June 6, 2001
No. 29

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

THE SENATE WILL MEET IN SESSION ON THURSDAY, JUNE 7, 2001 AT 10:15 A.M.

LAID ON THE TABLE

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

SB 32, exempting dumbwaiters from the elevator law.

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

SB 90, relative to misdemeanor jury trials.

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 116-FN, relative to motor vehicle offenses which result in the death or serious bodily injury of another.

SB 171-FN, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty.

SB 180-FN-A, establishing the Hooksett district court as a full-time court and making an appropriation therefor.

SB 185, relative to push-polling.

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

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists.

HB 130, relative to the maintenance of boundaries and fences.

HB 141-L, relative to regulation of junk yards.

HB 153, lowering the minimum medical cost coverage for motor vehicle liability policies.

HB 196-L, (New Title) relative to the penalty for failure to license a dog or renew a dog license.

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

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

HB 261-FN, including the judiciary as a public employer under the public employee labor relations act.

HB 304-FN, relative to insurance coverage for prostate cancer testing.

HB 385, changing the name, membership and duties of the office of volunteerism.

HB 543-FN, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

HB 614, relative to certain duties, responsibilities, and authority of the fiscal committee.

HB 697, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

SPECIAL ORDER

10:16 a.m.

EDUCATION

HB 412, (New Title) relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses. Vote 4-0

Ought to Pass, Senator O'Hearn for the committee.

HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. Vote 3-0

Re-referred, Senator McCarley for the committee.

HB 726-L, relative to change of school assignment and transfers of public school pupils. Vote 3-0

Ought to pass with amendment, Senator O'Hearn for the committee.

ENVIRONMENT

HB 758, relative to the sale of gasoline containing ethers. Vote 5-0

Ought to Pass, Senator Prescott for the committee.

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. Vote 3-0

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

HB 743, transfers the department of youth development services to the department of health and human services. Vote 3-2

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

AMENDMENTS

Senate Education
May 23, 2001
2001-1286s
04/09

Amendment to HB 726-LOCAL

Amend the introductory paragraph of RSA 193:3, III(a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) Each school board shall establish a change of school assignment policy, based on the best interest of the pupil, authorizing the superintendent to re-assign a pupil from the public school to which he or she is currently assigned to another public school, or to approve a request from another superintendent to accept a transfer of a pupil from a school district that is not part of the school administrative unit, without further approval from the school board, provided that the following conditions are met:

Public Institutions, Health and Human Services
May 23, 2001
2001-1275s
05/03

Amendment to HB 405

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

AN ACT relative to the advisory council on child care's study of the creation of an at-home infant child care program in New Hampshire.

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

1 Study of the Creation of an At-Home Infant Child Care Program by the Advisory Council on Child Care. The advisory council on child care, established under RSA 126-A:17, shall study the creation of an at-home infant child care program in New Hampshire.

I. The council shall:

(a) Study the Minnesota at-home infant child care program, Minn. Stat. section 3400.0235, and solicit such information from program administrators as may be helpful to the council in assessing the structure and success of the Minnesota program.

(b) Consider the means by which an at-home infant child care program could be established in New Hampshire, including program structure, department administration, and funding sources.

(c) To the extent feasible and appropriate, develop draft legislation for an at-home infant child care program in New Hampshire.

II. The council shall report its findings and any recommendations to all members of the advisory council on child care, the governor, and the state library on or before November 1, 2001.

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

2001-1275s

AMENDED ANALYSIS

This bill directs the advisory council on child care to study the creation of an at-home infant child care program in New Hampshire.

Public Institutions, Health and Human Services
May 31, 2001
2001-1415s
05/09

Amendment to HB 743

Amend the bill by inserting after section 20 the following and renumbering the original sections 21-23 to read as 22-24, respectively:

21 Effect of Transfer on Administrative Rules. The existing rules of the department of youth development services shall remain in effect until they are amended, repealed, or expired.

REPORTS

EDUCATION

HB 354-FN-A-L, extending the kindergarten construction program. Vote 4-0

Ought to pass with amendment, Senator O'Hearn for the committee.

HB 694, establishing a separate high school civics graduation requirement

MINORITY REPORT: Ought to Pass, Senator McCarley for the Minority. Vote 1-3

MAJORITY REPORT: Inexpedient to Legislate, Senator O'Hearn for the Majority. Vote 3-1

HB 748-FN-A-L, (2nd New Title) revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education. Vote 4-0

Re-referred, Senator O'Hearn for the committee.

EXECUTIVE DEPARTMENTS & ADMINISTRATION

HB 206-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. Vote 4-0

Re-referred, Senator D'Allesandro for the committee.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. Vote 4-0

Ought to Pass, Senator Flanders for the committee.

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing. Vote 4-0

Ought to Pass, Senator Prescott for the committee.

HB 362-FN, (New Title) relative to the practice of veterinary medicine. Vote 3-1

Inexpedient to Legislate, Senator Larsen for the committee.

HB 387, relative to the regulation of dentistry by the board of dental examiners. Vote 4-0

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

HB 402, relative to the establishment of a state universal service fund. Vote 4-0

Ought to Pass, Senator Larsen for the committee.

HB 408,-FN, relative to the regulation of nursing by the board of nursing. Vote 4-0

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

HB 450, (New Title) relative to certain work product under the right-to-know law. Vote 4-0

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

HB 453, establishing a 4-year term for the commissioner of the department of corrections. Vote 3-1

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

HB 511, relative to continuing medical education requirements for physicians. Vote 4-0

Ought to Pass, Senator Prescott for the committee.

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty. Vote 4-0

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

HB 684, relative to the occupational therapy practice act. Vote 4-0

Ought to Pass, Senator Larsen for the committee.

FINANCE

HB 152-FN, (New Title) relative to expanding the legal methods of taking deer. Vote 7-0

Ought to Pass, Senator Eaton for the committee.

HB 177-FN, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. Vote 7-0

Ought to Pass, Senator Barnes for the committee.

HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. Vote 4-3

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

HB 554-FN, establishing a division of information technology within the department of safety. Vote 7-0

Ought to Pass, Senator Eaton for the committee.

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents. Vote 7-0

Ought to Pass, Senator Boyce for the committee.

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. Vote 7-0

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

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses. Vote 7-0

Ought to Pass, Senator Eaton for the committee.

HB 643-FN, (New Title) extending the moratorium on new nusing home beds. Vote 7-0

Ought to Pass, Senator Hollingworth for the committee.

HB 648-FN, (New Title) authorizing licensing of homeless youth programs. Vote 7-0

Ought to Pass, Senator Larsen for the committee.

