0

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

SB 142-FN, relative to the collection of debts owed to the state. Vote 5-0

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

SB 170-FN-L, making certain changes to the excavation tax and excavation activity tax. Vote 5-0

Ought to Pass, Senator Barnes for the committee.

SB 183-FN-A-L, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. Vote 5-0

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

SB 193-FN-A-L, relative to changes in the property tax system and making an appropriation therefor. Vote 5-0

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

WILDLIFE & RECREATION

HB 236, relative to the registration of deer. Vote 5-0

Ought to Pass, Senator Eaton for the committee.

HB 367-L, relative to the establishment of a town forest in the town of Randolph. Vote 5-0

Ought to Pass, Senator Roberge for the committee.

AMENDMENTS

Senate Education
April 11, 2001
2001-0883s
04/01

Amendment to SB 135-FN-LOCAL

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

1 New Section; Adequacy Funds for New Kindergarten Programs. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Adequacy Funds for New Kindergarten Programs. A school district that implements a new public kindergarten program on July 1, 1999 or thereafter, shall receive annually, beginning in fiscal year 2002, a kindergarten adequacy payment from the education trust fund established in RSA 198:39 to be calculated as follows:

I. Payments for each eligible kindergarten pupil shall be made at the rate of $\frac{1}{2}$ the average base cost per pupil of an adequate education at the elementary level as determined under RSA 198:40.

II. The number of eligible pupils shall be the number of kindergarten pupils who reside in the district and who, on October 1 of each school year, are enrolled in an approved public kindergarten operated by the district, or are enrolled under a tuition agreement in an approved public kindergarten operated by another district, or are enrolled in an approved alternative kindergarten program operated under RSA 198:48-a.

III. The annual new kindergarten adequacy payment shall be calculated by multiplying the amount established in paragraph I by the number of pupils determined in accordance with paragraph II.

IV. The annual new kindergarten adequacy payment calculated under paragraph III shall be distributed to eligible districts on or before January 1 of each school year.

V. Notwithstanding RSA 198:39, for the fiscal year beginning July 1, 2001, and every fiscal year thereafter, a sum sufficient to distribute annual new kindergarten adequacy payments in accordance with this section shall be appropriated from the education trust fund to the department of education. For each fiscal year, the governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

VI. When enrollments in a new public kindergarten program are included in the school district's average daily membership in residence for the purpose of determining adequate education costs and distributing adequate education grants under RSA 198:40 through 198:42, the school district shall not be eligible to receive a new kindergarten adequacy payment calculated under this section.

2 Repeal. The following are repealed:

I. RSA 198:48-a, VII, relative to certain pupils enrolled in an approved alternative kindergarten program.

II. 1999, 65:9, I, as amended by 2000, 289:2, relative to per pupil reimbursements for new public kindergarten programs.

3 Effective Date. This act shall take effect July 1, 2001.

2001-0883s

AMENDED ANALYSIS

This bill sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program. The bill also provides that kindergarten adequacy payments shall cease once kindergarten enrollment is included in the school district's average daily membership in residence.

Senate Education

April 11, 2001

2001-0881s

06/01

Amendment to SB 155-LOCAL

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

1 New Chapter; Teacher Liability Protection. Amend RSA by inserting after chapter 507-F the following new chapter:

CHAPTER 507-G

TEACHER LIABILITY PROTECTION

507-G:1 Title. This chapter may be cited as the "Teacher Liability Protection Act."

507-G:2 Definitions. As used in this chapter:

I. "Educational entity" means the state board of education or any other body, board, or agency that governs one or more public primary or secondary schools.

II. "Employee" means any individual elected or appointed to an educational entity, any individual who is an employee of such an entity, and any employee of a company under contract with a school or school district who is directly engaged in student-related services.

507-G:3 Liability.

I. An educational entity and its employees shall not be liable for harm caused by an act or omission of the employee on behalf of the school if:

(a) The employee was acting within the scope of his or her employment or responsibilities;

(b) The actions of the employee were carried out in conformity with local, state, and federal laws, rules, and regulations in furtherance of efforts to control, discipline, expel, or maintain order or control on school grounds or while engaged in a school sponsored activity; and

(c) The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the employee.

II. An educational entity and its employees participating in good faith in the making of a report consistent with state and federal law to the appropriate law enforcement authority or school officials shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed if that report involves a student on school grounds or engaged in a school sponsored activity that:

(a) Is under the influence of alcoholic beverages or a controlled substance not lawfully prescribed to that student.

(b) Is in possession of a firearm, alcoholic beverage, or a controlled substance not lawfully prescribed to that student.

(c) Is involved in the illegal sale or distribution of firearms, alcoholic beverages, or a controlled substance.

(d) Has committed a crime or violation of the law, or has committed a delinquent act that would be a crime or violation of the law if committed by an adult.

III. Nothing in this chapter shall be construed to alter the authority of educational entities established under RSA 31:105 and RSA 31:106 to indemnify and save harmless for loss or damage any person employed by it and any member or officer of its governing board, administrative staff, or agencies.

2 New Section; Liability for Reporting. Amend RSA 193-F by inserting after section 4 the following new section:

193-F:5 An employee of an educational entity, as defined in RSA 507-G:2, I, who in good faith has made a report under RSA 193-D or RSA 193-F shall not be subject to liability for making the report.

3 Effective Date. This act shall take effect January 1, 2002.

2001-0881s

AMENDED ANALYSIS

This bill provides liability protection for public educational entities and their employees.

Energy & Economic Development
April 17, 2001
2001-0956s
05/01

Amendment to SB 83

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

1 New Hampshire Film and Television Commission; Removing the Commission Repeal Date. Amend 1998, 179:4 to read as follows:
179:4 Repeal. RSA [~~12-A:41 and~~] 12-A:42, relative to the rulemaking requirements for the New Hampshire film and television commission, [~~are~~] **is** repealed.
2 Effective Date. This act shall take effect upon its passage.

2001-0956s

AMENDED ANALYSIS

This bill eliminates the repeal date for the New Hampshire film and television commission.

Energy and Economic Development
April 17, 2001
2001-0957s
05/09

Amendment to HB 585

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Expansion of the Responsibilities of the Council on Resources and Development. Amend RSA 162-C:2 by inserting after paragraph IX the following new paragraphs:

- X. Review and coordinate the distribution of funds by state agencies to local and regional entities to encourage consistency with and provide support for New Hampshire's smart growth policies under RSA 9-B:4.
- XI. Review the following actions by state agencies and ensure, in consultation with the long range capital planning and utilization committee established by RSA 17-M:1-3, that these actions are integrated into a long range capital improvement program that is updated every 2 years in conjunction with the capital budget process, and provide recommendations to the governor regarding whether the actions are consistent with New Hampshire's smart growth policies under RSA 9-B:5:
 - (a) Capital budget requests;
 - (b) Building operation and maintenance plans; and
 - (c) Facility location and planning.
- XII. Facilitate coordination of state agencies to support local, regional, and state planning efforts consistent with RSA 9-A:1-4.

