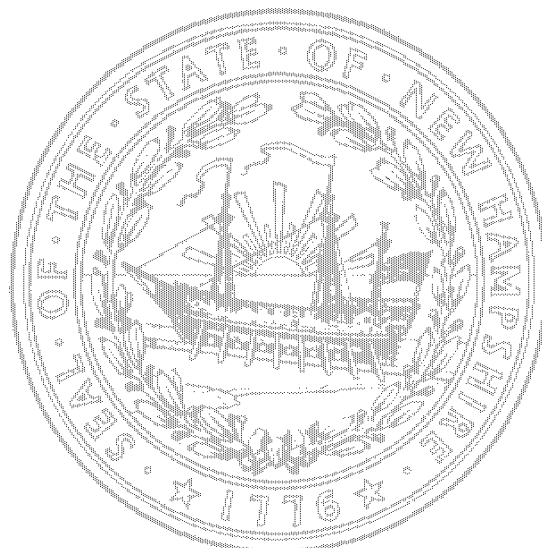


April 9, 2002
No. 24A

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR ADDENDUM

**VETO MESSAGES, REPORTS, AMENDMENTS, HEARINGS,
MEETINGS & NOTICES**

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, APRIL 10,
2002 AT 1:00 P.M.**

**THE SENATE WILL MEET IN SESSION ON THURSDAY, APRIL 11, 2002
AT 10:15 A.M.**

VETO MESSAGE

March 29, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed Senate Bill 1, an act apportioning state senate districts.

Since January, I repeatedly have said I would veto legislation reapportioning state senate districts if the legislation violates the New Hampshire Constitution's requirement that senate districts be "as nearly equal as may be in population;" splits apart strong historic, economic and social communities of interest; and is designed to give one party unfair political advantage over another. I have repeatedly urged the majority party in the senate to work with the members of the minority party to craft bipartisan redistricting legislation.

Unfortunately, the members of the majority party in the senate have chosen to send me legislation containing a redistricting scheme that violates Part II, Article 26 of the New Hampshire Constitution; violates the principle of one person, one vote; splits apart strong communities of interest; and favors one party over another.

S.B. 1 unnecessarily breaks apart strong historic, economic and social communities of interest. The City of Rochester, for example, is torn away from the City of Somersworth, with which it shares a common border and similar social and economic characteristics. The cities of Rochester and Somersworth have been in the same senate district for 210 years. Under S.B. 1 Rochester instead would be thrust into a senate district with the Lakes Region community of Wolfeboro.

S.B. 1 slices Portsmouth away from New Castle and Rye. It splits apart Dover and Durham.

Part II, Article 26 requires that senate districts be "as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place." There is no question that S.B. 1 demonstrably violates the constitutional requirement that districts be "as nearly equal as may be in population." The record shows that alternative senate redistricting plans more equal in population were presented by the minority party, and rejected by the majority party.

Moreover, S.B. 1 creates at least one senate district that stretches the meaning of the word “contiguous” as used in Part II, Article 26. As created under S.B. 1, senate district 5 is a classic case of partisan gerrymandering at its worst. This district would consist of two distinct geographical areas, the only physical connection being that the northernmost corner of the Town of Wilmot touches the southernmost corner of the Town of Grafton. There is no legitimate justification for the creation of this figure-eight district.

Crafted behind closed doors by the members of one party, the redistricting scheme contained in S.B. 1 was made public only one hour before it was passed by the senate in a strictly partisan vote.

It is clear from the senate record that that there is a wide gap between what the citizens of this state have said they wanted in senate districts and the redistricting scheme contained in S.B. 1.

For example, the Mayor of Rochester, in a January 17, 2002 letter addressed to the Senate Redistricting Committee, pleaded with the senate to “continue to group Rochester with similar Seacoast cities, like Somersworth or Dover” and not put “Rochester in the same district as Wolfeboro way up in the Lakes Region.”

A letter from the three Rye selectmen to the Senate Internal Affairs Committee implored the senate not to split Rye apart from Portsmouth, pointing out that Rye students attend Portsmouth High School and that “[o]ne has to drive through Portsmouth to get to Rye....We never heard of a district which basically has one community jumping over another almost entirely contiguous community. Yes, we guess you can walk in a small stretch of marshland to get from New Castle to Rye, but that is truly a stretch.” Similar pleas were made in letters submitted by the Mayor of Portsmouth and the chairman of the New Castle selectmen.

A University of New Hampshire history professor and long-time resident of Dover testified about the historical, economic and cultural ties between Dover and Durham at the January 10, 2002 Senate Internal Affairs Committee hearing on redistricting. “If you go back three hundred years, you find that people in Durham and Dover worked with each other and worshipped with each other,” he testified.

Why were these pleas from citizens, including local community leaders, to keep together strong communities of interest ignored by the majority party in the senate? Solely to give their party unfair political advantage over the other. S.B. 1 would make at least 16 out of the 24 state senate districts safely Republican. The majority party has disregarded the State Constitution, 200 years of history and tradition, and the views of citizens to guarantee its control over the senate chamber.

Because S.B. 1 is both unconstitutional and fundamentally unfair, I am compelled to veto this legislation.

I urge the senate to take up my veto quickly and then get down to the business of the people. It is not yet too late for the Senate Republicans to work with the Senate Democrats to craft redistricting legislation that is fair to both parties, minimizes the deviation in the size of districts, and keeps together strong communities of interest.

I know the state senate can do better by the people of this state than it has to date. Now is the time to do so. The June candidate-filing period is fast approaching.

Respectfully submitted,

Jeanne Shaheen
Governor

February 7, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed Senate Bill 141, an Act relative to proof of qualifications for voter registration.

The right to vote is a fundamental right. Restrictions should be placed on that right if, and only if, there is a compelling need. S.B. 141, which is identical to legislation I vetoed last year, does not meet that test.

While the proponents of S.B. 141 say the purpose of this legislation is to protect our elections from fraud, there is no evidence that voter fraud is a problem in New Hampshire. That is, in large part, because our laws already provide protection from voter fraud. Our statutory requirement that the checklists be purged on a regular basis prevents "graveyard" voting. Our laws permit any voter to challenge the identity and eligibility of any other voter, with any so challenged voter required to sign an affidavit under penalty of perjury before being permitted to vote. Moreover, anyone registering to vote on election day is required to sign a form swearing, under penalty of perjury, that he or she is a qualified voter.

In order to be eligible to vote in New Hampshire, one must be a citizen of the United States, be 18 years of age or older, and be domiciled where he or she intends to vote. Under current New Hampshire law, supervisors of the checklist and town or city clerks may ask an applicant to provide proof of citizenship, age and domicile. If Senate Bill 141 became law, voting registration officials would be required to demand this proof.

S.B. 141 would have the effect of discouraging eligible voters from exercising their right to vote. Not all voters carry proof of their age with them, and in our country, few citizens carry proof of their citizenship. No discretion is given to supervisors of the checklist and town and city clerks under S.B. 141. No matter how well the supervisor of the checklist or town or city clerk knows the voter, he or she must still demand proof of age and citizenship. This would potentially cause lengthy delays for all voters.

While New Hampshire's voter turnout percentage compares well with the rest of the country, it is troubling that one-third of our registered voters did not exercise their franchise in the 2000 general election, an election to choose the President of the United States. Rather than erecting new barriers to voting, lawmakers should instead investigate

why so many of our fellow citizens do not vote and develop public policy to encourage every eligible citizen to exercise this precious and fundamental right.

For all of the above reasons, I am today vetoing Senate Bill 141.

Respectfully submitted,

Jeanne Shaheen
Governor

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 87, relative to permissible campaign contributions by business organizations and labor unions.

SB 105, relative to instream flow plan requirements.

SB 146, relative to personal watercraft.

SB 173-FN-A, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the university system of New Hampshire or any of its component institutions.

SB 325, establishing a committee to study the use of state vehicles.

SB 335, relative to prohibited political contributions.

SB 382, relative to display of flags on condominium units.

SB 401-FN-A, relative to long-term care funding and making an appropriation therefor.

SB 407-FN, requiring restroom facilities in certain state buildings.

SB 421-FN-A, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs and authorizing manufacturing technology training in the town of Littleton, and making an appropriation therefor.

SB 428, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

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

HB 193, establishing a committee to study state payments for court-ordered placements of special education pupils.

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

HB 253, relative to mercury reductions.

HB 325-FN, relative to certain acts of sexual assault.

HB 466, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

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

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.

HB 1118, relative to participation by certain judges in the state employee group health and dental insurance programs.

HB 1148, (New Title) naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway.

HB 1415, (New Title) relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation.

HB 1396, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

REPORTS FOR THURSDAY, APRIL 11, 2002 SESSION

REPORTS

EDUCATION

HB 757, (2nd New Title) establishing an early literacy and reading improvement program and making an appropriation therefor. Vote 3-2

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

ENERGY & ECONOMIC DEVELOPMENT

HB 353-FN-A, (New Title) relative to diversified agricultural development. Vote 5-0

Inexpedient to Legislate, Senator Below for the committee.

HB 718-FN, (New Title) relative to renewable-energy-source electricity generation and transition service. Vote 5-0

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

HB 1320, establishing a committee to study establishing enterprise zones in economically deprived communities. Vote 5-0

Inexpedient to Legislate, Senator Gatsas for the committee.

HB 1349-FN-A, (New Title) establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company. Vote 5-0

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

HB 1447, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. Vote 5-0

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

ENVIRONMENT

HB 1106, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. Vote 3-0

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

HB 1135, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. Vote 3-0

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

HB 1170, extending the environmental audit program. Vote 3-0

Ought to Pass, Senator Below for the committee.

HB 1402, designating segments of the Isinglass River as protected under the rivers management and protection program. Vote 3-0

Ought to Pass, Senator Cohen for the committee.

EXECUTIVE DEPARTMENTS & ADMINISTRATION

HB 560-FN-A, establishing a contributory judicial retirement plan. Vote 4-0

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

HB 744-FN-A, (New Title) establishing a committee to study the feasibility of a state pilot program for family and disability leave. Vote 3-1

Inexpedient to Legislate, Senator Flanders for the committee.

HB 1210, (New Title) relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians. Vote 4-0

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

HB 1218, relative to the regulation of pharmacists and prescription drug orders. Vote 5-0

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

HB 1302-FN, (New Title) relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees. Vote 5-0

Ought to Pass, Senator Francoeur for the committee.

HB 1366-FN, (New Title) establishing a state employee recognition and award program.

Vote 4-1

Ought to Pass, Senator Prescott for the committee.

HB 1372-FN, relative to certain residential care facilities. Vote 5-0

Ought to Pass, Senator Prescott for the committee.