HB 760-FN, (New Title) relative to the use of silencing devices for taking game. Vote 7-0

Ought to Pass, Senator Boyce for the committee.

JUDICIARY

HB 103, (New Title) relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime. Vote 5-0

Ought to Pass, Senator Gordon for the committee.

HB 132, relative to the damage or destruction of an emergency vehicle or emergency services equipment. Vote 4-0

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

HB 134, permitting challenges to judges. Vote 4-0

Re-referred, Senator Roberge for the committee.

HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. Vote 4-0

Ought to Pass, Senator Gordon for the committee.

HB 140, relative to interest on judgments. Vote 4-0

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

HB 156, relative to the detention of juveniles in delinquency proceedings. Vote 4-0

Ought to Pass, Senator Gordon for the committee.

HB 157, (New Title) clarifying the immunity from liability of persons providing emergency care. Vote 4-0

Re-referred, Senator Gordon for the committee.

HB 160, establishing a committee to study the issue of one-day/one-trial jurors. Vote 5-0

Ought to Pass, Senator Roberge for the committee.

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults. Vote 5-0

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

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. Vote 5-0

Ought to Pass, Senator Gordon for the committee.

HB 210, relative to the penalties for persons convicted of subsequent DWI offenses. Vote 5-0

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

HB 265, prohibiting the sale of rolling papers to minors. Vote 5-0

Ought to Pass, Senator Gordon for the committee.

HB 276-FN-A, (New Title) relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. Vote 3-1

Ought to Pass, Senator Pignatelli for the committee.

HB 296-FN, relative to receiving stolen property. Vote 5-0

Ought to Pass, Senator Pignatelli for the committee.

HB 308-FN, relative to administrative fees added to restitution payments. Vote 4-0

Ought to Pass, Senator Fernald for the committee.

HB 325, relative to certain acts of sexual assault. Vote 5-0

Re-referred, Senator Prescott for the committee.

HB 328, relative to fees of sheriffs and deputy sheriffs. Vote 5-0

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

HB 361, establishing a committee to study certain policies and procedures in the department of corrections. Vote 4-0

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

HB 442, establishing a study committee to examine the effects of protective custody on county correctional facilities. Vote 4-0

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

HB 463, relative to protective services to adults. Vote 5-0

Re-referred, Senator Gordon for the committee.

HB 659-FN, relative to penalties for attempting to purchase firearms illegally. Vote 5-0

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

HB 764, relative to interference with custody. Vote 5-0

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

PUBLIC AFFAIRS

HB 131, relative to the retention and disposal of certain financial disclosure forms. Vote 3-0

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

HB 154, (New Title) relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket. Vote 3-0

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

HB 201, (New Title) relative to voters presenting identification to obtain a ballot. Vote 3-0

Ought to Pass, Senator Roberge for the committee.

HB 226, relative to instructions to voters for straight-ticket voting. Vote 3-0

Re-referred, Senator O'Neil for the committee.

HB 259, relative to holding sessions for correction of checklists. Vote 3-0

Ought to pass with amendment, Senator O'Neil for the committee.

HB 399, relative to proof of qualifications for voter registration. Vote 3-0

Ought to Pass, Senator O'Neil for the committee.

HB 503, relative to incompatible offices. Vote 3-0

Ought to Pass, Senator Roberge for the committee.

HB 512, relative to off-site improvements imposed on applicants to a planning board. Vote 2-1

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

HB 596, relative to the acquisition of land by a town. Vote 2-0

Ought to Pass, Senator Roberge for the committee.

HB 698, relative to verification of checklists. Vote 3-0

Ought to Pass, Senator Roberge for the committee.

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES

HB 289-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. Vote 5-0

Re-referred, Senator McCarley for the committee.

HB 389, establishing a committee to study the nursing home industry in New Hampshire. Vote 5-0

Inexpedient to Legislate, Senator Prescott for the committee.

HB 451, (New Title) establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. Vote 5-0

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

TRANSPORTATION

HB 547-FN, authorizing participation in a regional electronic toll collection system. Vote 4-0

Ought to Pass, Senator Gordon for the committee.

HB 717, (New Title) establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. Vote 3-0

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

WAYS & MEANS

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax. Vote 3-0

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

WILDLIFE & RECREATION

HB 339, prohibiting the taking of deer by baiting. Vote 3-2

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

HB 426, relative to the voluntary scrapie flock certification program. Vote 5-0

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

AMENDMENTS

Senate Education
May 30, 2001
2001-1390s
04/09

Amendment to HB 354-FN-A-LOCAL

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

1 School Money; Kindergarten Construction Program Extended. Amend RSA 198:15-r, I to read as follows:

I. There is established in the department of education a kindergarten construction program. For the [~~5 year~~] ***7-year*** period starting July 1, 1997, and ending June 30, [~~2002~~] ***2004***, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. The commissioner shall also make grants available to eligible districts that currently operate a public kindergarten program for 75 percent of the cost of construction, exclusive of site acquisition, needed to provide the kindergarten program with classrooms that meet the appropriate standards for school building construction established by the state board of education, pursuant to RSA 541-A and under the authority of RSA 21-N:9, II(c). Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

2 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~$22,500,000~~] ***$37,500,000*** is hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

I. $6,000,000 in the biennium ending June 30, 1999.

II. $5,000,000 in the fiscal year ending June 30, 2000.

III. $5,000,000 in the fiscal year ending June 30, 2001.

IV. $6,500,000 in the fiscal year ending June 30, 2002.

V. $7,500,000 in the fiscal year ending June 30, 2003.

VI. $7,500,000 in the fiscal year ending June 30, 2004.

3 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, I as amended by 1997, 351:56 to read as follows:

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~$22,500,000~~] ***$37,500,000*** 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; provided that bonds or notes shall not be issued in excess of:

(a) $6,000,000 in the biennium ending June 30, 1999.

(b) $5,000,000 in the fiscal year ending June 30, 2000.

(c) $5,000,000 in the fiscal year ending June 30, 2001.

(d) $6,500,000 in the fiscal year ending June 30, 2002.

(e) $7,500,000 in the fiscal year ending June 30, 2003.

(f) $7,500,000 in the fiscal year ending June 30, 2004.

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

2001-1390s

AMENDED ANALYSIS

This bill extends the kindergarten construction program through the fiscal year ending June 30, 2004 and increases by $15,000,000 the amount of the bonded appropriation for the kindergarten construction program.