Insurance
April 12, 2001
2001-0907s
01/09

Amendment to HB 232

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

AN ACT relative to compensability of work-related stress injuries under the workers' compensation act and relative to election of remedies for wrongful termination or constructive discharge.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3, respectively:

2 New Paragraph; Wrongful Termination or Constructive Discharge. Amend RSA 281-A:8 by inserting after paragraph II the following new paragraph:

III. Nothing in this chapter shall derogate from any rights a former employee may have under common law or other statute to recover damages for wrongful termination of, or constructive discharge from, employment. However, if a former employee makes a claim under this chapter for compensation for injuries allegedly caused by such wrongful termination or constructive discharge, the employee shall be deemed to have elected the remedies of this chapter, and to have waived rights to recover damages for such wrongful termination or constructive discharge under common law or other statute. Similarly, if a former employee brings an action under common law or other statute to recover damages for such wrongful termination or constructive discharge, the employee shall be deemed to have waived claims under this chapter for compensation allegedly caused by such termination or discharge.

2001-0907s

AMENDED ANALYSIS

This bill provides that a mental injury is not compensable under the workers' compensation act if such mental injury results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action, taken in good faith by the employer.

This bill also clarifies certain issues regarding remedies for wrongful termination or constructive discharge.

Senate Judiciary
April 16, 2001
2001-0915s
05/10

Amendment to SB 148

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

1 Sale and Distribution of Tobacco Products to Minors Prohibited; License Revocation. Amend RSA 126-K:4, II to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission

shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$ 750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license ***at the location where the infraction occurred for the business or business entity or any principal thereof for a period of one year from the date of revocation. During the one year period of license revocation, no license shall be issued for the location where the infraction occurred to any entity related to a licensee whose license has been revoked.***

2 Distribution of Free Samples of Tobacco Products to Minors; License Revocation. Amend RSA 126-K:5, III to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license ***at the location where the infraction occurred for the business or business entity or any principal thereof for a period of one year from the date of revocation. During the one year period of license revocation, no license shall be issued for the location where the infraction occurred to any entity related to a licensee whose license has been revoked.***

3 Vending Machines; License Revocation. Amend RSA 78:12-d, VII to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license ***at the location where the infraction occurred for the business or business entity or any principal thereof for a period of one year from the date of revocation. During the one year period of license revocation, no license shall be issued for the location where the infraction occurred to any entity related to a licensee whose license has been revoked.***

4 Effective Date. This act shall take effect January 1, 2002.

08/01

Amendment to SB 29

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

AN ACT relative to amending certain warrant articles by political subdivisions that have adopted the official ballot referendum form of meeting.

Amend the bill by replacing section 1 with the following:

1 Official Ballot Referendum Form of Meeting; Amended Warrant Articles. RSA 40:13, IV(b) is repealed and reenacted to read as follows:

(b) For warrant articles that are amended, except bond articles, the following shall be placed on the official ballot:

- (1) The original wording prior to amendment;
- (2) The wording with amendment;
- (3) The clear notation: "Neither of the above"; and
- (4) The clear notation: "Vote for one choice only."

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as section 5:

4 Approval of Warrant Articles. Amend RSA 40:13, XIII to read as follows:

XIII. Approval of all warrant articles shall be by simple majority ***vote on unamended articles and by plurality vote on amended articles***, except for questions which require a 2/3 vote by law, contract, or written agreement.

2001-0953s

AMENDED ANALYSIS

This bill requires that in political subdivisions that have adopted the official ballot referendum form of meeting, certain warrant articles amended at the first session shall appear with the following on the official ballot: the original wording prior to amendment, the wording with amendment, the clear notation: "neither of the above," and the clear notation: "vote for one choice only."

Senate Transportation
April 13, 2001
2001-0913s
06/01

Amendment to SB 134-FN-A

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

AN ACT establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways.

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

1 Committee Established. There is established a study committee to study the use of business logo signing on the mainline of the interstate and turnpike systems.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall study the possible benefits or repercussions or both, of business logo signs on the mainline of limited access and divided highways, including types of motorist services, business eligibility, bumping criteria, aesthetics, and safety, as well as costs of installation, maintenance, and annual permitting. The committee shall also study all other issues it deems necessary to its purpose and report its findings and any recommendations for proposed rules revisions and for legislation.

II. The committee shall seek input from individuals in the following industries or from representative organizations:

(a) Hospitality industry.

(b) Regional attraction industry.

(c) Tourism industry.

(d) Department of transportation.

(e) Department of safety.

(f) Department of resources and economic development.

4 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. 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.

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

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

2001-0913s

AMENDED ANALYSIS

This bill establishes a study committee to study allowing the use of business logo signing on certain types of highways. The committee shall make its report on or before November 1, 2001.

Senate Transportation

April 17, 2001

2001-0938s

05/09

Amendment to SB 152-FN

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Enforcement; New Hampshire Motor Vehicle Industry Board; Attorneys Fees. Amend RSA 357-C:12 by inserting after paragraph IX the following new paragraph:

X. In cases where the board finds that a violation of this chapter has occurred or there has been a failure to show good cause under RSA 357-C:7 and RSA 357-C:9, the superior court, upon petition, shall determine reasonable attorneys fees and costs and award them to the prevailing party.

2001-0938s

AMENDED ANALYSIS

This bill:

I. Defines “assemble” for purposes of the chapter regulating business practices between motor vehicle manufacturers, distributors, and dealers.

II. Specifically includes distributors in the regulation of terminations and relocations.

III. Prohibits the failure to renew a franchise or selling agreement without good cause.

IV. Permits the New Hampshire motor vehicle industry board to establish initial start-up fees.

V. Permits the department of safety to charge additional fees as necessary to assist in the operation of the board.

VI. Requires franchisers and franchisees to register with the New Hampshire motor vehicle industry board.

Senate Ways and Means

April 17, 2001

2001-0931s

08/10

Amendment to SB 131-FN-A

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

AN ACT establishing a study committee relative to charitable bingo operations.

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

1 Committee Established. There is established a committee to study the charitable bingo operations.

2 Membership and Compensation.

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

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house.

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 study the operations of charitable bingo in the state. This study shall include, but not be limited to:

I. Laws related to charitable bingo operations;

II. Laws related to the use of volunteers in charitable bingo operations;

III. A comparison to commercial bingo operations;

IV. Prize limits; and

V. Ways to enhance revenue for charities, including forms of electronic bingo.

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 first-named senate member. 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 senate president, the senate clerk, speaker of the house of representatives, the house clerk, the governor, and the state library on or before November 1, 2001.