HB 1437-FN-A, (New Title) relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice. Vote 3-2

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

HB 1455-FN-L, (New Title) establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system. Vote 5-0

Ought to Pass, Senator Flanders for the committee.

HB 1461-FN, (New Title) transferring the office of emergency management to the department of safety, division of fire safety and emergency management. Vote 5-0

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

HB 1469-FN, (New Title) establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing state employees to receive a retirement allowance while in service. Vote 4-0

Ought to Pass, Senator Flanders for the committee.

HB 1476, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system. Vote 4-0

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

INSURANCE

HB 589, relative to eligibility for unemployment benefits for part-time workers. Vote 4-1

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

HB 668, (New Title) relative to genetic testing. Vote 3-2

Inexpedient to Legislate, Senator Hollingworth for the committee.

HB 1203, relative to retroactive health insurance denials.

MAJORITY REPORT: Ought to pass with amendment, Senator Flanders for the majority.

Vote 3-2

MINORITY REPORT: Ought to pass with amendment, Senator Hollingworth for the minority.

Vote 2-3

HB 1467-FN, relative to the cost of vaccines. Vote 5-0

Ought to Pass, Senator Wheeler for the committee.

INTERNAL AFFAIRS

HB 1329-FN, relative to fiscal notes. Vote 3-0

Inexpedient to Legislate, Senator Wheeler for the committee.

HB 1342, relative to preparation of fiscal notes. Vote 3-0

Inexpedient to Legislate, Senator Boyce for the committee.

HB 1444, (New Title) requiring a majority vote of the legislature prior to placing memorials on certain state grounds. Vote 2-1

Inexpedient to Legislate, Senator Flanders for the committee.

HB 1453, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee. Vote 3-0

Ought to Pass, Senator Boyce for the committee.

HB 1471-FN, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. Vote 3-0

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

HCR 27, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II. Vote 3-0

Ought to Pass, Senator Wheeler for the committee.

JUDICIARY

HB 179-FN, (New Title) including 17 year olds under RSA 169-B, the juvenile delinquency statute. Vote 3-0

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

HB 550-FN, (New Title) relative to destruction of information. Vote 3-0

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

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders. Vote 4-0

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

HB 660, relative to out-of-home placements in juvenile abuse and neglect cases. Vote 3-0

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

HB 768-FN, relative to DNA testing of criminal offenders. Vote 4-0

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

HB 1100-FN, (New Title) relative to the judicial conduct commission and making an appropriation therefor. Vote 3-1

Interim Study, Senator Gordon for the committee.

HB 1236-FN, (New Title) establishing a committee to study the adjudication of divorces pursuant to part 2, article 76 of the New Hampshire constitution. Vote 4-0

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

HB 1264-FN-L, (New Title) relative to district courts and pleas by mail. Vote 4-0

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

HB 1286, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. Vote 3-0

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

HB 1299-FN, (New Title) establishing a committee to study the creation of a marriage education and enhancement program. Vote 3-1

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

HB 1360-FN, (New Title) relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters. Vote 4-0

Interim Study, Senator Pignatelli for the committee.

HB 1423-FN, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. Vote 4-0

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

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders. Vote 4-0

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

HB 1436-FN, relative to requiring treatment for persons convicted of DWI offenses. Vote 4-0

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

HB 1472-FN, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services. Vote 3-0

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

HB 1478-FN-A, relative to public health emergency preparation and response. Vote 4-0

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

PUBLIC AFFAIRS

HB 1393, (New Title) relative to business replacement costs resulting from government program displacement. Vote 2-0

Ought to Pass, Senator Disnard for the committee.

HB 1440-FN-A-L, (New Title) establishing a New Hampshire local government records management improvement program and fund. Vote 2-0

Ought to Pass, Senator Disnard for the committee.

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES

HB 1159, (New Title) relative to substituting generic drugs for legend and non-legend drugs. Vote 3-0

Ought to Pass, Senator McCarley for the committee.

HB 1365-FN, (New Title) requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community. Vote 4-0

Ought to Pass, Senator Prescott for the committee.

TRANSPORTATION

HB 1180, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. Vote 2-0

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

HB 1298, (New Title) relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex. Vote 2-0

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

HB 1357-FN, relative to the form of drivers' licenses. Vote 4-0

Ought to Pass, Senator Eaton for the committee.

HB 1361-FN, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. Vote 4-0

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

HB 1456-FN, (New Title) relative to information on drivers' licenses and relative to motor vehicle records. Vote 2-0

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

HB 1460-FN, relative to penalties for alcohol- and drug-related offenses. Vote 2-0

Ought to Pass, Senator Eaton for the committee.

WAYS & MEANS

HB 212-FN, (2nd New Title) providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions. Vote 4-0

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

HB 213-FN, (New Title) establishing a study committee on education property tax hardship relief. Vote 4-0

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

HB 1167, (New Title) permitting wine manufacturers to sell their products at farmers' markets. Vote 4-0

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

HB 1268-FN, establishing a net operating loss deduction in computing the business profits tax. Vote 4-0

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

HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax. Vote 4-0

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

HB 1277, increasing the optional veterans' property tax credit. Vote 4-0

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

HB 1282, (New Title) establishing a committee to study gaming options for New Hampshire. Vote 4-0

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

HB 1438-FN-A, (New Title) relative to registration of health clubs. Vote 4-0

Ought to Pass, Senator Barnes for the committee.

HB 1451-FN-A, implementing the Mobile Telecommunications Sourcing Act. Vote 3-1

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

WILDLIFE & RECREATION

HB 1187-FN, relative to criminal penalties for possession of a firearm in a safe school zone. Vote 4-0

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

HB 1273-FN, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. Vote 4-0 Inexpedient to Legislate, Senator Disnard for the committee.

HB 1419-FN-A, (2nd New Title) increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement. Vote 3-0 Ought to Pass, Senator Disnard for the committee.

HCR 22, encouraging multiple use management and access for future land transfers to the White Mountain National Forest. Vote 4-0 Ought to Pass, Senator Eaton for the committee.

HCR 23, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest. Vote 4-0 Ought to Pass, Senator Gatsas for the committee.

AMENDMENTS

Senate Education
April 10, 2002
2002-3401s
10/05

Amendment to HB 757

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

AN ACT establishing an early literacy and reading improvement program and making an appropriation therefor and establishing a statewide education accountability system.

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

1 New Chapter; Early Literacy and Reading Improvement. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G

EARLY LITERACY AND READING IMPROVEMENT

193-G:1 Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to read independently at grade level by the end of grade 3 it is essential to establish an early literacy and reading improvement program. Therefore, the general court enacts a program of support for those who impact the child's reading skill: parents and early child care providers who prepare young children for reading, and primary school teachers.

193-G:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "State board" means the state board of education.
- IV. "Primary school" means a school that includes grades K-3 or any grouping thereof.
- V. "Pre-school children" means children through age 5 that are not enrolled in a primary school.
- VI. "Early child care providers" means individuals that are paid to provide care and education to children through age 5 that are not enrolled in a primary school.

VII. “Early childhood specialist” means an experienced teacher who, by virtue of specialized training, appropriate experience, and demonstrated success, has the knowledge and skills necessary to provide early learning and reading assistance to other individuals.

VIII. “Primary caregivers” means parents, guardians, or others with primary responsibility for the child.

193-G:3 Early Literacy and Reading Improvement Program. Policy and Purpose. It shall be the policy of this state:

I. To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based reading research.

II. To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

III. To demonstrate language and literacy activities based on scientifically based reading research that supports the age-appropriate development of:

(a) Recognition, leading to automatic recognition, of letters of the alphabet.

(b) Knowledge of letter sounds, the blending of sounds, and the use of increasingly complex vocabulary.

(c) An understanding that written language is composed on phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences.

(d) Spoken language, including vocabulary and oral comprehension abilities; and

(e) Knowledge of the purposes and conventions of print.

IV. To use screening assessments to identify effectively those preschool age children who may be at risk for reading failure;

V. To integrate such scientific reading research-based instructional materials and literacy activities with existing programs of preschools, child care agencies and programs, Head Start centers, and family literacy services.

VI. Involve institutions of higher education in partnerships to:

(a) Better prepare new teachers to utilize scientifically based early literacy knowledge and skills and deliver scientifically based reading instruction.

(b) Coordinate opportunities for early child care providers and primary caregivers to provide scientific and research-based support for the development of early literacy in preschool children ~~[by working with together]~~ by working together with local school districts and institutions of higher education to deliver high-quality, scientifically based reading instruction to preschool age children.

VII. That local school districts shall establish reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research and to ensure that every student can read at grade level or above not later than the end of grade 3.

VIII. That teachers, including special education teachers, through professional development and other support, are trained and able to identify specific reading barriers facing their students and so the teachers have the tools to effectively help their students learn to read.

IX. That local school districts shall select and administer screening, diagnostic, and classroom-based instructional reading assessments.

X. That schools in this state shall select or develop effective instructional materials, including classroom-based materials to assist teachers in implementing the essential components of reading instruction, programs, learning systems, and strategies to implement methods that have been proven to prevent or remediate reading failure within a state.

XI. To coordinate among schools, early literacy programs, and family literacy programs to improve reading achievement for all children.

193-G:4 Early Literacy Program Established.

I. There is hereby established an early literacy program in the department of education. This program shall provide technical support and assistance to primary caregivers of young children and early child care providers in their efforts to obtain grants under the applicable provisions of the Elementary and Secondary Education Act, as reauthorized by Public Law 107-110, the No Child Left Behind Act of 2001.

II. The program shall include a structured assessment designed to determine the extent to which pre-kindergarten instruction results in pupils meeting the goals and policies established in RSA 193-G:3. The program shall also develop, provide, and evaluate scientifically based programs and courses and shall provide technical assistance to primary caregivers of young children and early child care providers.

193-G:5 Reading Improvement Program Established.

I. There is hereby established a reading improvement program in the department of education. This program shall provide technical support and grants to local education agencies.

II. The program shall include a scientifically based assessment designed to determine the extent to which pupils read at grade level by grade 3 and meet other goals established in RSA 193-G:3.

III. The administration of the reading improvement grant program shall include the following:

(a) Establishing forms and procedures for districts to use for the submission of reading improvement program grant requests, including:

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

(2) An assurance that grant funds will be used only to supplement and not supplant ongoing local efforts.

(3) A plan describing how grant activities will meet the goals of this program as established in RSA 193-G:3, including:

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

(c) The provision of assistance to districts in the development of grant requests.

(d) Establishing an equitable grant review process that:

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

(2) Gives priority to eligible school districts in which at least 15 percent of the children served by the district are from families with incomes below the poverty line.