Senate Executive Departments and Administration
June 5, 2001
2001-1458s
01/09

Amendment to HB 450

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

AN ACT relative to certain work product and relative to attorneys' fees under the right-to-know law.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Attorneys' Fees. Amend RSA 91-A:8 by inserting after paragraph I the following new paragraph:

I-a. The court may award attorneys' fees to a board, agency or employee or member thereof, for having to defend against a person's request under the provisions of this chapter, when that person's request for access to public proceedings or records is in bad faith, obstinate, unjust, vexatious, wanton, or oppressive.

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

2001-1458s

AMENDED ANALYSIS

This bill clarifies that certain work papers are not subject to the right-to-know law.

This bill also allows the court to award attorneys' fees under RSA 91-A in certain circumstances.

Senate Executive Departments and Administration
June 5, 2001
2001-1457s
06/01

Amendment to HB 649-FN

Amend the bill by replacing section 2 with the following:

2 Line of Duty Injury; State Police Employees. Amend RSA 106-B:18 to read as follows:

106-B:18 Line of Duty Injury. Any injury***, which is due to a hostile or overt act,*** received by any state police employee [~~because of his~~] ***while on*** assignment, patrol or duty that requires that [~~he~~] ***the employee*** be hospitalized or to the extent that [~~he~~] ***the employee*** is unable to

perform [~~his~~] normal or routine duties shall not be charged against [~~his~~] earned sick leave or annual leave, and during such time [~~his name~~] ***the employee*** shall remain on the payroll. The commissioner of safety shall make the final determination as to whether the injury received is in line of duty ***and due to a hostile or overt act,*** and [~~his~~] ***the commissioner's*** decision is final, subject to approval of governor and council.

Senate Finance
June 5, 2001
2001-1441s
04/09

Amendment to HB 351-FN-A-LOCAL

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

AN ACT requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor and relative to instructional and operational costs of providing an adequate education.

Amend the bill by replacing all after section 2 with the following:

3 Purpose; Intent. The general court finds that the duty of the state is to provide an opportunity for every child to receive an adequate elementary and secondary education. Educational competence is accomplished through capable and thoughtful instruction. It shall be the responsibility of the state to provide educational instruction. This responsibility includes instructional costs related to providing an adequate education including, but not limited to, classroom teachers, classroom materials, professional development, building aid, and special education costs.

4 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~$6.60~~] ***$4.60*** on each $1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

5 State Board of Education Rulemaking Authority Amended. Amend RSA 21-N:9, II (l) to read as follows:

(1) Special education programs affecting all educationally disabled individuals, as authorized by RSA 186-C:5[~~,~~] ***and*** 186-C:16 [~~and 186-C:18, V~~].

6 Special Education; Educationally Disabled Children in State Institutions. Amend RSA 186-C:19, II to read as follows:

II. For an educationally disabled child in a state institution, the responsible school district shall be liable for all expenses incurred in administering the law in relation to educationally disabled children except as follows: For the 1982 and 1983 fiscal years, the responsible school district's annual financial liability for a child who was enrolled at the Laconia state school and training center as of July 1, 1981, shall not exceed the applicable state average per pupil cost as determined by the state board of education, and the state shall be liable for the balance of such costs[~~, which shall in no case be taken from the $ 10,000,000 appropriated for state aid under RSA 186-C:18~~]. If more than one school district is liable for such a child during a single fiscal year, the total annual financial liability to the school districts shall not exceed the applicable state average per pupil cost, said liability to be prorated on a per diem basis. For such

a child who is enrolled at Laconia developmental services for less than a full year, the liability for such costs shall be prorated on a per diem basis by Laconia developmental services.

7 Pupils; Compulsory Attendance Amended. Amend RSA 193:1, I (c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating [~~state aid under RSA 186-C:18 and~~] adequate education grants under RSA 198:41.

8 Statewide Education Improvement and Assessment Program; Duties of the Legislative Oversight Committee Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee. The oversight committee shall:

I. Review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. Review the provisions of RSA 198:40, in the second year of each biennial session, and recommend any legislation necessary to modify such provisions.

9 School Money; Reimbursement Anticipation Notes Amended. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district or a city with a dependent school district may incur debt in anticipation of reimbursement [~~under RSA 186-C:18 and~~] under RSA 198:42. The governing body, after notice and public hearing, may elect to borrow such funds and to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.

10 School Money; State Aid for Educational Adequacy; Definition Amended. Amend RSA 198:38, X to read as follows:

X. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV except that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

11 New Paragraph; School Money; State Aid for Educational Adequacy; Definitions Amended. Amend RSA 198:38 by inserting after paragraph XI the following new paragraph:

XI-a. "Adjusted average daily membership in residence" for a municipality shall be determined by dividing the total statewide average daily membership in residence, as calculated by adding the average daily membership in residence of each municipality in the state, by the total number of weighted pupils statewide, as calculated in paragraph VII of this section. The result shall be multiplied by the number of weighted pupils in a municipality.

12 School Money; Instructional Costs of Providing an Adequate Education. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Instructional Costs of Providing an Adequate Education; State Aid.

I. For the fiscal year beginning July 1, 2002, and every fiscal year thereafter, the essential elements of an adequate education shall be:

(a) High quality classroom teachers.

(b) A commitment to ongoing professional development.

(c) Sufficient classroom materials to facilitate quality instruction.

(d) Instructional technology to facilitate quality instruction.

(e) Special education services sufficient to provide a free and appropriate education to special needs pupils.

(f) Supplemental assistance to needy communities.

(g) Adequate classroom space for instruction; and including school building and educational administration building construction and renovation.

II. For the fiscal year beginning July 1, 2002, and every fiscal year thereafter, the cost of the essential elements of an adequate education as set forth in paragraph I shall be calculated as follows:

(a) The state shall be responsible for the cost of instructional services necessary to provide an adequate education to all public elementary and secondary school pupils. Each school district in the state shall receive an amount equal to $42,500 multiplied by the most recent available adjusted average daily membership in residence for the school district, the product of which shall be divided by 20.

(b) The state shall be responsible for the cost of professional development of instructional staff. Each school district in the state shall receive an amount equal to not less than $50 per pupil multiplied by the most recent available adjusted average daily membership in residence for the school district.

(c) The state shall be responsible for the cost of sufficient classroom materials, textbooks, and other instructional supplies. Each school district in the state shall receive an amount equal to $100 per pupil multiplied by the most recent available adjusted average daily membership in residence for the school district.

(d) The state shall be responsible for the cost of instructional technology to facilitate quality instructional technology to facilitate quality instruction in all public elementary and secondary schools. Each school district shall receive an amount equal to not less than $50 per pupil multiplied by the most recent available adjusted average daily membership for the school district.