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

2001-0931s

AMENDED ANALYSIS

This bill creates a committee to study charitable bingo operations.

Senate Ways and Means

April 16, 2001

2001-0927s

05/03

Amendment to SB 142-FN

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

1 New Subdivision; The State and its Government; Treasurer and Accounts; Collection of Debts Due the State. Amend RSA 6 by inserting after section 43 the following new subdivision: Collection of Debts Due the State

6:44 Collection of Public Debts by Collection Agencies or Law Firms.

I.(a) Agencies, departments, taxing districts, political subdivisions of the state, counties, and cities may retain, by written contract, private collection agencies or law firms for the purpose of collecting debts owed by any person, including any restitution that is being collected on behalf of a crime victim.

(b) The amount of the collection fee as negotiated between the governmental entity and the private collection agency or law firm shall be added to the bill of costs to be paid by the debtor and shall not exceed 35 percent of the amount collected.

II. No debt may be assigned to a collection agency or law firm unless:

(a) There have been at least 3 documented attempts to notify the debtor of the existence of the debt and of the fact that the debt may be assigned to a collection agency or law firm for collection if it is not paid; and

(b) At least 30 days have elapsed from the last notice attempt.

III. Collection agencies or law firms assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors. The collection agencies or law firms are likewise bound by the provisions of RSA 358-C, governing unfair collection practices.

IV. For purposes of this section, a private collection agency or law firm shall cease its efforts designed to collect the debt and so inform the governmental entity upon the occurrence of any of the following:

(a) The private collection agency or law firm considers the debt noncollectible.

(b) A period of 180 days has elapsed since referral of the debt to the private collection agency or law firm and there has been no response by the debtor or collection of moneys.

(c) Upon demand of a judge having jurisdiction over the debtor in a criminal or civil matter.

V. For purposes of this section, the term "debt" shall include fines and other debts, including the fee required under subparagraph I(b) of this section.

2 Effective Date. This act shall take effect January 1, 2002.

2001-0927s

AMENDED ANALYSIS

This bill permits various branches of state government to retain private collection agencies or law firms to collect debts owed to the state.

Senate Ways and Means

April 17, 2001

2001-0934s

09/03

Amendment to SB 183-FN-A-LOCAL

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

1 Distribution of Meals and Rooms Tax Revenue to Cities and Towns Based on Affordable Housing. Amend RSA 78-A:26, II to read as follows:

II. For fiscal year 1995, instead of the 40 percent distribution in subparagraph I(b), 75 percent of each city's or town's 1976 distribution under RSA 78-A:23 shall be distributed under the provisions of subparagraph I(b), plus an amount equal to 75 percent of any increase in the revenue received from the meals and rooms tax for the fiscal year ending on the preceding June 30, not to exceed \$2,000,000. For fiscal year 1996, the amount to be distributed shall be equal to the prior year's distribution, plus an amount equal to 75 percent of any increase in the revenue received from the meals and rooms tax for the fiscal year ending on the preceding June

30, not to exceed \$3,000,000. For fiscal year 1997 and each year thereafter, the amount to be distributed shall be equal to the prior year's distribution plus an amount equal to 75 percent of any increase in the income received from the meals and rooms tax for the fiscal year ending on the preceding June 30, not to exceed \$5,000,000, until such time as the total amount distributed annually is equal to the amount indicated in subparagraph I(b). ***For fiscal year 2003 and each year thereafter, the amount which is equal to 75 percent of the increase over the prior fiscal year's meals and rooms tax revenue, not to exceed \$5,000,000, shall be distributed based on the schedule for distribution established by the housing finance authority under RSA 204-C:88.***

2 New Paragraph; Notice to Municipalities. Amend RSA 78-A:26 by inserting after paragraph III the following new paragraph:

IV. Within 90 days of the effective date of this paragraph, the state treasurer shall send written notice to the governing body of each municipality in the state containing the following information:

(a) That beginning with fiscal year 2003, increases in the share of the meals and rooms tax revenues that is distributed to cities and towns shall, pursuant to RSA 204-C:88, be distributed to municipalities based on the addition of new housing units which are state or federally assisted housing or manufactured housing, based on the most recent available data from the office of state planning and the New Hampshire housing finance authority.

(b) That any municipal official may contact the housing finance authority to determine:

(1) Whether the municipality will be eligible for a share of the increased rooms and meals tax revenues; and

(2) The number of additional manufactured housing units or units of state or federally assisted housing for which the municipality is projected to be eligible to receive an incentive payment in the next fiscal year.

(c) That unexpired building permits issued by the municipality for state or federally assisted housing or manufactured housing may be submitted to the housing finance authority for recalculation of eligibility pursuant to RSA 204-C:88.

3 New Subdivision; Housing Finance Authority; Distribution of Meals and Rooms Tax Revenue. Amend RSA 204-C by inserting after section 86 the following new subdivision: Distribution of Meals and Rooms Tax Revenue

204-C:87 Definitions. In this subdivision:

I. "State or federally assisted housing" means rental housing developed for occupancy by low and moderate income families or individuals for which the owner has received a grant, loan, tax credit, or other financial subsidy from an agency or instrumentality of the state or federal government. The authority shall by August 1 of each year publish a list of housing developments qualifying under this definition and shall rely on this list in making the calculation required under RSA 204-C:88, II. Rental units in which the sole form of assistance is a portable tenant based rent subsidy, including but not limited to the federal Section 8 housing choice voucher program, shall not constitute state or federally assisted housing as used in this subdivision.

II. "Manufactured housing" means manufactured housing as defined in RSA 674:31.

III. "Eligible units" means the total of state or federally assisted housing and manufactured housing.

204-C:88 Distribution Schedule for Meals and Rooms Tax Revenue. On or before October 1 of each year, the authority shall establish a schedule for distribution of the amount which is equal to 75 percent of the increase over the prior fiscal year's meals and rooms tax revenue to towns and cities under RSA 78-A:26, II, but not exceeding \$5,000,000, and shall report this schedule to the state treasurer with certification as to its correctness. The authority shall establish this schedule in the following manner:

I. Towns and cities qualifying for a share of the distribution shall be each town or city in which eligible units were created as determined by the authority or in which building permits were issued for manufactured housing units during the previous fiscal year.

II. The authority shall allocate the funds available under RSA 78-A:26, II by dividing the total funds available by the total number of eligible units and allocating such amount or \$2,500; whichever is less, for each eligible unit. The total amount distributed to all eligible cities and towns in any one year shall not exceed \$5,000,000. If the total amount allocated does not equal \$5,000,000, any unexpended amount shall be held by the treasurer to fund future allocations.