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

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

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

193-G:6 Rulemaking. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2004, adopt rules relative to the administration of the early literacy and reading improvement programs established in RSA 193-G:4 and RSA 193-G:5.

193-G:7 Early Learning and Reading Improvement Oversight Committee Established.

I. An early learning oversight committee shall be established and shall consist of the following members:

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

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

(c) Three members of the public appointed by the governor, 2 of whom shall serve a 2-year term, and one of whom shall serve a 3-year term.

(d) Two members of the public, appointed by the speaker of the house, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

(e) Two members of the public, appointed by the senate president, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

II. Legislative members of the committee shall serve a term of office coterminous with their membership in the general court.

III. Legislative members of the committee shall receive mileage at the legislative rate while attending to the duties of the commission.

193-G:8 Duties.

I. The duties of the early learning oversight committee shall be to:

(a) Examine administrative models in place in New Hampshire and in other states to determine the most effective administrative structure and oversight to assure the effective implementation of the early literacy and reading programs funded in this act.

(b) Determine the most effective administrative relationship between the department of education, the department of health and human services and other providers of early literacy and reading programs to assure that the services provided interact in a manner which promotes efficiency and maximizes benefits to children.

(c) Review the development and implementation of the program to ensure it is in accordance with legislative policy. Implementation of the program shall be consistent with the committee's determinations in subparagraphs (a) and (b).

(d) Oversee the scientifically based early literacy and reading improvement programs established in RSA 193-G:4 and 193-G:5, including the impact of each program on the improvement of reading skills and comprehension of students in low-performing schools.

(e) Review the effect of the early literacy and reading improvement programs established in RSA 193-G:4 and 193-G:5 on the improvement of reading skill and comprehension of students in low-performing schools and early literacy and language skills of children in child care settings in the region of the schools.

(f) Review existing valid and reliable, scientifically based academic assessments that include in reading and mathematics for use as the primary means of determining the yearly performance of the state, its schools and pupils.

II. The department shall provide administrative oversight and support to the committee.

193-G:9 Report. The committee shall submit a report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the state library, and the governor on or before November 1 of each year.

2 Appropriation; Positions Established.

I. The sum of \$485,349 for the biennium ending June 30, 2003 is hereby appropriated to the department of education to be used for the purposes set forth in this paragraphs II-III of this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The department of education is hereby authorized to establish one program administrator position at labor grade 28, one education consultant position at labor grade 27, and one program assistant position, at labor grade 12 from funds appropriated in this act.

III. Funds appropriated in this section shall be used for the salary, benefits, equipment, and current expenses resulting from the new positions established in this act, to develop and implement the end of grade 3 reading assessment required in RSA 193-G:3, VII as inserted by section 1 of this act, and to implement the early literacy and reading improvement programs as set forth in RSA 193-G:4 and 193-G:5 as inserted by section 1 of this act.

3 Statement of Purpose. The general court finds that in order to ensure a balance between education improvement and assessment, it is necessary to establish a comprehensive, statewide educational accountability system that shall include:

I. Statewide performance goals for all pupils.

II. Statewide systematic measurement of school performance at the state and local levels using valid scientifically-based measures.

III. Reporting on pupil performance at the school, school district, and state levels.

IV. The development, implementation, and evaluation, with broad input from community teams, of local education improvement and assessment plans designed to meet state goals and other criteria for making progress, and any performance goals developed locally to meet identified educational needs.

V. The opportunity for schools that are not making satisfactory progress toward statutory performance goals to receive assistance from the state.

4 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-G the following new chapter:

CHAPTER 193-H

SCHOOL PERFORMANCE AND ACCOUNTABILITY

193-H:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "NHEIAP" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-H:2 State Plan. The commissioner, in consultation with the legislative oversight committee established in RSA 193-C:7, shall develop a plan that will enable the state of New Hampshire and local school districts to qualify for federal grants under applicable provisions of Public Law 107-110, the No Child Left Behind Act of 2001.

193-H:3 Statewide Performance Goals. A school should meet, exceed, or make adequate yearly progress as measured on annual student academic assessments toward each of the following performance goals:

I. All pupils should, at a minimum, perform at grade level on the reading component of the statewide assessment administered in grade 3 pursuant to RSA 193-C:3.

(a) For pupils with disabilities who qualify for the alternate version of the statewide assessment, performance at the adequate level shall be based on the communication component of the alternate assessment.

(b) For pupils whose native language is other than English and whose English language reading ability prevents them from participating in the statewide assessment, school districts, in conjunction with the department, should make a reasonable effort to provide an alternate assessment of each pupil's reading ability in the pupil's native language. If an alternate assessment is provided, the school district shall report pupil performance to the department of education for inclusion in school, district, and state third grade reading reports. If it is not feasible to administer the assessment in the pupil's native language, then the pupil may be excused from the assessment.

II. Schools shall make adequate yearly progress on statewide assessments administered in accordance with RSA 193-C.

III. Pupils should, at a minimum, attend school at the following rates:

(a) Ninety-five percent for elementary schools.

(b) Ninety-four percent for middle schools and junior high schools.

(c) Ninety-two percent for high schools.

(d) The appropriate grade-range attendance rate collected by the department at the district level shall be used as the school attendance rate in districts that have multiple schools at a particular grade range.

IV. The percentage of pupils who drop out of school annually should not exceed the following rates:

(a) 0.5 percent for middle schools and junior high schools.

(b) Five percent for high schools.

(c) The department shall calculate and report the annual dropout rate as a percentage based on the reported number of pupils who dropped out of school and did not return during a one year period as compared to the total school population.

V. The percentage of graduating pupils who go on to post-secondary education or military service should be at least 66 percent.

VI. Each school shall comply with the applicable standards for school approval adopted by the state board pursuant to RSA 21-N:9, I.

VII. Beginning May 1, 2005, and annually thereafter, the commissioner shall determine if a school has demonstrated that it is making adequate yearly progress toward, or has met or exceeded the performance goals established in this section. The criteria to be used to determine if a school is making adequate yearly progress shall be established by the legislative oversight committee established under RSA 193-C:7 with the assistance of the commissioner. A school shall be considered to be making adequate yearly progress in meeting the school approval standards specified in paragraph VI, if it either has been conditionally approved or granted a delay in full compliance by the state board.

VIII. Beginning May 1, 2005, and annually thereafter, the commissioner shall compile and disseminate to the governor and council, the general court, the state board, local school board chairpersons, superintendents of schools, school principals, and the public, a list of schools that are not making adequate yearly progress in meeting the statewide performance goals set forth in RSA 193-H:3.

IX. No later than January 1, 2006, and every 3 years thereafter, the state board shall submit to the education committees of the house and senate a report outlining the results of the state board's review of the performance goals established in paragraphs I-VI, including any recommendations to the general court for changes in these goals that have been adopted by a majority of the state board. In conducting its review, the state board shall consider the statistical validity and comparability of using additional performance data collected at the school and district levels.

5 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be chosen by the department with the approval of the state board of education.

(j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law and regulations, including performance reports on pupils with disabilities, educationally disadvantaged pupils, and vocational education pupils.

6 Reporting on Pupil Performance. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Reporting on the Delivery of Education.

I. Beginning August 1, 2002, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year on the following indicators, provided however, that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2001-2002:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, and pupils eligible for free or reduced-price meals.

(b) Pupil mobility rates calculated as the percentages of pupils who transfer into or out of a school each year. These percentages shall not include pupils who enter the school on opening day at the lowest grade in the school or pupils who leave the school upon completion of the highest grade in the school.

(c) Attendance and dropout rates.

(d) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) or other assessments adopted by the state, including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment and performance on any other standardized tests administered at local option.

(e) Percentage of graduating pupils going on to post-secondary education and military service.

(f) Average class size for instructional purposes at the primary, intermediate, and secondary levels as of October 1.

(g) Number and percentage of educators teaching one or more courses outside of the educator's certification area and the percentage of all courses being taught by educators outside their certification area.

(h) Teacher and administrator turnover rates at the school and district levels.

II. Beginning August 1, 2002, and annually thereafter, each school district shall submit to the department of education data at the school and district levels for the previous school year and any other data required by federal law on the same or similar subject matter specified in subparagraphs I (b)-(g), or for any of the subgroups set forth in subparagraph I(a).

III. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

IV. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I as well as all enrollment and cost data related to determining the cost of an adequate education. The department shall request funds as part of its biennial operating budget to develop, update, and maintain the required forms and programs.

V. Not later than December 1, 2002, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles." It shall include demographic and pupil performance data including, but not limited to, district and school performance on state tests administered pursuant to RSA 193-C, all other data provided under paragraph I, as well as other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for data reported under subparagraphs I(a)-(h). Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided for data reported under subparagraphs I(c)-(e). Statewide rankings of each district and school shall be provided for data reported under subparagraphs I(c)-(e), including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement and assessment plan.

VI. Each school district shall provide an opportunity for public discussion of the report at a meeting of its governing body. The school district shall make the report available to the public at least 10 days prior to the meeting.

VII. No later than January 1, 2003, the department of education shall prepare and submit to the education committees of the house and senate a plan for collecting and evaluating data to determine the correlation between level of academic performance and such factors as pupils' gender, socioeconomic status, cost per pupil, class size, teacher qualifications, and use of various instructional strategies as well as an in-depth study of community members' perceptions of their involvement in education and of important educational issues. The plan shall include an estimate of the costs to the department and local school districts of collecting, analyzing, and reporting the results of these studies.

7 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, I is repealed and reenacted to read as follows:

I.(a) Each school district shall be responsible for coordinating the development and implementation of a local education improvement and assessment plan. The plan shall be evaluated and reviewed annually and shall be included in the school district's annual report. The development and implementation of the plan and the annual evaluation and review shall be carried out with input from administrators, teachers, parents, employers, and other community

members. The plan shall be approved by the local school board no later than October 31, 2003. At a minimum, each plan shall identify and set forth objectives for the school or each school in the district to achieve, including:

- (1) Objectives and annual benchmarks for improved pupil performance in each of the statewide performance goals.
- (2) Local assessment measures which focus on individual student performance.
- (3) The use of local and statewide assessment results to improve instruction and enhance student learning.
- (4) Methods for reporting the results of all assessment measures.
- (5) Strategies to promote family and community involvement.
- (6) Procedures detailing how the school district budget reflects the goals of the plan.

- (b) Each plan may include the following elements:
 - (1) Curriculum and proficiency standards.
 - (2) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.
 - (3) Procedures for aligning curriculum and instructional practices.
 - (4) Role of support services and programs.
 - (5) Role of instructional leadership.
 - (6) Staff supervision and evaluation and performance-based professional development.

- (7) Pupil behavior and conduct codes.

- (8) Provisions for addressing individual school needs.