(e)(1) The state shall be responsible for the cost of programs and services for educationally disabled children in public elementary and secondary schools of the state. The department of education shall determine the cost of programs and services for educationally disabled children using information from the most recent available DOE-25 report. Ninety percent of the cost determined in this subparagraph shall be distributed to school districts on a per pupil basis as calculated by the most recent available average daily membership in residence in each school district.

(2) An extraordinary special education fund is hereby established in, and shall be administered by, the department of education. Beginning July 1, 2002, and every fiscal year thereafter, not less than 10 percent of the cost of programs and services for educationally disabled children as determined in subparagraph (e)(1) shall be transferred from the education trust fund to this fund in each fiscal year. The moneys in this fund shall be non-lapsing. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to prescribing forms to be used to apply for funds under this paragraph, administering and distributing extraordinary special education funds, and school districts applying for aid from the extraordinary special education fund. Under guidelines established by rules of the state board of education, the funds shall be used for the following purposes:

(A) School districts shall submit their extraordinary special education costs to the state board of education by June 30 of each fiscal year. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous fiscal year on or before January 1 of each fiscal year.

(B) School districts shall submit their limited-English–proficient programs and services costs to the state board of education by June 30 of each fiscal year. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous fiscal year on or before January 1 of each fiscal year.

(C) Upon approval of the state board of education, the department of education may use up to $200,000 in any fiscal year from the extraordinary special education fund for administration of the extraordinary special education fund and for management and coordination of special education programs or services that are statewide in their scope. Upon approval of the state board of education, the department of education may use up to $800,000 in

any fiscal year from the extraordinary special education fund for grants to school districts for special education programs or services that are statewide in their scope.

(3) Not more than $2,000,000 from the extraordinary special education fund in each fiscal year shall be used to provide early literacy and reading improvement assistance to school districts to help students in kindergarten through grade 3 to read and write at grade level by the end of grade 3; to provide, develop, and evaluate outcome-proven programs and courses; and to provide technical assistance and professional development activities through grants, contracts with consultants, and employment of individuals to fill authorized, program-related positions. The administration of the early literacy and reading improvement program shall involve the following:

(A) Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(i) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance primary school professional development; and the further opportunity to apply for additional assistance based on demonstrated need.

(ii) An assurance that grant funds will be used only to supplement and not supplant on-going local efforts.

(iii) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the initiative.

(iv) A delineation of the geographic area to be served by the project.

(B) Providing assistance to districts in the development of grant requests.

(C) Establishing an equitable grant review process that:

(i) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(ii) Gives priority to districts with lower-performing schools in reading and which are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

(D) Reviewing grant requests with recommendations for approval, including level of funding and, to the extent possible, balanced geographic distribution.

(E) Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

(F) Monitoring the implementation of funded plans and activities.

(G) Evaluating the educational impact of the early literacy and reading improvement program on reading skill and comprehension in students in kindergarten through grade 3.

(H) The state board shall, pursuant to RSA 541-A, and not later than July 1, 2002, adopt rules relative to the administration of the early literacy and reading improvement program established in this paragraph.

(4) A school district that receives state funding for special education under this paragraph shall apply for all available federal assistance for educationally disabled pupils, including any funds available through the Medicaid program. The state board of education shall adopt rules, pursuant to RSA 541-A, to implement this requirement.

(5) Moneys from the extraordinary special education fund shall be used to reimburse school districts for the cost of transportation of vocational education pupils who reside in the district, in accordance with the distribution schedule in subparagraph (e)(2).

(f) The state shall be responsible for providing supplemental assistance to needy school districts. The department shall determine the amount of supplemental assistance to be distributed pursuant to the following formula:

(1) Divide each municipality's total equalized valuation by its average daily membership in residence. The result shall be the municipal valuation per pupil.

(2) From the list of municipal valuations per pupil calculated in subparagraph (1) where the municipal valuation per pupil is greater than zero, determine the median. This result shall be the state median municipal valuation per pupil.

(3) For each of the municipalities where the municipal valuation per pupil is less than the state median municipal valuation per pupil, subtract the municipal valuation per pupil from the state median municipal valuation per pupil and divide the result by the state median valuation per pupil. Multiply this result by the municipality's average daily membership in residence. This shall be the municipal valuation differential.

(4) Determine the sum of all municipal valuation differentials.

(5) For each of the municipalities where the municipal valuation per pupil is less than the state median valuation per pupil, divide the municipal valuation differential by the sum of all municipal valuation differentials determined in subparagraph (4) and multiply the result by 75,000,000. The product shall be the amount of supplemental assistance distributed to each school district.

(g) The state shall be responsible for making grants available under the school building aid program set forth in RSA 198:15-a through 198:15-h.

(h) The state shall be responsible for other salaries, materials, programs, or services which are deemed in legislation to be instructional in nature and necessary for the provision of an adequate education.

III. State aid for instructional costs of providing an adequate education shall be paid to school districts legally responsible for the education of pupils who attend approved schools within the district or in other districts. Payment of such state aid for instructional costs shall be made during the fiscal year in which such aid is due.

IV. State aid for instructional costs of providing an adequate education shall be disbursed to school districts in the form of block grants.

V. Beginning July 1, 2003, and every July 1 thereafter, state aid for instructional costs of providing an adequate education as defined in paragraph II of this section shall be increased by 3 percent unless the general court decides otherwise.

VI. Nothing in this section shall be construed to affect, alter, or modify the provisions of RSA 198:43 relative to additional education expenditures, and RSA 198:48, relative to maintenance of local control.

13 New Section; Operational Costs for Providing an Adequate Education. Amend RSA 198 by inserting after section 40 the following new section:

198:40-a Operational Costs of Providing an Adequate Education.

I. In addition to the provisions set forth in RSA 194, the school districts of this state shall be responsible for the operational costs of providing an education to all elementary and secondary school pupils. Such operational costs shall include, but are not limited to the following:

(a) Building maintenance.

(b) Transportation of pupils.

(c) School district administration, including the costs of maintaining a school administrative unit pursuant to RSA 194-C.

(d) Extracurricular activities.

(e) Lunch programs and other food service programs provided at the local level.

II. A school district shall be responsible for any other programs which the school district determines are necessary to meet local educational goals and objectives.