III. The number of housing units used by the authority in establishing this distribution schedule shall be based on the latest statistics furnished by the office of state planning.

IV. Any building permits which a town has issued for state or federally assisted housing or manufactured housing, which have not expired, shall be counted as a housing unit for the purpose of making the calculation required by paragraphs I and II of this section, upon the provision of satisfactory proof of the issuance of such permits and the type of unit permitted, to the authority.

V. The authority shall, by July 1 of each year, publish a list which specifies the number of eligible units for which each town and city is projected to be eligible for an incentive fee payment. The list shall include at least one eligible unit for each town or city. The number of eligible units shall be derived by calculating the percent of the state's total housing units in each town or city and applying that percentage to the total eligible units which may receive an incentive payment based on the total funds available for a fiscal year divided by \$2,500.

4 Repeal. RSA 204-C:87-88, relative to distribution of meals and rooms tax revenue, is repealed.

5 Effective Date

I. Section 2 of this act shall take effect upon its passage.

II. Section 4 of this act shall take effect July 1, 2008.

III. The remainder of this act shall take effect July 1, 2002.

Senate Ways and Means
April 16, 2001
2001-0924s
09/10

Amendment to SB 193-FN-A-LOCAL

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

1 Administratively Attached Boards. RSA 21-J:1-a is repealed and reenacted to read as follows:

21-J:1-a Boards Administratively Attached. The following boards shall be administratively attached to the department of revenue administration, under RSA 21-G:10:

I. The current use board, established under RSA 79-A:3.

II. The assessing standards board, established under RSA 21-J:14-a.

III. The equalization standards board, established under RSA 21-J:14-b.

2 New Subdivisions; Assessing Standards Board; Equalization Standards Board; Certification of Assessors and Auditing Authority; Cooperative Assessment Districts. Amend RSA 21-J by inserting after section 14 the following new subdivisions:

Assessing Standards Board

21-J:14-a Assessing Standards Board; Members; Appointments; Terms.

I. There is hereby established an assessing standards board which shall be administratively attached to the department of revenue administration, as provided in RSA 21-J:1-a.

II. The board shall be comprised of the following members:

(a) Five members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000; one of whom shall be an assessing official for a town with a population of more than 5,000; and one of whom shall be an assessing official for a city. Each member shall hold office for the term of such member's position for 2 years and until a successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(b) Two members of the senate appointed by the president of the senate. The term of each member shall be coterminous with the member's term as senator. A vacancy for an unexpired term shall be filled by the president of the senate.

(c) Two members of the house of representatives appointed by the speaker of the house. The term of each member shall be coterminous with the member's term as representative. A vacancy for an unexpired term shall be filled by the speaker of the house.

(d) The commissioner of the department of revenue administration, or the commissioner's designee.

(e) Three members of the public appointed by the governor with the consent of the council, at least one of whom shall be a selectman in a town with a population of 5,000 or less.

III. Members of the assessing standards board who are not state employees or legislators shall each be paid \$25 a day for such time as the members are actually engaged in the work of the board. All members shall be paid their actual expenses incurred as the result of such work. Non-legislative members shall be paid mileage at the same rate as state employees, but legislative members shall receive mileage at the legislative rate.

IV. The board shall annually elect a chairperson from among its members. The first meeting of the board shall be called by the first-named house member and shall be held within 30 days after the effective date of this section. A chairperson shall be elected from the board's membership at the first meeting and annually thereafter.

21-J:14-b Powers and Duties of the Board.

I. The assessing standards board shall adopt rules, pursuant to RSA 541-A, and recommend appropriate legislation relative to:

(a) The annual update and publication of an assessing procedures manual for selectmen and boards of assessors. Such manual shall include the department of revenue administration's appraisal manual, a calendar of tasks to be completed on a periodic basis including those tasks required by state statute, and such other information as the board deems necessary. The board shall examine the report of the expert hired by the department of revenue administration.

(b) Standards to be followed by assessors, selectmen, and the board of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(c) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The commissioner of the department of revenue administration shall be responsible for enforcement of those standards.

(d) The establishment of standards for monitoring of local assessment practices by the department of revenue administration, standards for the adequacy of tax maps and other records, and standards for audit by the department of revenue administration of municipalities.

(e) The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

(f) Forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

(g) Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

II. All standards and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing standards and practices. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the chairperson shall proceed to adopt any proposed rules.

III. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, president of the senate, speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

Equalization Standards Board

21-J:14-c Equalization Standards Board; Members; Appointments; Terms.

I. There is hereby established an equalization standards board which shall be administratively attached to the department of revenue administration, as provided in RSA 21-J:1-a.

II. The board shall be comprised of the following members:

(a)(1)(A) One member nominated by the New Hampshire Association of Counties and appointed by the governor with the consent of the council.

(B) One member nominated by the New Hampshire Association of School Boards and appointed by the governor with the consent of the council.

(C) One member nominated by the New Hampshire Municipal Association and appointed by the governor with the consent of the council.

(D) Two members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000, the other of whom shall be an assessing official for a town or city with a population of more than 5,000.

(2) Each member appointed under subparagraph (a)(1) shall hold office for 2 years, and until such member's successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(b) Three members of the public, one of whom shall have experience with equalization processes and one with experience in statistics, appointed by the governor with the consent of the council. Each member shall serve for a term of 3 years and until such member's successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(c) Two members of the senate, appointed by the president of the senate. The term of each member shall be coterminous with the member's term as senator. A vacancy for an unexpired term shall be filled by the president of the senate.

(d) Two members of the house of representatives, appointed by the speaker of the house. The term of each member shall be coterminous with the member's term as representative. A vacancy for an unexpired term shall be filled by the speaker of the house.

(e) The commissioner of the department of revenue administration, or the commissioner's designee.

III. Members of the equalization standards board who are not state employees or legislators shall each be paid \$25 a day for such time as the members are actually engaged in the work of the board. All members shall be paid their actual expenses incurred as a result of such work. Non-legislative members shall be paid mileage at the same rate as state employees, but legislative members shall receive mileage at the legislative rate.

IV. The first meeting of the board shall be called by the first-named senate member and shall be held within 30 days after the effective date of this section. A chairperson shall be elected from among the board's membership at the first meeting and annually thereafter.

21-J:14-d Powers and Duties of the Board. The equalization standards board shall have the following powers and duties:

I. The board shall meet, at least annually, to review the procedures of the prior year's ratio studies conducted by the department of revenue administration for the purposes of equalization and the evaluation of assessment performance and to establish procedures for improving the ratio studies for the forthcoming property tax year.

II. The board shall develop standards for equalization and shall review, revise, and approve the equalization manual published by the department of revenue administration. In developing its standards, the board shall review the standards of the International Association of Assessing Officials and any other standards that are consistent with the work of the board.