8 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, IV is repealed and reenacted to read as follows:

IV. The department of education shall develop a model local education improvement and assessment plan which can be used by school districts. The model plan shall:

- (a) Identify and set forth objectives for the school or each school in the district to achieve, including objectives and annual benchmarks for improved pupil performance in each of the applicable areas in which statewide performance goals have been established.

- (b) Identify areas where improvements are needed immediately.

- (c) Specify how the school or each school in the district will work to make improvements in the combined performance of all pupils enrolled in a school as well as the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

- (d) Specify the methods and assessments to be used in addition to NHEIAP assessments for the annual evaluation and review of the plan, including data to be collected, analyzed, and reported. This shall include the data specified in RSA 193-E:3, I as well as additional data determined locally.

9 Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

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

I. [The oversight committee shall review] 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 all of the provisions of RSA 193-H and submit a report of such review every 2 years after the effective date of this section to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter.

IV. Identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability and determine the necessity of enhancing such programs and initiatives, if deemed necessary.

VI.(a) Define “adequate yearly progress” within the context of relevant New Hampshire law.

(b) Determine the appropriate level of technical assistance that local school districts need from the department of education in order for the school districts to make adequate yearly progress.

(c) Make recommendations to the general court, in compliance with applicable provisions of Public Law 107-110, the No Child Left Behind Act of 2001, regarding appropriate remedies for schools that fail to make adequate yearly progress.

VII. Develop and recommend to the general court a schedule to be followed for accomplishing the achievement goals contained in applicable provisions of Public Law 107-110, the No Child Left Behind Act of 2001 requiring all students to perform at a proficient level.

10 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

11 Effective Date. This act shall take effect July 1, 2002.

2002-3401s

AMENDED ANALYSIS

This bill establishes an early literacy and reading improvement program and makes an appropriation of \$485,349 for the biennium ending June 30, 2003. This bill also establishes criteria for measuring school performance standards, requires the development of a local education improvement and assessment plan in each school district, and defines satisfactory progress in school performance areas.

Energy and Economic Development
April 9, 2002
2002-3314s
03/04

Amendment to HB 718-FN

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-9 to read as 7-10, respectively:

6 Energy Efficiency Program; Efficient Renewable Energy Programs. Amend 2001, 29:14 to read as follows:

29:14 Energy Efficiency Program; ***Efficient Renewable Energy Programs.***

I. The public utilities commission shall phase-in, as quickly as can be effectively administered by Public Service Company of New Hampshire, an energy efficiency program for Public Service Company of New Hampshire that is funded at a rate of \$0.0018 per kilowatt-hour to be allocated from the system benefits charge. The public utilities commission shall not decrease the amount of the system benefits charge allocated to low-income customers due to passage of this act.

II. Any restructured utility under RSA 374-F may, at its discretion, propose an efficient renewable energy programs that would yield results similar to cost-effective energy efficiency measures and promote the benefits recognized in RSA 374-F:3, IX, and the public utilities commission should give due consideration to such programs. Such programs could be funded from a portion of the system benefits charge currently dedicated to energy efficiency programs.

Energy and Economic Development
April 9, 2002
2002-3317s
03/09

Amendment to HB 1349-FN-A

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Electric Utility Restructuring; Restructuring Policy Principles; Timetable. Amend RSA 374-F:3, XV to read as follows:

XV. TIMETABLE. The commission should seek to implement full customer choice among electricity suppliers in the most expeditious manner possible, ***but may delay such implementation in the service territory of any electric utility when implementation would be inconsistent with the goal of near-term rate relief, or would otherwise not be in the public interest.*** ~~[The pilot program established in 1995, 272 should be consistent with this pace and not delay implementation of statewide customer choice. The utilities should unbundle rates and services as soon as possible.]~~

7 Electric Utility Restructuring; Implementation; Time. Amend RSA 374-F:4, I to read as follows:

I. The commission is authorized to require the implementation of retail choice of electric suppliers for all customer classes of utilities providing retail electric service under its jurisdiction. The commission shall require such implementation at the earliest date determined to be in the public interest by the commission. However, in no event may the implementation be delayed beyond July 1, 1998 without legislative approval or a finding of public interest by the commission that delay is required due to events beyond the control of the commission ***or that implementation of retail choice within the service territory of any electric utility would be inconsistent with the goal of near-term rate relief or would otherwise not be in the public interest. In the event that implementation of retail choice is delayed in the service territory of an electric utility, the electric utility shall continue to provide reliable retail service at the lowest reasonable cost in accordance with state law.*** In addition, at the earliest practical date, the commission should make effective the unbundling of components of rates into at least distribution, transmission, and generation for each jurisdictional utility.

Energy and Economic Development
April 9, 2002
2002-3319s

03/01

Amendment to HB 1447

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

(a) Five members of the house of representatives, 3 of whom shall be members of the science, technology and energy committee and one of whom shall be a member of the resources, recreation and development committee, appointed by the speaker of the house of representatives.

Environment
April 10, 2002
2002-3362s
05/03

Amendment to HB 1106

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

AN ACT repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, and the New Hampshire industrial heritage commission; establishing a reporting requirement for the environmental research advisory committee; and creating a radon study committee.

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

1 Repeal. The following are repealed:

I. RSA 486:14, I(d), relative to the water pollution control revolving loan fund advisory committee.

II. RSA 19-F, relative to the local government advisory committee.

III. RSA 19-D, relative to the New Hampshire industrial heritage commission.

2 Lapse. The original appropriation of \$1 made to the New Hampshire industrial heritage park fund, which is repealed in section 1 of this act, shall lapse to the general fund.

3 New Section; Environmental Research Advisory Committee; Annual Report. Amend RSA 187-B by inserting after section 4 the following new section:

187-B:5 Annual Report. On or before November 1 of each year, the committee shall submit a report of its activities, findings, and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

4 Committee Established.

I. There is established a committee to study the risk factor of radon in the air and water supplies and to decide if a regional program for state assistance is needed. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate, including one member of the environment committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, including one member of the science, technology and energy committee.

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

III. The committee shall:

(a) Solicit information regarding radon measurement and risk management from the office of community and public health and relevant professional organizations.

(b) Make recommendations for reducing the toxicity in water supplies, including, if appropriate, the development of a regional program for state assistance.

(c) Provide recommendations to the department of health and human services for improved state-wide education regarding radon.

(d) Develop proposed legislation, including, if appropriate, recommendations to municipalities for radon measurement, mitigation, and transfer of information to consumers and the general public.

IV. 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 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the commissioner of the department of health and human services, and the state library on or before November 1, 2002.

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

2002-3362s

AMENDED ANALYSIS

This bill:

I. Repeals the water pollution control revolving loan fund advisory committee, the local government advisory committee, and the New Hampshire industrial heritage commission.

II. Establishes an annual reporting requirement for the environmental research advisory committee.

III. Establishes a committee to study radon measurement and risk management.

Environment
April 10, 2002
2002-3342s
06/10

Amendment to HB 1135

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

AN ACT relative to the practice of dentistry and dental hygiene.

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

1 New Subparagraph; Dental Hygiene Services; Local Anesthesia Added. Amend RSA 317-A:21-c, II by inserting after subparagraph (d) the following new subparagraph:

(e) The use of local anesthesia.

2 New Paragraph; Rulemaking; Coronal Polishing by Dental Assistants. Amend RSA 317-A:12, XII-b to read as follows:

XII-b. Procedures which may be assigned by a licensed dentist to dental hygienists, dental assistants, and to persons not licensed to practice dentistry; ~~and~~

XII-c. Notwithstanding any other provision of law, rules, as the board deems necessary, relative to qualified dental assistants performing coronal polishing. Such rules shall not authorize a qualified dental assistant to perform a complete oral prophylaxis.

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

2002-3342s

AMENDED ANALYSIS

This bill allows dental hygienists to use local anesthesia and allows the board of dental examiners to make rules relative to qualified dental assistants performing coronal polishing.

Senate Executive Departments and Administration

April 10, 2002

2002-3340s

10/04

Amendment to HB 560-FN-A

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

AN ACT establishing a committee to study the retirement plan for the judiciary.

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

1 Committee Established. There is established a committee to study the retirement plan for the judiciary.

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. The committee shall study retirement plans for the members of the New Hampshire judiciary, including a contributory defined benefit plan.

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 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, 2002.

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

2002-3340s

AMENDED ANALYSIS

This bill establishes a committee to study the retirement plan for the judiciary.

Senate Executive Departments and Administration
April 1, 2002
2002-3176s
08/09

Amendment to HB 1210

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

AN ACT relative to training to be an esthetician and an advanced esthetician.

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

1 Definition. Amend RSA 313-A:1, I to read as follows:

I. ***“Advanced clinical esthetician” means, including and in addition to the definition of esthetician under paragraph VII, a person who performs any of the following:***

(a) Giving skin treatments which are done for cosmetic as well as therapeutic reasons and not for the treatment of medical, physical, or mental ailments.

(b) Chemical exfoliation.

(c) Mechanical exfoliation.

(d) Operation of pulsed light hair removal and other various pulsed light treatments.

(e) The treatment of distended capillaries by use of an epilator or device specifically designed for this use.

(f) Lymphatic massage by manual or other means.

I-a. “Barber” means any person practicing barbering.

2 Definitions. Amend RSA 313-A:1, VIII to read as follows:

VIII. "Esthetics" means:

(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; ~~[or]~~

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices; **or**

(d) Providing pedicure services, including therapeutic skin and nail care treatments for the foot, beautifying the foot and massaging, cleansing or stimulating the foot by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, trimming or filing the toenails, and polishing the toenail.

3 Qualifications. Amend RSA 313-A:13 to read as follows:

313-A:13 Qualifications; Estheticians. To be issued an esthetics license by the board, an applicant shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e) have completed a course of at least 600 hours of training in a school approved by the board and have passed an examination conducted by the board. ***An apprenticeship approved by the board may substitute for the required training.*** Estheticians who have practiced professionally in this state for a period of at least 3 years prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:11, I(a), (b), and (e) and the training requirements of this section shall not be required to take the examination provided for in this section to be eligible for licensure under this chapter. Credit towards hours requirement for esthetician training may be given to a licensed cosmetologist or barber for equivalent training in the cosmetology or barber program in a school approved by the board upon certification of the training by the school. Cosmetologists licensed by the board may obtain the training hours in subjects required by the board in increments at separate schools but must present certifications to the board for all required hours and curriculum subjects.

4 Shop Licensure. Amend RSA 313-A:19, II(a) to read as follows:

(a) Any licensed barber, cosmetologist, manicurist, or esthetician who has completed one year of actual ~~[employment]~~ ***experience*** in a salon or barbershop shall, upon written application accompanied by the required fees, receive a license to operate a salon, barbershop, or mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all requirements established in the rules of the board.