14 School Money; Determination of Adequate Education Grants Amended. Amend RSA 198:41, I to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality as follows:

(a) [~~Multiply the average base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality;~~

~~(b) Add to the product of subparagraph (a), 70 percent of the municipality's apportioned transportation cost;~~] ***Add the sums resulting from the calculations set forth in RSA 198:40, II. Reimbursements made under RSA 198:40, II(d)(2) shall be counted in the school year in which such reimbursements are made.***

[~~(c)~~] ***(b)*** Subtract from the sum of subparagraph [~~(b)~~] ***(a)*** the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

15 Repeal. The following are repealed:

I. RSA 186-C:18, relative to state aid for special education.

II. RSA 198:38, XI relative to transportation costs.

III. RSA 198:38, V-VI, relative to the definitions of "base expenditure per pupil," and "average base cost per pupil of an elementary school pupil."

IV. 1999, 338:21, relative to the repeal of the education property tax and the determination of per pupil adequate education costs.

V. 1999, 338:22, relative to the repeal of education property tax hardship relief.

VI. 1999, 338:25, I-II, relative to the effective dates of the repeals of the education property tax, the determination of per pupil adequate education costs, and the education property tax hardship relief.

16 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon its passage.

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

2001-1441s

AMENDED ANALYSIS

This bill:

I. Provides for a division between the instructional and operational costs of providing an adequate public education and requires that the state shall be responsible for the costs of instructional services provided for an adequate education.

II. Provides that local school districts shall be responsible for the operational costs of providing an adequate education which shall include pupil transportation, building maintenance, school district administration, extracurricular activities, and school lunch programs.

III. Decreases the rate of the education property tax from $6.60 on each $1,000 of the value of taxable property to $4.60 on each $1,000 of the value of taxable property.

IV. Repeals the existing prospective repeal of the education property tax.

V. Provides that the state shall fully fund school building aid payments owed to school districts for fiscal year 2001 and makes an appropriation from general fund revenues for this purpose.

Senate Finance
June 6, 2001
2001-1481s
10/03

Amendment to HB 603-FN-A

Amend RSA 21-I:28 as inserted by section 1 of the bill by replacing it with the following:

21-I:28 Contract. The commissioner of administrative services shall be authorized to enter into permanent group life insurance [~~and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits~~] contracts with an insurance company or companies, or other group licensed to do business in the state of New Hampshire. ***The commissioner of administrative services shall be authorized to enter into group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits contracts with an insurance company or companies, third party administrators, or any organization necessary to administer and provide a health plan under the provisions of this subdivision.*** The commissioner of administrative services***, in consultation with the fiscal committee of the general court,*** shall from time to time assess the medical insurance coverage given by its present insurer and by others in order to determine which of various contracts would best serve the interests of the state employees.

Senate Judiciary
June 6, 2001
2001-1495s
04/01

Amendment to HB 132-FN

Amend RSA 634:2, II as inserted by section 1 of the bill by replacing it with the following:

II Criminal mischief is a class B felony if the actor purposely causes or attempts to cause:

(a) Pecuniary loss in excess of $1,000; or

(b) A substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service; or

(c) Discharge of a firearm at an occupied structure, as defined in RSA 635:1, III; or

(d***)*** Damage to private or public property, real or personal, when the actor knows that the property has historical, cultural, or sentimental value that cannot be restored by repair or replacement.

(e) Criminal mischief is a class B felony if the actor recklessly causes or attempts to cause damage to any emergency vehicle, emergency, apparatus, or private vehicle containing emergency equipment which causes the vehicle, equipment, or apparatus to be taken out of service.

Senate Judiciary
June 6, 2001
2001-1498s
06/04

Amendment to HB 140

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

2 Index for Interest Rate on Judgments. Amend RSA 336:1, II to read as follows:

II. The annual simple rate of interest on judgments, including prejudgment interest, shall be a rate determined by the state treasurer as the prevailing discount rate of interest on [~~52~~] ***26***-week United States Treasury bills at the last auction thereof preceding the last day of September in each year, plus 2 percentage points, rounded to the nearest tenth of a percentage point. On or before the first day of December in each year, the state treasurer shall determine the rate and transmit it to the director of the administrative office of the courts. As established, the rate shall be in effect beginning the first day of the following January through the last day of December in each year.

3 Effective Date.

I. Section 2 of this act shall take effect September 1, 2001.

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

2001-1498s

AMENDED ANALYSIS

This bill establishes that simple interest on judgments shall be imposed from the date of the writ or the filing of the petition to the date of judgment and provides that the interest rate shall be determined by the state treasurer using 26-week United States Treasury bills.

Senate Judiciary
June 6, 2001
2001-1504s
04/09

Amendment to HB 180-FN

Amend RSA 631:8, I and II as inserted by section 1 of the bill by replacing it with the following:

I. In this section:

(a) "Adult" means any person who is 18 years of age or older.

(b) "Caregiver" means any person who has been entrusted with, or has assumed the responsibility voluntarily, by contract, or by order of the court, for frequent and regular care of or services to an elderly, disabled, or impaired adult, including subsistence, medical, custodial, personal or other care, on a temporary or permanent basis.

(c) "Disabled adult" means an adult who has a diagnosed physical or mental impairment.

(d) "Elderly adult" means an individual who is 60 years of age or older.

(e) "Impaired adult" means any adult who suffers from an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, memory loss, or other cause, that causes an adult to lack sufficient understanding or capacity to make or communicate reasonable decisions concerning the adult's person or property or to be substantially impaired in the adult's ability to provide adequately for his or her own care and custody.

(f) "Neglect" means the failure or omission on the part of the caregiver to provide the care, supervision, and services which he or she has voluntarily, by contract, or by order of the court agreed to provide and which are necessary to maintain the health of an elderly, disabled, or impaired adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would consider necessary for the well-being of an elderly, disabled, or impaired adult. The term "neglect" also means the failure of a caregiver to make a reasonable effort to protect a disabled adult or an elderly person from abuse, neglect, or exploitation by others. "Neglect" is repeated conduct or a single incident which produces or could reasonably be expected to result in serious bodily injury.

(g) "Person" means any natural person, corporation, trust, partnership, unincorporated association, or any other legal entity.

(h) "Serious bodily injury" means serious bodily injury as defined in RSA 625:11, VI.

II. Any caregiver who purposely causes serious bodily injury to an elderly, disabled, or impaired adult shall be guilty of a class A felony.