III. The board shall annually determine, vote upon, and recommend to the chairperson of the board, the ratio study procedures for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on the ratio study procedures. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph IV, the chairperson shall proceed to adopt any proposed rules.

IV. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, president of the senate, speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

V. The board shall adopt rules, on or before December 31, 2001, pursuant to RSA 541-A and with specific attention to RSA 541-A:25, relative to unfunded state mandates, relative to:

(a) Standards and procedures for the calculation of equalization ratios and confidence intervals as recommended by the board.

(b) The equalization manual.

(c) Other forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

Certification of Assessors and Auditing Authority

21-J:14-e Auditing Authority. Every person, firm, or corporation making appraisals on behalf of a municipality for tax assessment purposes shall maintain records of its appraisal activities and shall make all such records available for inspection by the commissioner or authorized agents, upon request, at reasonable times during regular business hours. Any willful violation of the provisions of this section shall be subject to the penalties included in RSA 21-J:39.

21-J:14-f Certification Required.

I. Every person, whether working individually, for a firm or corporation, or as a municipal or department of revenue administration employee, making appraisals on behalf of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-d, V.

II. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals on behalf of a municipality for tax assessment purposes without first obtaining the certification required by this section. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section shall be subject to the penalties imposed under RSA 21-J:39.

21-J:14-g Suspension and Revocation of Certification.

I. The commissioner, after notice and hearing, may suspend or revoke the certification of any person or may refuse to issue or renew any certification for failure to comply with the provisions of RSA 21-J:14-e and RSA 21-J:14-f or with rules adopted by the commissioner under RSA 21-J:14-e and RSA 21-J:14-f.

II. Any person aggrieved by a suspension, revocation, or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the county in which such person resides or maintains his or her business

within 30 days after receiving written notice of the commissioner's ruling. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith.

Cooperative Assessment Districts

21-J:14-h Purpose. The general court finds that the encouragement and support of the establishment of multi-jurisdictional assessing districts is in the state's interest in order to ensure the accuracy and fairness of valuations of real property for the purposes of administration of the statewide property tax, county property taxes, school district property taxes, municipal property taxes, the distribution of various forms of state aid, and the equalization of property values among jurisdictions. The general court further recognizes that many municipalities do not have sufficient numbers of real estate parcels, sufficient varieties of real property, or sufficient levels of new development to make it practical or economical to engage full-time, trained, and certified assessing professionals. The general court further finds that the state has a vested interest in encouraging and supporting the establishment of cooperative assessing districts which can efficiently and economically provide full-time, trained, and certified assessing professionals to serve the municipalities which elect to create and join said districts.

21-J:14-i Cooperative Assessing Districts Authorized.

I. Any 2 or more municipalities may form a cooperative assessing district under this chapter by utilizing the process set forth in RSA 53-A, relative to agreements between government units.

II. A cooperative assessing district agreement may include a county as an administrative party to the agreement.

III. A cooperative assessing district may have municipalities from more than one county as members.

21-J:14-j Minimum Requirements for a District Inter-local Agreement.

I. The intergovernmental agreement used to form a cooperative assessing district shall substantially conform to the provisions outlined in RSA 53-A:3 and shall include the following:

(a) A district cost allocation formula based in whole or in part on the number of parcels of real property in each member municipality.

(b) A governing board on which each municipality in the district is represented by at least one member who has at least one vote.

(c) A term of initial membership of at least 10 years.

(d) A requirement of at least 24 months written notice and a vote of the municipality's legislative body before a member may withdraw from the district.

(e) Provisions for holding a withdrawing municipality responsible for payment of its proportionate share of future district expenses to which the district may be committed because of the withdrawing municipality's membership such as capital costs and retirement costs.

(f) Provisions that require a municipality which joins a district to provide its annual pro rata share of the district's budget without regard to whether or not said share is approved and supported by the governing body, the budget committee, or the legislative body of the municipality.

(g) Provisions for administratively attaching the district staff to a political subdivision for the purposes of accounting, payroll, retirement, insurance and fringe benefits, and for compensating that political subdivision for these administrative services.

(h) A formula for staffing the district with full-time, trained, and certified professional appraisers which may be based on the number of parcels and types of properties found in the district and other necessary staff.

II. All appraisers employed by a district shall meet current standards pursuant to RSA 21-J:14-f.

3 Duties of Commissioner; Hearings. Amend RSA 21-J:3, XVIII to read as follows:

XVIII. Hear appeals on disputed taxes, penalties, and interest ***and on certification suspension, revocation, or rejection under RSA 21-J:14-g.***

4 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XI the following new paragraph:

XII. Certification, enforcement, and hearing requirements under RSA 21-J:14-f and 21-J:14-g.

5 New Paragraph; Penalties. Amend RSA 21-J:39 by inserting after paragraph III the following new paragraph:

IV.(a) No person, except elected officials making appraisals pursuant to RSA 75:1, shall willfully engage in making appraisals on behalf of a municipality for tax assessment purposes, unless such person is certified as provided in RSA 21-J:14-f.

(b) No person engaged in making appraisals on behalf of a municipality for tax assessment purposes shall willfully fail to maintain and provide the department access to the records required to be kept under RSA 21-J:14-e.

(c) Any person who violates subparagraph (a) or (b) shall be guilty of violation.

6 New Section; Option to Assign Appraisal Responsibility. Amend RSA 31 by inserting after section 95-f the following new section:

31:95-g Option to Assign Appraisal Responsibility. The legislative body of any municipality may vote to authorize the elected officials to delegate the assessing functions imposed on them under RSA 75:1, 75:11, and 79-A:5 to a person certified by the department of revenue administration under RSA 21-J:14-f.

7 Appraisals; Oaths of Selectmen and Assessors. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, ~~[do solemnly swear]~~ **certify under the penalty of perjury** that in making the inventory for the purpose of assessing the foregoing taxes ~~[we appraised]~~ all taxable property **was appraised to the best of our knowledge and belief** at its full value, ~~[and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God]~~ **in accordance with state appraisal standards.**

8 Expert Report. The commissioner of the department of revenue administration shall make available to the assessing standards board, established under RSA 21-J:14-a, and the equalization standards board, established under RSA 21-J:14-c, the findings and reports of any expert hired by the department to analyze the state's equalization and assessing practices. Both boards shall consider the expert's findings in carrying out their statutory duties.

9 Committee Established. There is hereby established a committee to study the role of selectmen in the assessing function and to study the feasibility of establishing a professional assessors' licensing board to improve the practice of assessing in the state of New Hampshire.

10 Membership and Compensation.

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

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

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

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

11 Duties. The committee shall study:

I. The role of selectmen in the assessing process.

II. The feasibility of establishing a professional assessors licensing board. The committee shall focus on whether such a board would improve the practice of assessing the state of New Hampshire and on the related part I, article 28-a cost issues.