5 Shop Licensure. Amend RSA 313-A:19, IV to read as follows:

IV. In addition to licenses issued under paragraph II, the board may issue a license to an owner of a salon or barbershop who does not personally engage in cosmetology, barbering, or esthetics, provided the salon or barbershop shall fulfill all requirements set forth in the rules of the board and provided further that the owner has paid the required license fee for such salon or barbershop and employs a licensed cosmetologist, barber, manicurist, or esthetician as manager who has previously completed one year of actual ~~[employment]~~ ***experience*** in a licensed salon or barbershop. However, this section shall not authorize such owner to practice cosmetology, barbering, manicuring, or esthetics unless the owner has a cosmetologist, barber, or esthetician license.

6 New Section; Qualifications; Advanced Esthetician. Amend RSA 313-A by inserting after section 13 the following new section:

313-A:13-a Qualifications; Advanced Esthetician.

I. To be issued an advanced esthetician license by the board, an applicant shall have completed at least 600 hours of training in a school approved by the board and have passed an examination administered by the board, in addition to the requirements of RSA 313-A:13.

II. Notwithstanding the provisions of paragraph I, any esthetician licensed prior to January 1, 2003 under RSA 313-A:13, and having practiced services substantially similar to those services provided by advanced clinical estheticians for at least 6 months, shall be deemed to have met the requirements for licensure as an advanced clinical esthetician.

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

This amendment creates an advanced esthetician license and prescribes qualifications for licensing, changes the definition of esthetics, and allows an apprenticeship to substitute for training to qualify as an esthetician.

Senate Executive Departments and Administration
April 10, 2002
2002-3389s
10/09

Amendment to HB 1218

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

AN ACT relative to the regulation of pharmacists and prescription drug orders, relative to the use of non-original containers to organize prescription and nonprescription drugs, and requiring the commissioner of health and human services to report to a legislative oversight committee on Medicaid prescription drug benefit programs.

Amend the bill by replacing all after section 6 with the following:

7 New Paragraph; Pharmacy; Dealing in or Possessing Prescription Drugs. Amend RSA 318:42 by inserting after paragraph XII the following new paragraph:

XIII. A nurse licensed under RSA 326-B, who is an employee of a home health care or hospice agency licensed pursuant to RSA 151:2 and is acting in the course of employment, from organizing the prescription and nonprescription drugs of clients into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession.

8 New Subparagraph; Controlled Drug Act; Non-original Containers. Amend RSA 318-B:14, II by inserting after subparagraph (b) the following new subparagraph:

(c) A person may possess a controlled drug other than in the original container if the non-original container is a medication organizer designed to aid the person in carrying out the prescriber's directions and the non-original container was organized by a nurse licensed under RSA 326-B who is an employee of a home health care or hospice agency licensed pursuant to RSA 151:2, and who is acting in the course of employment, provided the original prescription containers remain in the person's possession.

9 New Paragraph; Commissioner of Health and Human Services; Report Required; Legislative Oversight Committee Established. Amend RSA 126-A:5 by inserting after paragraph XII the following new paragraph:

XIII.(a) The commissioner shall report to the legislative oversight committee established in subparagraph (b) by November 1 of each year with respect to the Medicaid prescription drug benefits management programs, including:

(1) The cost savings to the state that have been realized during the current budget biennium from the institution of a prior authorization program;

(2) The unintended costs in other Medicaid healthcare services programs, including long-term care admissions, hospital admissions, emergency room visits and physician visits during the current budget biennium from the institution of a prior authorization program;

(3) A report on the volume of prior authorizations as a percentage of total claims, average call waiting time and other issues that the state's pharmacy benefits administrator is required to comply with under the terms of the pharmacy benefits management contract;

(4) A report of the effectiveness of the department and health and human services' pharmacy lock-in program; and

(5) Recommendations for other opportunities to improve the management of pharmacy services or to expand pharmacy benefits to additional populations.

(b) For the purpose of legislative oversight of the Medicaid prescription drug benefits management program administered by the department, there is established a legislative oversight committee consisting of 3 members of the house of representatives appointed by the speaker and 3 senators appointed by the senate president. The committee shall meet as needed and shall elect a chair from among the members. The committee shall review the reports of the commissioner under subparagraph (a) and may request additional information as needed. The committee may request the assistance of the legislative budget assistant in auditing the program and in reviewing its performance and effectiveness. The committee may make recommendations for proposed legislation, and shall report any findings or recommendations, including the commissioner's report under subparagraph (a), to the speaker of the house, the president of the senate, the governor, and the chairman of the joint legislative committee on administrative rules by January 1 of each year.

10 Effective Date.

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

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

2002-3389s

AMENDED ANALYSIS

This bill:

I. Allows the board of pharmacy to authorize and regulate the temporary absence of pharmacists from the pharmacy, the use of centralized prescription processing, the electronic transmission of prescriptions, and the filling of prescriptions by automated pharmacy systems.

II. Allows home health care or hospice agency nurses to organize a client's prescription and nonprescription drugs into non-original containers.

III. Establishes a legislative oversight committee and requires the commissioner to report annually to the committee on the savings, cost, effectiveness, and recommendations for Medicaid prescription drug benefit programs.

Senate Executive Departments and Administration

April 9, 2002

2002-3320s

01/05

Amendment to HB 1461-FN

Amend RSA 21-P:36 as inserted by section 7 of the bill by replacing it with the following:

21-P:36 Office of Emergency Management; Coordinator of Emergency Management.

I. There is hereby created, within the division of fire safety and emergency management, an office of emergency management under the supervision of the director of the division of fire safety and emergency management. The commissioner shall nominate a coordinator of emergency management, for appointment by the governor, with the consent of the council. The coordinator of emergency management shall be directly responsible to the director and shall carry out such duties as are specifically enumerated in this subdivision and as may be assigned to the coordinator by the director. The coordinator of emergency management shall be academically and technically qualified to hold the position and shall receive the salary specified in RSA 94:1-a for the coordinator of emergency management. Notwithstanding any other provision of law to the contrary, the coordinator of emergency management shall serve at the pleasure of the governor and may be removed, with or without cause, by the governor and council. If any vacancy in the position of coordinator of emergency management exists, and no successor has been nominated by the commissioner within 6 months of the vacancy, the governor may appoint a successor with the consent of the council.

II. With the approval of the director, the coordinator may employ such necessary technical, clerical, stenographic, and other personnel, and may make such necessary expenditures from state or federal funds as are or may be made available for purposes of emergency management. The coordinator and other personnel of the office of emergency management shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With the approval of the director, the coordinator shall coordinate the activities of all organizations for emergency management within the state, state and local, county, and private, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this subdivision as may be prescribed by the commissioner. If, as a result of a disaster declaration, the state of New Hampshire enters into an agreement with the federal government or another entity for assistance, either direct or indirect, financial or otherwise, such agreement shall be transmitted to the president of the senate and to the speaker of the house within 30 days after approval by the governor and council. Any obligation of the general fund of the state of New Hampshire as a result of such an agreement shall be submitted jointly to the general court by the president of the senate and speaker of the house for prompt payment. Administrative costs of the state of New Hampshire incident to such obligation shall be included in the submission to the general court.

Amend RSA 21-P:48, I as inserted by section 7 of the bill by inserting after subparagraph (t) the following new subparagraph:

(u) A representative of the Professional Firefighters of New Hampshire, appointed by the governor.

Amend the bill by replacing all after section 12 with the following:

13 Transition.

I. The transfer of the office of emergency management to the department of safety, division of fire safety and emergency management shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds in any account or subdivision of an account of the emergency management agency established under RSA 107-C and authorized for use by the office of emergency management or the emergency management agency.

II. If the coordinator of emergency management has not been nominated by the commissioner within 6 months of the effective date of this act, the governor shall appoint a coordinator with the consent of the council.

14 Salary; Coordinator of Emergency Management. Amend RSA 94:1-a, I by inserting in grade EE the following:

Coordinator of emergency management.

15 Repeal. RSA 107-C, the emergency management act, is repealed.

16 Effective Date. This act shall take effect July 1, 2002.

Insurance
April 10, 2002
2002-3366s
06/01

Amendment to HB 589

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

1 Unemployment Compensation; Total and Partial Unemployment. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him *or her* with respect to such week fail to equal his *or her* weekly benefit amount.

(b) An individual who is seeking only part-time work shall be deemed to be partially unemployed in any week during which the individual was employed fewer than 20 hours.

2 Unemployment Compensation; Benefit Eligibility Conditions; Part-Time Workers. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] **The individual** has been classified in accordance with his *or her* experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] **The individual** has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) [He] **The individual** is ready, willing and able to accept and perform suitable work ~~[on all the shifts and during all the hours]~~ for which there is a market for the services [he] **the individual** offers and that [he] **the individual** has exposed himself *or herself* to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~[man]~~ **person** seeking work.

(d) [He] **The individual** is available for and seeking permanent, full-time work for which he *or she* is qualified.

(e) [He] **The individual** has disclosed whether or not he *or she* owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) [He] **The individual** has participated in reemployment services when so directed by the commissioner unless he *or she* has completed such services or has good cause for failure to participate in such services.

3 New Paragraphs; Unemployment Compensation; Benefit Eligibility Conditions. Amend RSA 282-A:31 by inserting after paragraph III the following new paragraphs:

IV. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual does not meet the requirements of subparagraphs I(c) and I(d) due to the individual being the only available adult to:

(1) Care for the individual's natural, adopted, step, or foster child under the age of 16; or

(2) Care for an ill or infirm immediate family member whom a licensed physician has certified is in need of care for the activities of daily living; and

(b) The individual earned at least 60 percent of the individual's wage credits in part-time employment during the base period.

(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonable prudent person seeking work.

(d) The individual remains substantially attached to the labor market and there exists in the individual's labor market area sufficient suitable work during the hours or shifts to which the individual is restricted.

V. The commissioner shall prepare an annual report based on the outcomes of paragraph IV and submit the report to the speaker of the house, the senate president, and the governor on or before November 15 of each year. The report shall include the amount of benefits paid as a result of RSA 282-A:31, IV, the additional administrative expense required thereunder, and recommendations for legislation.

4 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) ~~[He]~~ ***The individual*** has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept ***any*** suitable work when offered ~~[him]~~, or to return to ~~[his]~~ ***the individual's*** customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to ~~[his]~~ ***the individual's*** health, safety and morals; and

(B) ~~[His]~~ ***The individual's*** physical fitness; and

(C) ~~[His]~~ ***The individual's*** prior training; and

(D) ~~[His]~~ ***The individual's*** experience; and

(E) ~~[His]~~ ***The individual's*** prospects for securing, in his labor market area, work in his ***or her*** customary occupation; and

(F) The distance of the available work from ~~[his]~~ ***the individual's*** residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where he ***or she*** acquired his ***or her*** currently available annual earnings; and

(G) ~~[His]~~ Prior earnings, ***prior shifts and hours***, and length of unemployment, but ~~[his]~~ prior earnings shall be given more weight than ~~[his]~~ length of unemployment, ***and length of unemployment shall be given more weight than prior shifts and hours***.