Senate Judiciary
June 6, 2001
2001-1500s
03/10

Amendment to HB 210-FN

Amend the bill by replacing section 4 with the following:

4 Motor Vehicles; Habitual Offenders; Penalty. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39[~~, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI,~~] shall not be subject to the minimum mandatory provisions of paragraph I ***if, and only if, that person's certification was not based on any conviction under RSA 265:82 or any misdemeanor or felony motor vehicle conviction pursuant to RSA title XXI, and that person has not been convicted of any such offense, or any reasonably similar offense in any jurisdiction within the United States and Canada, since the date of the certification***; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

Senate Judiciary
June 6, 2001
2001-1501s
04/10

Amendment to HB 328-FN-LOCAL

Amend the introductory paragraph of RSA 104:31 as inserted by section 1 of the bill by replacing it with the following:

104:31 Fees of Sheriffs and Deputy Sheriffs. ***At the time of the initial request for any of the following services, the required fees and mileage may be paid.*** The fees of sheriffs and deputy sheriffs shall be as follows:

2001-1501s

AMENDED ANALYSIS

This bill increases certain fees charged by sheriffs and deputy sheriffs.

Senate Judiciary
June 6, 2001
2001-1496s
04/03

Amendment to HB 361

Amend the bill by replacing paragraph I of section 2 with the following:

I. The committee shall consist of 7 members of the house of representatives, appointed by the speaker of the house.

Amend the bill by replacing section 4 with the following:

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 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.

Senate Judiciary
June 6, 2001
2001-1497s
04/01

Amendment to HB 442

Amend the bill by replacing paragraph I of section 2 with the following:

I. The committee shall consist of 7 members of the house of representatives, appointed by the speaker of the house.

Senate Judiciary
June 6, 2001
2001-1503s
04/10

Amendment to HB 659-FN

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

3 Protection of Persons From Domestic Violence; Orders Enforceable. Amend RSA 173-B:13, IV to read as follows:

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The clerk of the district or superior court shall forward such order to the [~~state police who~~] ***administrative office of the courts which*** shall enter such order in the state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.

Senate Judiciary
June 6, 2001
2001-1499s
04/03

Amendment to HB 764-FN

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

AN ACT relative to the criminal offense of kidnapping.

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

1 New Paragraph; Interference With Freedom; Kidnapping Amended. Amend RSA 633:1 by inserting after paragraph I the following new paragraph:

I-a. A person is guilty of kidnapping if the person knowingly takes, entices away, detains, or conceals any child under the age of 18 and unrelated to the person by consanguinity, or causes such child to be taken, enticed away, detained, or concealed, with the intent to detain or conceal such child from a parent, guardian, or other person having lawful physical custody of such child. This subparagraph shall not apply to law enforcement personnel or department of health and human services personnel engaged in the conduct of their lawful duties.

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

2001-1499s

AMENDED ANALYSIS

This bill provides that a person is guilty of kidnapping if the person knowingly takes, entices away, detains, or conceals any child under the age of 18 and unrelated to the person by consanguinity, or causes such child to be taken, enticed away, detained, or concealed, with the intent to detain or conceal such child from a parent, guardian, or other person having lawful physical custody of such child. The bill also provides an exception for law enforcement personnel or department of health and human services personnel engaged in the conduct of their lawful duties.

Public Affairs
June 6, 2001
2001-1474s
04/09

Amendment to HB 131

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as section 8:

5 New Section; Legislative Ethics Committee; Retention of Financial Forms. Amend RSA 14-B by inserting after section 5 the following new section:

14-B:6 Retention of Financial Disclosure Forms. The legislator's financial disclosure form and the report of expense reimbursement form shall be placed on file in the secretary of state's office, pursuant to ethics guidelines adopted by the legislative ethics committee, and shall be held in original form for 6 years from the date of filing, after which time they may be destroyed.

6 New Section; Political Expenditures and Contributions; Reports. Amend RSA 664 by inserting after section 7 the following new section:

664:7-a Statement Retention. Statements or reports required to be filed under RSA 664:6 and 664:7 shall be held in original form for 6 years from the election for which they are filed, after which time they may be destroyed.

7 Nominations by Primary; Declarations of Candidacy Amended. Amend RSA 655:18 to read as follows:

655:18 Forwarding Declarations of Candidacy. Each city or town clerk shall forward each declaration of candidacy filed with him to the secretary of state on the day of filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith. [~~The secretary of state shall retain them together with all declarations of candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.~~]

Public Affairs
June 6, 2001
2001-1479s
03/09

Amendment to HB 154

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

AN ACT relative to nomination of candidates, vacancies for office on a party ticket, and special elections in cities.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 10:

7 Preparation of Voting Materials; Listing Candidates on Ballot. RSA 656:5 is repealed and reenacted to read as follows:

656:5 Listing Candidates on Ballot. The names of all candidates nominated in accordance with the election laws shall be arranged by office in accordance with the provisions of RSA 656:7. The names of candidates for any one office shall not be split into more than one column. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, but no candidate may appear on the ballot more than once as a candidate for the same office.

8 Election Procedure; Candidate of One Party; Nominee of Different Party. RSA 659:91-a, I is repealed and reenacted to read as follows:

I. Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which the person was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.

9 Vacancies Among Public Officers Elected at State Elections; Special Election Provisions for City State Representative Districts. Amend RSA 661:8 to read as follows:

661:8 Executive Councilor; State Senator; State Representative.

I. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution.

II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council.

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 80 days prior to the date of the city's primary election. The filing period shall be held not more than 71 days nor less than 64 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

IV. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82 ***or as provided in RSA 661:8, III***.

V. No request for a special election shall be considered after March 15 of the second year of the biennium.

2001-1479s

AMENDED ANALYSIS

This bill:

I. Requires that a political party nominated by nomination papers submit its list of candidates for the general election to the secretary of state no later than 5:00 p.m. on the day of the primary.

II. Repeals the provision permitting parties to fill vacancies existing on a party ticket following the state primary election.

III. Permits a candidate who receives the nomination of his or her party to also receive the nomination of a different party.

IV. Permits cities to hold special elections to fill vacancies in the office of state representative on the same dates as the city's biennial primary and regular elections.

Public Affairs
June 5, 2001
2001-1464s
03/04

Amendment to HB 259

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

1 Voters and Checklists; Checklists: All State Elections; Sessions for Correction; Time. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town***. Sessions shall be held in cities at the times determined by the governing body. Sessions shall be held in towns*** on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and [~~9:00~~] ***8:00*** p.m. ***and at the discretion of the supervisors for additional hours.*** Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Voters and Checklists; Checklists: All State Elections; Procedure; Time. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and [~~9:00~~] ***8:00*** p.m. ***and at the discretion of the supervisors for additional hours. Minimum requirements for sessions shall be determined by the governing body.*** The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

2001-1464s

AMENDED ANALYSIS

This bill permits the governing body of a city to determine the hours for sessions for correction for the checklist and changes the hours for evening sessions for correction of checklists in towns from between 7:00 p.m. and 9:00 p.m. to between 7:00 p.m. and 8:00 p.m. and at the discretion of the supervisors for additional hours.