III. Other matters pertaining to improving the administration and equity of the state's property tax system.

12 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.

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

14 Equalized Valuation. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70 by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, ~~[including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A,]~~ and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

15 Appropriation. Notwithstanding the provisions of RSA 198:39, the sum of \$1 is hereby appropriated for the biennium ending June 30, 2003 from the education trust fund established in RSA 198:39 to the department of revenue administration, for the purpose of administering this act.

16 Effective Date.

I. Section 15 of this act shall take effect July 1, 2001.

II. Sections 9-13 of this act shall take effect upon its passage.

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

2001-0924s

AMENDED ANALYSIS

I. Establishes an assessing standards board and an equalization standards board, both of which are administratively attached to the department of revenue administration.

II. Requires appraisers, except for boards of assessors and selectmen, to be certified by the department of revenue administration. The bill grants the department the authority to audit such appraisers.

III. Permits 2 or more municipalities to form a cooperative assessing district.

IV. Makes a change in the formula for annual equalization of valuation of property by the department of revenue administration.

V. Establishes a committee to study the role of selectmen in the assessing function and the feasibility of establishing a professional assessors' licensing board.

VI. Makes an appropriation for purposes of the bill.

HEARINGS

WEDNESDAY, APRIL 18, 2001

CAPITAL BUDGET, Room 103, SH

- 2:45 p.m. **SB 80-A**, making a capital appropriation to the department of regional community-technical colleges for planning of a student residence on the Berlin campus.
- 3:15 p.m. **SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire.

EDUCATION, Room 105-A, SH

- 1:00 p.m. **HCR 13**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.
- 1:15 p.m. **HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.
- 1:30 p.m. **HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors.
- 2:00 p.m. **HB 726-L**, relative to change of school assignment and transfers of public school pupils.

ENVIRONMENT, Room 104, LOB

- 9:00 a.m. **HB 141-L**, relative to regulation of junk yards.
- 9:30 a.m. **HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities.

EXECUTIVE SESSION TO FOLLOW

EXECUTIVE DEPARTMENTS & ADMINISTRATION, Room 104, LOB

- 1:15 p.m. **HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety.
- Concurrently **HB 181-FN**, (New Title) relative to group II retirement system membership for police and corrections officers who become police trainers.
- 1:35 p.m. **HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.
- 1:55 p.m. **HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty.
- 2:15 p.m. **HB 606-FN**, relative to the Christa McAuliffe planetarium.
- 2:30 p.m. **HB 164**, relative to exceptions to the confidentiality of certain department of employment security records.

EXECUTIVE SESSION TO FOLLOW

INSURANCE, Room 101, LOB

- 8:45 a.m. **HB 153**, lowering the minimum medical cost coverage for motor vehicle liability policies.
- 9:15 a.m. **HB 570-FN**, relative to the unemployment compensation law.

9:45 a.m. **HB 637-FN**, (New Title) requiring annual training for members of the workers' compensation appeals board.

EXECUTIVE SESSION TO FOLLOW, TIME PERMITTING

JUDICIARY, Room 103, LOB

10:15 a.m. **HB 357**, relative to periodic payments of judgments.
10:30 a.m. **HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.
10:45 a.m. **HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney.
11:00 a.m. **HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.
11:15 a.m. **HB 308-FN**, relative to administrative fees added to restitution payments.
11:30 a.m. **HB 160**, establishing a committee to study the issue of one-day/one-trial jurors.

TUESDAY, APRIL 24, 2001

PUBLIC AFFAIRS, Room 105-A, SH

1:00 p.m. **HB 194**, relative to municipal budget hearings, recommendations, and reports.
1:30 p.m. **HB 130**, relative to the maintenance of boundaries and fences.
2:00 p.m. **HB 397**, establishing a committee to study the status of veterans in New Hampshire.

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES, Room 101, LOB

1:00 p.m. **HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift.
1:20 p.m. **HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor.
1:40 p.m. **HB 389**, establishing a committee to study the nursing home industry in New Hampshire.
2:00 p.m. **HB 396**, relative to the practice of physicians and surgeons.
2:20 p.m. **HB 648-FN**, (New Title) authorizing licensing of homeless youth programs.

TRANSPORTATION, Room 104, LOB

8:30 a.m. **HCR 11**, to evaluate regional transportation infrastructure links.
8:45 a.m. **HB 459-FN**, relative to inspection requirements for antique vehicles.
9:00 a.m. **HB 369**, relative to driving in highway construction and maintenance areas.

WEDNESDAY, APRIL 25, 2001

INSURANCE, Room 101, LOB

8:45 a.m. **SB 175-FN**, relative to the position of assistant commissioner of the department of corrections.

EXECUTIVE SESSION ON ALL PENDING LEGISLATION

JUDICIARY, Room 103, LOB

10:15 a.m. **HB 361**, establishing a committee to study certain policies and procedures in the department of corrections.
10:30 a.m. **HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities.

10:45 a.m. **HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.
11:00 a.m. **HB 315-FN**, relative to the registration of criminal offenders.
11:15 a.m. **HB 325-FN**, relative to certain acts of sexual assault.
11:30 a.m. **HB 271**, relative to criminal liability for the conduct of another.

TUESDAY, MAY 1, 2001

● **PLEASE NOTE THE FOLLOWING HEARINGS HAVE BEEN CANCELLED AND RESCHEDULED FOR MAY 8TH**

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES, Room 101, LOB

Cancelled **HB 332-FN-L**, (New Title) relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.
Cancelled **HB 553-FN-L**, requiring background checks for nursing home employees.
Cancelled **HB 635**, relative to family mutual support services.
Cancelled **HB 643-FN**, (New Title) extending the moratorium on new nursing home beds.

TUESDAY, MAY 8, 2001

● **PLEASE NOTE THE FOLLOWING HEARINGS ARE RESCHEDULED FROM MAY 1ST**

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES, Room 101, LOB

1:00 p.m. **HB 332-FN-L**, (New Title) relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.
1:20 p.m. **HB 553-FN-L**, requiring background checks for nursing home employees.
1:45 p.m. **HB 635**, relative to family mutual support services.
2:15 p.m. **HB 643-FN**, (New Title) extending the moratorium on new nursing home beds.