(2) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If ~~he~~ **the individual** is unable to apply for or accept work during the hours of ~~the third~~ **a particular** shift, ~~so-called,~~ because he **or she** is the only adult available for the care of ~~his children~~ **a natural, adopted, stepchild, or foster child** under the age of ~~15~~ **16** during said hours or for the care of an ill or infirm ~~elderly person who is dependent on him for support~~ **family member whom a licensed physician has certified is in need of care for the activities of daily living.**

(E) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

5 Repeal. The following are repealed:

I. RSA 282-A:14, II(b), relative to partial unemployment as defined by hours worked.

II. RSA 282-A:31, IV and V, relative to eligibility of individuals only available to work part-time and the commissioner's annual report thereon.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2005

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

2002-3366s

AMENDED ANALYSIS

This bill allows individuals willing and able to work at least 20 hours per week to collect unemployment benefits. The commissioner of employment security shall prepare and submit an annual report to the speaker of the house, the senate president, and the governor on the amount of additional benefits paid and administrative expenses incurred as a result. The provisions of this bill will expire on June 30, 2005.

This bill also makes gender neutral changes to RSA 282-A:31.

Insurance-Majority

April 10, 2003

2002-3388s

09/01

Amendment to HB 1203

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

1 New Section; Retroactive Denials. Amend RSA 415 by inserting after section 6-h the following new section:

415:6-i Retroactive Denials Prohibited; Exceptions.

I. In this section, "retroactive denial of a previously paid claim" means any attempt by an insurer to retroactively collect payments already made to a health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to

the provider, withholding or setting off against future payments, or reducing or affecting the future claim payments to the provider in any other manner.

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because the health care provider or the insured was already paid for the health care services identified in the claim;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or

(6) The claim payment is the subject of legal action.

III. The health care provider shall have 6 months from the date of notification of a retroactive denial of a previously paid claim to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

2 New Section; Retroactive Denials. Amend RSA 415 by inserting after section 18-l the following new section:

415:18-m Retroactive Denials Prohibited; Exceptions.

I. In this section, "retroactive denial of a previously paid claim" means any attempt by an insurer to retroactively collect payments already made to a health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, reducing or affecting the future claim payments to the provider in any other manner.

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because the health care provider or the insured was already paid for the health care services identified in the claim;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or

(6) The claim payment is the subject of legal action.

III. The health care provider shall have 6 months from the date of notification of a retroactive denial of a previously paid claim to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the

contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

3 New Section; Retroactive Denials; Health Service Corporations. Amend RSA 420-A by inserting after section 17-d the following new section:

420-A:17-e Retroactive Denials Prohibited; Exceptions.

I. In this section "retroactive denial of a previously paid claim" means any attempt by a health service corporation to retroactively collect payments already made to health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, reducing or affecting the future claim payments to the provider in any other manner.

II. No health service corporation shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The corporation has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has lapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because the physician/provider or the insured was already paid for the health care services identified in the claim;

(3) The health care services identified in the claim were not delivered by the physician/provider;

(4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or

(6) The claim payment is the subject of legal action.

III. The health care provider shall have 6 months from the date of notification of a retroactive denial of a previously paid claim to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health service corporation and provider, the health service corporation shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

4 New Section; Retroactive Denials; Managed Care. Amend RSA 420-J by inserting after section 8-a the following new section:

420-J:8-b Retroactive Denials Prohibited; Exceptions.

I. In this section, "retroactive denial of a previously paid claim" means any attempt by a health carrier to retroactively collect payments already made to a health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, or reducing or affecting the future claim payments to the provider in any other manner.

II. No health carrier shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The carrier has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because the provider or the insured was already paid for the health care services identified in the claim;

- (3) The health care services identified in the claim were not delivered by the physicians/provider;
- (4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;
- (5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or
- (6) The claim payment is the subject of legal action.

III. The health care provider shall have 6 months from the date of notification of a retroactive denial of a previously paid claim to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health carrier and provider, the health carrier shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

5 Effective Date. This act shall take effect January 1, 2003.

Insurance-Minority
April 10, 2003
2002-3386s
01/09

Amendment to HB 1203

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

1 New Section; Retroactive Denials. Amend RSA 415 by inserting after section 6-h the following new section:

415:6-i Retroactive Denials Prohibited; Exceptions.

I. In this section, "retroactive denial of a previously paid claim" means any attempt by an insurer to retroactively collect payments already made to a health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, or reducing or affecting the future claim payments to the provider in any other manner.

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

- (1) The claim was submitted fraudulently;
- (2) The claim payment was incorrect because the health care provider or the insured was already paid for the health care services identified in the claim;
- (3) The health care services identified in the claim were not delivered by the health care provider;
- (4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;
- (5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or

(6) The claim payment is the subject of legal action.

III. An insurer shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denials of previously paid claims. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

2 New Section; Retroactive Denials. Amend RSA 415 by inserting after section 18-l the following new section:

415:18-m Retroactive Denials Prohibited; Exceptions.

I. In this section, "retroactive denial of a previously paid claim" means any attempt by an insurer to retroactively collect payments already made to a health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, reducing or affecting the future claim payments to the provider in any other manner.

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because the health care provider or the insured was already paid for the health care services identified in the claim;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or

(6) The claim payment is the subject of legal action.

III. An insurer shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denials of previously paid claims. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

3 New Section; Retroactive Denials; Health Service Corporations. Amend RSA 420-A by inserting after section 17-d the following new section:

420-A:17-e Retroactive Denials Prohibited; Exceptions.

I. In this section "retroactive denial of a previously paid claim" means any attempt by a health service corporation to retroactively collect payments already made to health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, reducing or affecting the future claim payments to the provider in any other manner.

II. No health service corporation shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The corporation has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has lapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

- (1) The claim was submitted fraudulently;
- (2) The claim payment was incorrect because the physician/provider or the insured was already paid for the health care services identified in the claim;
- (3) The health care services identified in the claim were not delivered by the physician/provider;
- (4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;
- (5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or
- (6) The claim payment is the subject of legal action.

III. A health service corporation shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denials of previously paid claims. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health service corporation and provider, the health service corporation shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

4 New Section; Retroactive Denials; Managed Care. Amend RSA 420-J by inserting after section 8-a the following new section:

420-J:8-b Retroactive Denials Prohibited; Exceptions.

I. In this section, "retroactive denial of a previously paid claim" means any attempt by a health carrier to retroactively collect payments already made to a health care provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments, or reducing or affecting the future claim payments to the provider in any other manner.

II. No health carrier shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The carrier has provided the reason for the retroactive denial in writing to the health care provider; and

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed 18 months. The retroactive denial of a previously paid claim may be permitted beyond 18 months from the date of payment only for the following reasons:

- (1) The claim was submitted fraudulently;
- (2) The claim payment was incorrect because the provider or the insured was already paid for the health care services identified in the claim;
- (3) The health care services identified in the claim were not delivered by the physicians/provider;
- (4) The claim payment was for services covered by Title XVIII, Title XIX, or Title XXI of the Social Security Act;
- (5) The claim payment is the subject of adjustment with another insurer, administrator, or payor; or
- (6) The claim payment is the subject of legal action.

III. A health carrier shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denials of previously paid claims. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health carrier and provider, the health carrier shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

5 Effective Date. This act shall take effect January 1, 2003.

Internal Affairs
April 10, 2002
2002-3352s
04/10

Amendment to HB 1471-FN

Amend RSA 4:9-g, II as inserted by section 1 of the bill by replacing it with the following:

II. The members of the committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named house member. Five members of the committee shall constitute a quorum.

Amend the bill by replacing section 2 with the following:

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

Senate Judiciary
April 10, 2002
2002-3404s
05/10

Amendment to HB 179-FN

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

AN ACT relative to the scope of RSA 169-B, the juvenile delinquency statute, and establishing a task force on juvenile justice service capacity.

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

1 Delinquent Children; Jurisdiction Amended. Amend RSA 169-B:4, I to read as follows:

I. The court shall have jurisdiction over any minor with respect to whom a petition is filed under this chapter after the minor's seventeenth and before the minor's eighteenth birthday for an alleged delinquency offense committed before the minor's seventeenth birthday~~[-, provided no minor may be detained at or committed to the youth development center after the minor's seventeenth birthday].~~

2 Delinquent Children; Basis for Jurisdiction Over Certain Persons Expanded. Amend RSA 169-B:4, V to read as follows:

V. Notwithstanding paragraph III, when the court finds by clear and convincing evidence that closing the case would endanger the safety of the minor, any other person, or the community, or the court finds that there is a high probability that continued provision of

treatment services is necessary to rehabilitate the minor, the court may retain jurisdiction over any minor:

(a) Who has been found to have committed a violent crime as defined under RSA 169-B:35-a, I(c);~~or~~

(b) Who has been petitioned to the court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses[-];
or

(c) Who was committed to the custody of the department of health and human services at the youth development center pursuant to RSA 169-B:19, I(j) and is placed at the youth development center at the time of the court's order to retain jurisdiction under this paragraph; provided that the court's jurisdiction pursuant to this subparagraph shall continue until the minor's eighteenth birthday.

3 New Paragraph; Delinquent Children; Extended Commitment at the Youth Development Center. Amend RSA 169-B:19 by inserting after paragraph III-a the following new paragraph:

III-b. Notwithstanding any provision of law to the contrary, a minor over whom the court has exercised jurisdiction pursuant to RSA 169-B:4, I or retained jurisdiction pursuant to RSA 169-B:4, V(c), may be committed or continue to be committed at the youth development center pursuant to RSA 169-B:19, I(j) until the minor's eighteenth birthday.

4 Parole of Delinquents; Definition of Delinquent Amended. Amend RSA 170-H:2, V to read as follows:

V. "Delinquent" means any person ~~[under 17 years of age]~~ who has been adjudicated delinquent by a district or superior court and committed to the custody of the commissioner.

5 New Section; Youth Development Center; Extended Commitment at the Center. Amend RSA 621 by inserting after section 9 the following new section:

621:9-a Extended Commitment at the Center. Notwithstanding any provision of law to the contrary, a minor over whom the court has exercised jurisdiction pursuant to RSA 169-B:4, I or retained jurisdiction pursuant to RSA 169-B:4, V(c), may be committed or continue to be committed at the center pursuant to RSA 169-B:19, I(j) until the minor's eighteenth birthday.