Public Affairs
June 6, 2001
2001-1470s
08/04

Amendment to HB 512

Amend the bill by replacing section 1 with the following:

1 Local Land Use Planning; Authority for Impact Fee Ordinances. Amend RSA 674:21, V(i) to read as follows:

(i) Neither the adoption of an impact fee ordinance, nor the failure to adopt such an ordinance, shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such an ordinance. ***The planning board shall, in the course of site plan or subdivision review, have the authority to impose a requirement that a developer, as a condition of approval of such subdivision or site plan proposal, be responsible for the payment of the cost of such developer's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided herein. For***

purposes of this subparagraph "off-site improvements" means an exaction imposed to meet capital needs occasioned by a particular application outside the development site.

Amend the bill by replacing section 3 with the following:

3 Local Land Use Planning; Authority for Site Plan Review Regulations. Amend the introductory paragraph of RSA 674:44, IV to read as follows:

IV. The site plan review regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. ***The planning board, in exercising this authority, may consider both on-site and off-site improvements. It is expressly provided that a planning board may adopt regulations which provide that in the course of review of a site plan review application, the board may require that a developer or an applicant, as a condition of approval of such site plan proposal, be responsible for the payment of the cost of any on-site improvements as well as the developer's or applicant's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided in RSA 674:21. For purposes of this subparagraph "off-site improvements" means an exaction imposed to meet capital needs occasioned by a particular application outside the development site.*** The regulations or practice of the planning board:

Public Institutions, Health and Human Services
June 6, 2001
2001-1482s
04/09

Amendment to HB 451

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

AN ACT relative to the duties of the advisory council on child care.

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

1 New Subparagraphs; Health and Human Services; Advisory Council on Child Care; Duties. Amend RSA 126-A:17, V by inserting after subparagraph (g) the following new subparagraphs:

(h) Investigating creative ways in which to make affordable health insurance available to all persons providing child care services to children and families in New Hampshire.

(i) Investigating the experiences in other states with programs designed to improve pay and benefits of child care providers to ascertain whether these programs have led to an improvement in the quality and availability of child care in those states.

(j) Monitoring any private or other initiatives undertaken in New Hampshire which address pay and benefits to ascertain the impact on the quality of care for children, paying particular attention to issues of turnover and continuity of care experienced by children.

(k) Considering new and innovative funding methods for accomplishing any recommendations of the commission.

2 New Section; Health and Human Services; Advisory Council on Child Care; Report Required. Amend RSA 126-A by inserting after section 17 the following new section:

126-A:17-a Report. Beginning December 1, 2002, and no later than December 1 in every year thereafter, the advisory council on child care shall submit a report of its findings and any recommendations for legislation relative to the duties set forth in RSA 126-A:17, V (h)-(k), to the speaker of the house of representatives, the president of the senate, the chairperson of the house committee on children and family law, and the chairperson of the senate committee on public institutions, health and human services.

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

2001-1482s

AMENDED ANALYSIS

This bill extends the duties of the advisory council on child care to include the study of issues regarding the pay and benefits of child care providers, including creative ways in which to make affordable health insurance available to persons providing child care services to children and families in New Hampshire, and requires the advisory council to submit a report of its findings in these matters.

Senate Transportation
May 31, 2001
2001-1404s
10/04

Amendment to HB 717

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles (ATVs) and trail bikes, as defined in RSA 215-A.

Amend subparagraph I(d) of section 3 of the bill by replacing it with the following:

(d) State enforcement procedures for ATV and trail bike trails, whether on state lands or on private lands, including rescue capabilities and enforcement concerns in surrounding communities.

Amend the bill by replacing section 7 with the following:

7 OHRV Resident Registration; Increase for Snow Traveling Vehicles. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-$26 for each 2-wheeled trail bike registration***, $45 for each snow traveling vehicle registration,*** or $35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first $7 of each 2-wheeled trail bike registration***, $25 for each snow traveling vehicle registration,*** or $16 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, ***$10.30 from each snow traveling vehicle registration or*** $9.30 ***from each 2-wheeled trail bike or other OHRV registration*** shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $9.70 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2001.

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

2001-1404s

AMENDED ANALYSIS

This bill establishes a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes.

This bill also increases the resident and nonresident OHRV registration fees for snow traveling vehicles.

Wildlife and Recreation
June 6, 2001
2001-1484s
10/04

Amendment to HB 339

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

1 New Paragraph; Fish and Game; Baiting. Amend RSA 207:3-d by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding paragraph I, no person shall engage in the act of baiting for deer or shall knowingly take deer from a baited area unless permitted under RSA 208:7, IV(a) or (b).

2 New Paragraph; Manner of Taking Deer. Amend RSA 208:7 by inserting after paragraph III the following new paragraph:

IV. No person shall place bait for the taking of deer, or shall knowingly take deer from a baited area, except for the following:

(a) A person granted a special permit for scientific purposes, animal damage control, or for any other purpose, allowing such baiting, at the discretion of the executive director.

(b) A person who otherwise complies with the requirements of this title, and who:

(1) Has a walking disability as that term is defined in RSA 261:88, I(c);

(2) Is issued a crossbow permit under RSA 207:10-c; or

(3) Is a landowner wishing to take deer on that person's own land.

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

2001-1484s

AMENDED ANALYSIS

This bill prohibits the baiting of deer and the taking of deer from a baited area except by certain persons.

Wildlife and Recreation
June 6, 2001
2001-1494s
08/09

Amendment to HB 426

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

1 New Sections; Voluntary Scrapie Flock Certification Program. Amend RSA 436 by inserting after section 115 the following new sections:

436:116 Voluntary Scrapie Flock Certification Program.

I. The department of agriculture, markets, and food shall implement the United States Department of Agriculture, Animal and Plant Health Inspection Service, Voluntary Scrapie Flock Certification Program standards as provided in 9 CRF Parts 54 and 79, and any subsequent amendments.

II. The provisions of paragraph III shall apply in any instance when a sheep or goat producer has entered the program and has voluntarily requested technical help from the board or is inspected by a state animal health official on behalf of the board as established under 9 CFR Parts 54 and 79, and is not at the time the subject of an active enforcement action.

III. With the exception of the state and federal veterinarians, acting in their official capacity, state board members and agents of the board shall not make available to any other regulatory or enforcement agency not involved in the program, or to the public, information obtained in the course of such help or inspection unless:

(a) The person receiving such inspection agrees that such information may be released;

(b) The information reveals an imminent threat to human life of the environment;

(c) The information reveals evidence of a knowing criminal violation;

(d) The information is presented in aggregate form with no identification of individual entities; or

(e) The board first notifies any person requesting technical help of the provisions of this section.