MEETINGS

WEDNESDAY, APRIL 18, 2001

NH DEPARTMENT OF TRANSPORTATION (Salem-Manchester 10418-C I-93 widening)
West Running Brook School, 1 West Running Brook Lane, Derry, NH

4:00 p.m. Resource Agency Meeting

THURSDAY, APRIL 19, 2001

NH DEPARTMENT OF TRANSPORTATION (Northwood-Nottingham 10429E, US 4/NH 152 Intersection) NHDOT, 1 Hazen Dr. Room 103, Concord, NH

10:00 a.m. Commission Meeting

NH DEPARTMENT OF TRANSPORTATION (Enfield 12967, Replacement of the Shaker Bridge on Main Street over Moscoma Lake) Whitney Hall, 23 Main Street 2nd Floor, Enfield, NH

7:00 p.m. Public Officials Meeting

FRIDAY, APRIL 20, 2001

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

9:00 a.m. Regular Meeting

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 207, LOB

9:00 a.m. Regular Meeting

KIDS CABINET MEETING Governor and Council Chambers

2:00 p.m. Regular Meeting

NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4) Community Development Finance Authority, 14 Dixon Ave, Concord, NH

2:30 p.m. Board of Directors Meeting

MONDAY, APRIL 23, 2001

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

9:00 a.m. Regular Meeting

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

10:00 a.m. Regular Meeting

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

1:00 p.m. Regular Meeting

TUESDAY, APRIL 24, 2001

EXCAVATION & DREDGING PERMITS APPLICATIONS & APPEALS (HB 1127, Chapter 86, Laws of 2000) Room 303, LOB

2:00 p.m. Regular Meeting

WEDNESDAY, APRIL 25, 2001

FINANCE INFORMATIONAL SESSION Room 103, SH

1:00 p.m. Informational session with Representative Neal Kurk regarding the state budget

2:00 p.m. Informational session with Michael Buckley, LBA

FISCAL COMMITTEE OF THE GENERAL COURT Room 103, SH

9:00 a.m. Regular Business

9:30 a.m. Audit: State of New Hampshire

Department of Transportation

Bureau of Turnpikes

Performance-Based Budgeting Audit Report March 2001

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE Room 103, SH

3:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION(Littleton-Bethlehem 12873, Projects begins on NH 116 at the Western end of Myron Road in Littleton and cont. east 4.0 miles to approx. 2000 ft. west of Wing Road intersection in Bethlehem) Town Hall Opera House, 2 Union Street, Littleton, NH

7:00 p.m. Combined Officials/Informational

NH DEPARTMENT OF TRANSPORTATION (Skyhaven Airport Master Plan) Rochester Community Center, 150 Wakefield Street, Rochester, NH

7:00 p.m. Public Meeting/Final Meeting

THURSDAY, APRIL 26, 2001

NH DEPARTMENT OF TRANSPORTATION (Salem-Manchester 10418-C, I-93 widening) Windham Middle School, 112 Lowell Road, Windham, NH

6:00 p.m. Advisory Task Force Meeting

FRIDAY, APRIL 27, 2001

PET OVERPOPULATION COMMITTEE (RSA 437-A:7) Room 102, LOB

10:00 a.m. Regular Meeting

MONDAY, APRIL 30, 2001

NH COUNCIL ON APPLIED TECHNOLOGY & INNOVATION (RSA 12-H:1,I) Room 207, LOB

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

PUBLIC HEALTH & ENVIRONMENT RELATIONSHIP COMMISSION (HB 1390, Chapter 114:2, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Warren-Wentworth 11847 NH Route 25 Bridge Replacement over Baker River) Wentworth Elementary School Gymnasium NH Route 25, Wentworth, NH

7:00 p.m. Public Hearing

TUESDAY, MAY 1, 2001

NH DEPARTMENT OF TRANSPORTATION (Newfields 12466 NH Route 85 over B&M Railroad) Newfields Town Hall, NH Route 85, Newfields, NH

7:00 p.m. Selectmen's Meeting

WEDNESDAY, MAY 2, 2001

IMPACT OF WATER WITHDRAWALS ON INSTREAM FLOWS (SB 330, Chapter 242, Laws of 2000) Room 305, LOB

2:30 p.m. Regular Meeting

MONDAY, MAY 7, 2001

NH BRAIN & SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2) Room 205, LOB

2:00 p.m. - 4:00 p.m. Regular Meeting

CERTIFICATE OF NEEDS TASK FORCE (RSA 151-C:16) Rooms 306-308, LOB

10:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Benton 13035 NH Route 116 over Whitcher Brook) Benton Town Hall, 221 Coventry Road, Benton, NH

6:30 p.m. Combined Official/Informational

TUESDAY, MAY 8, 2001

GUARDIANS AD LITEM BOARD (SB 448, Chapter 321, Laws of 2000) Room 102, LOB

3:30 p.m. Regular Meeting

WEDNESDAY, MAY 9, 2001

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

9:00 a.m. Regular Business

FRIDAY, MAY 11, 2001

PRIMARY PREVENTION & WELLNESS (RSA 126-M:3) Room 207, LOB

10:00 a.m. Regular Meeting

MONDAY, MAY 14, 2001

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

9:30 a.m. Regular Meeting

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

1:00 p.m. Complaint Hearings

NH DEPARTMENT OF TRANSPORTATION (Acworth 13036, NH Route 123A/Cold River) Acworth Town Hall, Town Hall Road

7:00 p.m. Public Officials/Informational

TUESDAY, MAY 15, 2001

NH DEPARTMENT OF TRANSPORTATION (Keene-Swanzey 10309, NH Route 9,19,12 & 101 Upgrade) Keene Public Library, 60 Winter Street, Keene, NH

6:30 p.m. Final Design/ATF Meeting

WEDNESDAY, MAY 16, 2001

NH DEPARTMENT OF TRANSPORTATION (Salem-Manchester 10418-C I-93 widening)
West Running Brook School, 1 West Running Brook Lane, Derry, NH

4:00 p.m. Resource Agency Meeting

FRIDAY, MAY 18, 2001

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

9:00 a.m. Regular Meeting

COMMISSION ON EDUCATION OF DEAF AND HARD OF HEARING (HB 1283, Chapter 43, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

KIDS CABINET MEETING Governor and Council Chambers

2:00 p.m. Regular Meeting

THURSDAY, MAY 24, 2001

NH DEPARTMENT OF TRANSPORTATION (Bike/Ped Conference) Wayfarer Inn, Bedford, NH

8:00 a.m. - 4:00 p.m. 3rd Annual Conference

NH DEPARTMENT OF TRANSPORTATION (Salem-Manchester 10418-C I-93 widening)
Londonderry High School Cafeteria, 295 Mammoth Road, Londonderry, NH

6:00 p.m. Advisory Task Force Meeting

MONDAY, JUNE 4, 2001

JOINT HEALTH COUNCIL (RSA 326-B:10-b) NH Board of Nursing Room 17, 78 Regional Drive, Building 2, Concord, NH