6 Youth Development Center; Effect of Release; Conditions of Release Amended. Amend RSA 621:24 and the introductory paragraph of RSA 621:25 to read as follows:

621:24 Effect of Release. No administrative release or parole of a child shall operate as a discharge of the child from the center. The department shall continue to have control of children on administrative release to parole or parole until they reach the age of 17 years ***or until age 18 if the child's commitment is extended pursuant to RSA 169-B:19, III-b,*** and the control conferred by the department upon others shall be conferred upon them as agents of the department, except where a child is discharged under RSA 621:19.

621:25 Remands and Changes in Conditions of Release. The board or the commissioner, subject to the approval of the board, may modify or cancel any arrangements or conditions relative to release, other than discharge of a child, or may order a child remanded to the center, until the child reaches the age of 17 years, ***or until age 18 if the child's commitment is extended pursuant to RSA 169-B:19, III-b, or until the child*** is discharged under RSA 621:19. Under the direction of the board and subject to rules adopted by the commissioner the department shall:

7 Task Force Established; Membership; Duties. There is established the task force on juvenile justice service capacity and administrative simplification.

I. The task force shall be composed of the following members:

(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.

(c) A representative of the New Hampshire Police Chief's Association, appointed by such association.

(d) A representative of the department of justice, appointed by the attorney general.

(e) A representative of the division of juvenile justice services, appointed by the commissioner of the department of health and human services.

(f) A representative of the County Human Services Administrative Association, appointed by such association.

(g) A representative of the Child Advocacy Network, appointed by such organization.

(h) A representative of the department of corrections, appointed by the commissioner of the department of corrections.

(i) A local or county prosecutor, appointed by the attorney general.

(j) A representative of the district court, appointed by the administrative justice of the district and municipal courts.

II. The term for task force members shall be coterminous with the member's term of office in his or her respective agency or organization. Vacancies in task force membership shall be filled as soon as practicable by the respective agency or organization creating the vacancy. A chairperson shall be elected from the membership of the task force. The first-named senate member shall call the first meeting within 60 days of the effective date of this section.

III. Members of the task force shall serve without compensation, except that the legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IV. The task force members listed in subparagraph I (c)-(j) may employ the assistance of additional members of their respective agency or organization as necessary to assist with a task or project undertaken by the task force.

V. The task force may elicit input or recommendations from other groups or organizations as necessary.

VI. The task force shall:

(a) Research capacity issues for the state's juvenile justice system, the projected effect of including 17-year-olds under RSA 169-B, the juvenile delinquency statute, and any administrative changes that may simplify processing juveniles.

(b) Examine youth offender programs in other jurisdictions that serve certain juvenile and young adult offenders.

(c) Cooperate and collaborate with other state or private agencies as may be necessary to address the issues in subparagraphs (a) and (b), including considering input and recommendations from such state or private agencies on an ongoing basis.

(d) Conduct public hearings as may be necessary on matters pertaining to subparagraphs (a) and (b).

VII. The task force shall submit a detailed report of its findings, actions, and recommendations to the president of the senate, the speaker of the house, the governor, and the state library on or before July 1, 2003.

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

2002-3404s

AMENDED ANALYSIS

This bill:

I. Provides that a minor over whom the court has exercised jurisdiction under RSA 169-B may be committed or continue to be committed to the youth development center until the minor's eighteenth birthday.

II. Establishes a task force relative to juvenile service capacity and administrative simplification issues.

Senate Judiciary
April 10, 2002
2002-3390s
09/01

Amendment to HB 550-FN

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

1 New Section; Destruction of Certain Information Prohibited. Amend RSA 91-A by inserting after section 8 the following new section:

91-A:9 Destruction of Certain Information Prohibited. A person is guilty of a misdemeanor who knowingly destroys any information with the purpose to prevent such information from being inspected or disclosed in response to a request under this chapter. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending.

2 Effective Date. This act shall take effect January 1, 2003.

2002-3390s

AMENDED ANALYSIS

This bill declares that any information requested pursuant to the right-to-know law shall not be destroyed prior to such inspection. This bill provides a procedure for when inspection is denied. Under this bill, any person who purposely and knowingly violates this provision shall be guilty of a misdemeanor.

Senate Judiciary
April 10, 2002
2002-3358s
05/01

Amendment to HB 559-FN

Amend RSA 458-B:2, I(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

(a) Where there is a written agreement between the obligor and obligee approved by the court or administrative body; ***provided that the court may require the establishment of a dedicated checking account.***

(b) ***Where there is a written agreement between the obligor and obligee, approved by the court, that establishes a "direct deposit" dedicated checking account for the purpose of receiving regularly scheduled payments. All basic service fees of the dedicated account remain the responsibility of the obligor. The obligee shall maintain***

a record of all monthly bank statements for the duration of the agreement. The statements shall be presented to the court upon request. The direct deposit procedure shall be revoked when a delinquency equal to the support obligation for one month is incurred. An income assignment shall then be initiated without requiring an amendment to the support order or further action by the court or administrative body that issued the order.

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

3 New Subparagraph; Child Support Guidelines; Child Support Formula; Effective Date of Modification. Amend RSA 458-C:3, IV by inserting after subparagraph (b) the following new subparagraph:

(c) If a petition for modification is granted, it shall be effective from the date of the filing of the petition.

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

2002-3358s

AMENDED ANALYSIS

This bill authorizes the use of a direct deposit dedicated checking account as an alternative to wage assignment for child support payments.

The bill also provides that a petition for modification shall be retroactive to the date of filing.

Senate Judiciary
April 5, 2002
2002-3269s
05/01

Amendment to HB 660

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

1 New Paragraph; Child Protection Act; Adjudicatory Hearing; Out-of-Home Placement. Amend RSA 169-C:18 by inserting after paragraph V the following new paragraph:

V-a. The department's dispositional report shall include:

(a) A description of efforts made by the department to avoid the need for placement and an explanation of why these efforts were unsuccessful.

(b) An explanation why the child cannot be protected from the identified problems in the home even if services are provided to the child and family.

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

2002-3269s

AMENDED ANALYSIS

This bill requires that, in abuse and neglect cases, the department of health and human services provide the court with an explanation of why an out-of-home placement is required and why in-home supports are insufficient to protect the child.

Senate Judiciary
April 10, 2002
2002-3372s
04/03

Amendment to HB 768-FN

Amend RSA 651-C:6 as inserted by section 1 of the bill by replacing it with the following:

651-C:6 Cost. The cost for a DNA test administered pursuant to this chapter shall be borne by the person subject to the test.

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

2 Repeal. RSA 632-A:20 through 632-A:24, relative to DNA testing of sexual offenders, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2003.

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

2002-3372s

AMENDED ANALYSIS

This bill provides for DNA testing of criminal offenders including perpetrators of sexual assault and violent crimes including homicide, manslaughter, assault, felony arson, kidnapping, robbery, and felony burglary for inclusion in the national DNA database.

Senate Judiciary
April 10, 2002
2002-3346s
09/10

Amendment to HB 1236-FN

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

I. The members of the committee shall be 6 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing sections 4 and 5 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 30 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 to the speaker of the house of representatives, the house clerk, the governor, and the state library on or before December 4, 2002.

Senate Judiciary
April 10, 2002
2002-3345s
08/04

Amendment to HB 1264-FN-LOCAL

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

AN ACT relative to district courts and pleas by mail, and establishing a committee to study the operation and efficiency of motor vehicle trials in district courts.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 7:

2 Committee Established. There is established a committee to study the operation and efficiency of motor vehicle trials in district courts.

3 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; one of whom shall be from the criminal justice and public safety committee, one of whom shall be from the judiciary committee, and one of whom shall be from the finance committee, 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.

4 Duties. The committee shall study the operation and efficiency of district court trials of motor vehicle violations where defendants are not required to appear at an arraignment. The committee shall also study the appearance of witnesses, witness fees paid to law enforcement officers, and any method of alternative case resolution prior to trial. The committee shall compare the current system to systems of other states. The committee shall solicit information from, but not be limited to:

I. A representative from the department of safety.

II. A representative from the New Hampshire Bar Association.

III. A criminal defense attorney with experience before the district court.

IV. A prosecutor with experience before the district court.

V. A representative from the district court.

VI. A representative from the attorney general's office.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

2002-3345s

AMENDED ANALYSIS

This bill adds a reference to RSA 502-A:19-b, making the introductory paragraph of the plea by mail procedure the same for computerized courts and non-computerized courts. This bill also establishes a committee to study the operation and efficiency of motor vehicle trials in district courts.

Senate Judiciary

April 8, 2002

2002-3284s

04/09

Amendment to HB 1286

Amend RSA 597:7-a, I-a as inserted by section 3 of the bill by replacing it with the following:

I-a. If a person violates a restraining order issued under RSA 458:16, III, ***or a protective order issued under RSA 633:3-a***, or a temporary or permanent protective order issued under RSA 173-B by committing assault, criminal trespass, criminal mischief, or another criminal act, a peace officer shall arrest the accused, detain the accused pursuant to RSA 594:19-a, bring the accused before a justice pursuant to RSA 594:20-a, and refer the accused for prosecution. Such arrest may be made within [6] **12** hours after a violation without a warrant upon probable cause whether or not the violation is committed in the presence of the peace officer.

Senate Judiciary

April 10, 2002

2002-3344s

05/09

Amendment to HB 1299-FN

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall consist of 6 members of the house of representatives, appointed by the speaker of the house of representatives.

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

Amend the bill by replacing sections 4-5 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. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, the governor, and the state library on or before November 1, 2002.

Senate Judiciary
April 10, 2002
2002-3403s
05/10

Amendment to HB 1423-FN

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

1 Statement of Purpose. Following the events of September 11, 2001, as state and local public safety and emergency management personnel were gathering information to assess potential safety and security risks in order to protect the citizens of the state of New Hampshire, it became apparent that this information would be subject, in many instances, to release pursuant to the state's right to know law, RSA 91-A. The general court fully supports the concept that openness in the conduct of public business is essential to a democratic society and that RSA 91-A was enacted to ensure both the greatest possible public access to the actions, discussions, and records of all public bodies, and their accountability to the people. The general court finds, however, that certain information should not be subject to disclosure in order to protect the safety and security of New Hampshire citizens and their property against threats or deliberate acts of violence which are intended to result in widespread or severe damage to property or widespread injury or loss of life. The general court therefore adopts this act which exempts certain information gathered in order to determine security risks and to implement measures necessary to protect against those risks, with the intent that this exemption is to be interpreted narrowly and only for the purpose of protecting against the threat of acts intended to result in widespread damage to property, widespread injury, or loss of life. The general court does not intend to exempt from release, under RSA 91-A, information relative to the routine or daily operations of state and local public safety or emergency management departments, including information regarding budgeting, planning, and staffing which would otherwise be properly subject to disclosure.