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

2001-1494s

AMENDED ANALYSIS

This bill enables a state scrapie certification board as provided by 9CFR parts 54 and 79, the state entity in charge of the state component of the joint state and federal voluntary scrapie flock certification program. The bill establishes flock participation requirements and confidentiality provisions.

COMMITTEES OF CONFERENCE

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

MEETING: Tuesday, June 19, 2001, 11:00 a.m. Room 205, LOB

Senate Conferees: Senators Wheeler, Prescott, McCarley

House Conferees: Representatives Batula, Burnham, Manning, Seldin

MEETINGS

THURSDAY, JUNE 7, 2001

NH DEPARTMENT OF TRANSPORTATION (TE CMAQ) Tracey Library, Corner of Main and Pleasant Street, New London, NH

7:00 p.m. Outreach Education Technical Advisory Committee UVLS Regional Planning Commission

NH DEPARTMENT OF TRANSPORTATION (Farmington 13379, Relocation of NH 153 along Meeting House Hill Road to create a single signalized 4 way intersection on NH 11 with Meeting House Hill Road) Town Hall Gymnasium, 39 North Main Street, Farmington, NH

7:00 p.m. Public Informational Meeting

FRIDAY, JUNE 8, 2001

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 102, LOB

9:00 a.m. Work Session

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

9:00 a.m. Regular Meeting

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

10:00 a.m. Regular Meeting

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28) Room 105-A, SH

10:00 a.m. Organizational 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

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

10:00 a.m. Regular Meeting

WAYS & MEANS COMMITTEE WORK SESSION HB 170-FN, HB 374 AND SB 198-FN-A Room 102, LOB

10:15 a.m. Work Session

POSTSECONDARY EDUCATION AND TEMPORARY ASSISTANCE RECIPIENTS RELATIONSHIP COMMISSION (SB 313, Chapter 122:2, Laws of 2000) Room 205, LOB

1:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (TE CMAQ) Community Resources Ctr. Horseshoe Pond Place, 28 Commercial Street, Concord, NH

7:00 p.m. Outreach Education Technical Advisory Committee Central NH Planning Commission

WEDNESDAY, JUNE 13, 2001

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

9:00 a.m. Regular Business

9:30 a.m. Audit: State of New Hampshire
Judicial Council
Financial and Compliance Audit Report
For the Year Ended June 30, 2000

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19) Room 205, LOB

2:30 p.m. - 4:30 p.m. Regular Meeting

THURSDAY, JUNE 14, 2001

NH DEPARTMENT OF TRANSPORTATION (TE CMAQ) Exeter Library, Exeter, NH

7:00 p.m. Outreach Education Technical Advisory Committee Rockingham Planning Commission

FRIDAY, JUNE 15, 2001

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 102, LOB

9:00 a.m. Regular Meeting

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

MONDAY, JUNE 18, 2001

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

9:00 a.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

FRIDAY, JUNE 22, 2001

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

10:00 a.m. Regular Meeting

MONDAY, JUNE 25, 2001

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

9:00 a.m. Regular 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

MONDAY, JULY 9, 2001

CERTIFICATE OF NEED (RSA 151-C:16) ROOMS 306-308, LOB

10:00 a.m. - 12:00 p.m. Regular Meeting

WEDNESDAY, JULY 11, 2001

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

9:00 a.m. Regular Business

FRIDAY, JULY 20, 2001

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

9:00 a.m. Regular Meeting

MONDAY, JULY 23, 2001

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

10:00 a.m. Regular Meeting

MONDAY, JULY 30, 2001

PUBLIC HEALTH & ENVIRONMENT RELATION SHIP COMMISSION (HB 1390, Chapter 114, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

WEDNESDAY, AUGUST 8, 2001

FISCAL COMMITTEE OF THE GENERAL COURT Rooms 210-211, LOB
9:00 a.m. Regular Business

FRIDAY, AUGUST 17, 2001

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 51, SB 69, SB 72, SB 73, SB 76, SB 81, SB 90, SB 101, SB 105, SB 111, SB 114, SB 115, SB 117, SB 134, SB 140, SB 142, SB 143, SB 151, SB 160, SB 164, SB 165, SB 167, SB 168, SB 169, SB 170, SB 171, SB 172, SB 173, SB 174, SB 176, SB 177, SB 178, SB 183, SB 186, SB 188, SB 189, SB 191 SB 201,

NOTICES

THURSDAY, JUNE 7, 2001

All Senators and staff are invited to a reception immediately following the close of session (or 4 p.m. if session ends early) on June 7. The reception will be hosted by S & H/Murphy Inc. at the Barley House Restaurant.

Senator Carl R. Johnson

****

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 my 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:** _____

****

MONDAY, JUNE 18, 2001

The Second Annual OWLS Golf Tournament will be held on Monday, June 18 at the Passaconaway Golf Club, Litchfield. Fees include Continental Breakfast, Steak Dinner, Green Fees, Golf carts and great camaraderie and prizes. For more information contact Reps Julie Brown or Karen McRae

Senator Katherine W. Wheeler

****

THURSDAY, JUNE 21, 2001

GOVERNOR'S ANNUAL BARBECUE

Please save the date! Governor Shaheen's annual barbecue for legislators and staff will be Thursday, June 21st, from 4-8 p.m. at Bridges House.

Food, fun and frosty drinks!

Senator Beverly A. Hollingworth

****

MONDAY, JUNE 25, 2001

The International Trade Resource Center located at the Pease International Tradeport, Portsmouth, is hosting a **Legislative Awareness Day** on Monday, June 25, 2001.

Exports play a significant role in the state's economy and your awareness of this resource will serve you well with businesses in your district.

Details of the days activities will be available in the near future.

Set the date on your calendar, you will not be disappointed.

Senator Carl R. Johnson

****

VISITORS' CENTER SCHEDULE - JUNE

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 June 2001. 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
June 7	10:00 & 11:00	Sherburne Elem-Pelham	4/60
June 8	10:00 & 11:00	Sherburne Elem-Pelham	4/60
June 11	10:00 & 11:00	Sherburne Elem-Pelham	4/60
June 12	10:00	Sherburne Elem-Pelham	4/30
June 12	11:00	Reeds Ferrry-Merrimack	4/50
June 15	1:00	Colonial Hills Baptist HomeSchoolers-New Ipswich	3-HS/20
June 19	10:30	Fam Tour- Concord Chamber of Commerce	30
June 22	9:00	Sacred Heart Home Schoolers	4-HS/30
June 29	2:00	Laconia Savings Seniors	48