5:30 p.m. Public Meeting

FRIDAY, JUNE 8, 2001

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

9:00 a.m. Regular Meeting

MONDAY, JUNE 11, 2001

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

9:30 a.m. Regular Meeting

FRIDAY, JUNE 15, 2001

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

9:00 a.m. Regular Meeting

KIDS CABINET MEETING Governor and Council Chambers

2:00 p.m. Regular Meeting

WEDNESDAY, JUNE 20, 2001

NH DEPARTMENT OF TRANSPORTATION (Salem-Manchester 10418-C, I-93 widening)
West Running Brook School, 1 West Running Brook Lane, Derry, NH

4:00 p.m. Resource Agency Meeting

THURSDAY, JUNE 28, 2001

NH DEPARTMENT OF TRANSPORTATION (Salem-Manchester 10418-C, I-93-widening)
Londonderry High School Cafeteria, 295 Mammoth Road, Londonderry, NH

6:00 p.m. Advisory Task Force Meeting

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

SB 72, SB 73, SB 105, SB 115, SB 117, SB 140, SB 160, SB 164, SB 169, SB 170, SB 172, SB 178, SB 189, SB 191

NOTICES

WEDNESDAY, APRIL 18, 2001

The Legislators for Limited Spending will be meeting at noon April 18th in the Upham Walker House for their regular biweekly brown bag lunch meeting. All legislators are cordially invited to attend.

Senator Robert K. Boyce

WEDNESDAY APRIL 18, 2001

New Hampshire Public Health Association Annual Legislative Briefing 2001. At Saint Paul's Church in Concord, NH from 12:00 - 1:30 p.m. Lunch will be provided. NHPHA'S position and current NH House and Senate bills relating to the Public Health Issues will be discussed.

Senator Katherine Wells Wheeler

THURSDAY, APRIL 19, 2001

The 2001-2002 Senate Portrait will be taken on Thursday, April 19th in the Senate Chamber just before Session begins.

Senator Thomas R. Eaton

THURSDAY, APRIL 19, 2001

All House & Senate legislators and staff are cordially invited to attend the New Hampshire Automobile Dealers Association "Crossover" Legislative Reception to be held on April 19, 2001 at NHADA Headquarters, 507 South Street, Bow, immediately following the House session.

Senator Harold W. Burns

THURSDAY, APRIL 19, 2001

The University System Trustees invites all members to a breakfast and a brief presentation on Thursday, April 19, 2001 at the Barley House, located across from the State House. Breakfast will begin at 7:30 a.m.

Senator Harold W. Burns

MONDAY, APRIL 23, 2001

Senator Russell Prescott invites all members and guests to an environmental community forum on safe drinking water and the effects of MTBE, on Wednesday, April 23 from 7-9 p.m. at the Derry Community Center, 39 West Broadway Derry, NH. Senator Bob Smith, Chairman of the Committee on Environment and Public Works, will be the featured guest.

Senator Russell E. Prescott

WEDNESDAY, MAY 9, 2001

The New Hampshire Wellness and Primary Prevention Council, the New Hampshire Children's Trust Fund and the New Hampshire Department of Health and Human Services invites you to join them for a Legislative Breakfast to celebrate Strengths of Family Resource Centers in New Hampshire. Keynote speaker will be Lew Felstein, President of the New Hampshire Charitable Foundation. The breakfast will take place on Wednesday, May 9, 2001 from 7:45 a.m. to 9:00 a.m. at St. Paul's Church. Family Resource Center staff from around the state will be present to share information about their programs.

Senator Katherine Wells Wheeler

FRIDAY, MAY 18, 2001

In recognition of your support, the NH Law Enforcement Officers Memorial Committee cordially invites you to the annual NH Law Enforcement Officers' Memorial Ceremony. The ceremony will be held on Friday, May 18, 2001, beginning promptly at 10 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be provided immediately following the event. Please contact either Captain Timothy J. Acerno of Fish and Game at 271-3129 or Chief John Curran of the Meredith Police Department at 279-4561 if you have any questions.

Senator Arthur P. Klemm, Jr.

Senator John S. Barnes, Jr.

MONDAY, JUNE 11, 2001

The **28th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 11, 2001 at Androscoggin Valley Country Club in Gorham, New Hampshire. The entry fees for this annual tourney is \$60.00 per person and includes greens fee, cart, barbecue and prizes. A shotgun 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 not later than May 29th to Sandy Wheeler at the LOB Lobby Desk. Please Make Checks payable to Legislative Golf Tournament c/o David Saltmarsh.

For your convenience, arrangements have been made with the Town & Country Motor Inn (located directly across the street from the golf course) for special lodging rates of \$44.00 plus tax per person, per night for those of you who may choose to come up early or stay late. If you choose to stay over you must book your room in advance by calling the Inn at 1-800-325-4386. Currently, we are planning other events for Sunday and Monday, details to follow.

Senator Arthur P. Klemm Jr.

Senator Robert K. Boyce

**28th ANNUAL BILL WHITE MEMORIAL
LEGISLATIVE GOLF TOURNAMENT**

NAME: (1)

(2)

(3)

(4)

TELEPHONE NO:

AMOUNT ENCLOSED:

SENATE SCHEDULE 2001 SESSION

APRIL 16, 2001-APRIL 20, 2001

f) Filing period for legislation to be acted on in the second half of the biennium, January 2002, will commence on April 16, 2001. The office of legislative services shall not draft a senate bill or joint resolution, unless a request by a member for drafting with complete information has been received not later than 3:00 p.m., April 20, 2001.

Last day to sign-off legislation for the January
2002 session - August 1, 2001, at 3:00 p.m.

VISITORS' CENTER SCHEDULE - APRIL

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 April 2001. 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
April 18	9:30 & 12:30	Cutler Elem – West Swanzey	4/125
April 19	9:30 & 11:00	Interlakes Elem – Meredith	4/45
April 19	1:00	Keene High School – French Foreign Exchange Students	HS/36
April 20	10:00 & 11:30	Jaffrey Grade School	4/65
April 20	1:00	Sullivan Elem	3-6/27
April 23	9:30	Cavalry Christian School	3 & 4/17
April 23	11:00	Dover Children's Home	Teens/12
April 23	1:00	East Andover Home School Group	Gr 4-HS
April 24	8:30	UNH	College/40
April 24	10:00	Seminary Hill – West Lebanon	4/40
April 24	1:00	Trinity Home School Group – Bow	K-9/30
April 25	9:30	Milford Area Christian HomeSchool	K-9/30
April 25	9:30	Newbury Christian School –Newbury,VT	MS/12
April 26	9:30 & 11:00	Ray School – Hanover	3/76
April 26	1:00	NH Hospial Assoc.Admin.Assistants	15
April 26	1:00	NH-HAVA-Volunteer Adminstators	25
April 30	11:00 & 12:30	Gonic Elem	4/60