2 New Subparagraph; Matters Relating to State or Local Government Security Added.
Amend RSA 91-A:3, II by inserting after subparagraph (h) the following new subparagraph:

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state

safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

3 Nonpublic Sessions; Minutes. Amend RSA 91-A:3, III to read as follows:

III. Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself, or render the proposed action ineffective, ***or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions.*** In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

4 New Paragraph; Records Pertaining To Matters of State or Local Government Security Exempted. Amend RSA 91-A:5 by inserting after paragraph V the following new paragraph:

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

5 New Section; Limited Purpose Release. Amend RSA 91-A by inserting after section 5 the following new section:

91-A:5-a Limited Purpose Release. Records from non-public sessions under RSA 91-A:3, II(i) or that are exempt under RSA 91-A:5, VI may be released to local or state safety officials. Records released under this section shall be marked "limited purpose release" and shall not be redisclosed by the recipient.

6 Biological or Chemical Threats. Amend RSA 106-H:13 to read as follows:

106-H:13 Penalty for False Information.

I. Any person who dials or otherwise causes 911 to be called for the purpose of making a false alarm or complaint or purposely reports false information which could result in the dispatch of emergency services shall be guilty of a misdemeanor.

II. Any person who dials and otherwise causes 911 to be called and purposely reports information which he or she knows to be false concerning the existence of a biological or chemical substance which could result in the dispatch of emergency services shall be guilty of a class B felony.

7 Criminal Threatening; Biological or Chemical Threats. Amend RSA 631:4, I to read as follows:

I. A person is guilty of criminal threatening when:

(a) By physical conduct, the person purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or

(b) The person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or

(c) The person threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person; or

(d) The person threatens to commit any crime against the person of another with a purpose to terrorize any person; or

(e) The person threatens to commit any crime of violence, ***or threatens the delivery or use of biological or chemical substance***, with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience; ***or***

(f) The person delivers, threatens to deliver, or causes the delivery of any substance the actor knows could be perceived as a biological or chemical substance, to another person with the purpose of causing fear or terror, or in reckless disregard of causing such fear or terror.

8 False Reports of Biological or Chemical Substances. Amend RSA 644:3 to read as follows:
644:3 False Public Alarms.

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor[. This section shall not apply to false alarms subject to RSA 644:3 a, RSA 644:3 b, or false reports under RSA 158:38], except if the report concerns the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

III. Any person who knowingly delivers, or causes the delivery of any substance the actor knows could reasonably be perceived as a biological or chemical substance, with the purpose of causing fear or terrorism and with reckless disregard for the risk that emergency services will be dispatched as a result of such delivery, shall be guilty of a class B felony.

IV. This section shall not apply to false alarms subject to RSA 644:3-a or RSA 644:3-b, or false reports under RSA 158:38.

9 New Section; Exposing the Public to Toxic Biological or Chemical Substances. Amend RSA 644 by inserting after section 2 the following new section:

644:2-a Exposing the Public to Toxic Biological or Chemical Substances. Any person who knowingly delivers or causes the delivery of a biological or chemical substance to a governmental facility, school, business, hospital, office building, or similar facility open to the public, with the purpose of causing bodily injury or evacuation of such facility, shall be guilty of a class A felony.

10 Effective Date. This act shall take effect January 1, 2003.

Senate Judiciary
April 10, 2002
2002-3360s
04/09

Amendment to HB 1426-FN

Amend RSA 651-B:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other accessible means, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to the department of safety or local law enforcement [agency] agencies. The department of safety may make the list available to interested members of the public through the use of the department's official public Internet access site. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the

transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

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

2 Registration of Criminal Offenders; Duration of Registration. RSA 651-B:6, II and III are repealed and reenacted to read as follows:

II.(a) Any sexual offender convicted of a violation or attempted violation of RSA 632-A:4 or RSA 645:1, II, and any offender against children convicted of a violation or attempted violation of RSA 633:3, 645:2, I or 649-A:3, III, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release following conviction, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent conviction.

(b) Except as otherwise provided in paragraphs I and III, at any time after 10 years of registration, an offender may petition the sentencing court for an order relieving the offender of the duty to register. The petition shall be made to the county attorney in the county where the petition is filed. Prior to the hearing on the petition, the county attorney shall forward by mail a copy of the petition to the victim of the offense for which the offender was convicted, provided the victim's address is reasonably available. The court may grant the petition upon a finding that the offender has not been convicted of a subsequent misdemeanor or felony offense and that continued registration is not necessary for public protection. If the court denies a petition, no further petition shall be made more frequently than 3 years after the date of the denial.

(c) This paragraph shall not apply to an offender convicted of a second or subsequent offense that requires registration.

III. Any sexual offender or offender against children who has been convicted of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

2002-3360s

AMENDED ANALYSIS

This bill allows information on the registration of certain sexual offenders to be provided to law enforcement agencies through the use of electronic mail or other electronic formats and provides that registration information would be made available to the public through the department of safety's official Internet website. The bill also makes certain changes to the registration of criminal offenders by permitting certain offenders, after 10 years of registration, petition the court for an order relieving the offender from the duty to register.

Senate Judiciary
April 10, 2002
2002-3350s
03/04

Amendment to HB 1436-FN

Amend RSA 172-B:2-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The state-operated 7-day multiple DWI offender intervention detention center program shall furnish to the courts ***a report indicating when a person has completed attendance at the program***, and ***shall furnish*** to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265:82-b has successfully completed the program ~~[- Included in that report shall be any recommendations for further]~~ ***and*** treatment or involvement in a substance abuse program when appropriate and warranted. ~~[The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court approved treatment facility.]~~

Amend the bill by replacing section 2 with the following:

2 Penalties for Intoxication or Under Influence of Drugs Offenses; Impaired Driver Intervention Program. Amend RSA 265:82-b, I to read as follows:

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 215-A:11, I or RSA 265:82 shall be:

- (1) Guilty of a violation;
- (2) Fined not less than \$350;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of a multiple DWI offender intervention detention center program; and

~~[(3)]~~ ***(4) The person's driver's license or privilege to drive shall be revoked for not less than 90 days and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(A) The full period of revocation has passed; or

(B) At least ½ the period of revocation has passed since the person has completed the exit interview at an impaired driver intervention center; provided that, if the person has previously completed an impaired driver intervention program or any similar program in any jurisdiction, at least ½ the period of revocation shall have passed since the person has successfully completed a multiple DWI offender intervention detention center program.

(b) Any person who is convicted of any aggravated DWI offense under RSA 215-A:11, II, or RSA 265:82-a, except as provided in subparagraph (c), shall be:

- (1) Guilty of a misdemeanor;
- (2) Fined not less than \$500;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of a multiple DWI offender intervention detention center program; and

~~[(3)]~~ ***(4) The person's driver's license or privilege to drive shall be revoked for not less than 1 year and, at the discretion of the court, such revocation may be extended for a period***

not to exceed 2 years. ***The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(A) The full period of revocation has passed; or

(B) At least ½ the period of revocation has passed since the person has completed the exit interview at an impaired driver intervention center; provided that, if the person has previously completed an impaired driver intervention program or any similar program in any jurisdiction, at least ½ the period of revocation shall have passed since the person has successfully completed a multiple DWI offender intervention detention center program.

(c) Any person who is convicted of aggravated DWI under RSA 215-A:11, II(a)(1) or II(b)(1), or RSA 265:82-a, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of a multiple DWI offender intervention detention center program; and

~~[(3)]~~ ***(4) The person's driver's license or privilege to drive shall be revoked for not less than [1] one year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(A) The full period of revocation has passed; or

(B) At least ½ the period of revocation has passed since the person has completed the exit interview at an impaired driver intervention center; provided that, if the person has previously completed an impaired driver intervention program or any similar program in any jurisdiction, at least ½ the period of revocation shall have passed since the person has successfully completed a multiple DWI offender intervention detention center program.

Amend RSA 265:82-b, II(b)(2) as inserted by section 4 of the bill by replacing it with the following:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to ~~[imprisonment for a period of]~~ not less than 30 consecutive ***days of which 23 consecutive*** 24-hour periods ***shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 172-B:2-b,*** and ***the person*** shall complete at the person's own expense a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a licensed alcohol and other drug counselor and approved by the department of health and human services before the driver's license may be restored.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 New Paragraph; Alcoholism and Alcohol Abuse; Impaired Driver Intervention Programs; Requirements. Amend RSA 172-B:2-a by inserting after paragraph I-a the following new paragraph:

I-b. An impaired driver intervention program shall consist, at a minimum, of 20 hours of standardized educational curriculum and an exit interview.

2002-3350s

AMENDED ANALYSIS

This bill:

I. Eliminates the prepayment prerequisite for certain persons required to attend the multiple DWI offender intervention detention center program.

II. Requires first-time DWI offenders to complete an impaired driver intervention program.

III. Establishes time prerequisites for treatment for certain DWI offenders required to obtain treatment.

IV. Establishes requirements for impaired driver intervention programs.

This bill is a request of the committee established by 1999, 334.

Senate Judiciary
April 10, 2002
2002-3374s
04/10

Amendment to HB 1472-FN

Amend RSA 158:9-b, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. Upon application of any corporation, partnership, or similar entity, the director of state police, or designee, shall issue a license to a corporation, partnership, or similar entity authorizing the use, purchase, and transport of explosives in this state for not more than 2 years from the date of issue, if an employee of such corporation, partnership, or similar entity has a certificate of competency pursuant to RSA 158:9-h. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the director. The license shall be issued within a reasonable time after application therefor, and if such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety, division of state police.

Senate Judiciary
April 10, 2002
2002-3395s
09/01

Amendment to HB 1478-FN-A

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

1 Statement of Purpose. Following the terrorist mass murders of September 11, 2001 and in the aftermath of the anthrax bioterrorism attacks, it is hereby recognized that additional steps must be taken to assure homeland security. The United States Government has recognized that homeland security is dependent on state and local emergency response and public health entities and the critical role they fulfill in responding to natural and man-made disasters, bioterrorist attacks, and infectious disease outbreaks. As evidenced in the wake of the 2001 terrorist mass murders, comprehensive and coordinated statewide emergency response systems are crucial to New Hampshire's security. New Hampshire's constitution establishes the roles that the governor, legislature and other state officials and agencies have in assuring the health, safety, and well-being of the citizens of New Hampshire. It is therefore the purpose of this act to:

I. Improve state and local capacity to plan and respond to natural and man-made disasters and public health emergencies by developing state specific, comprehensive emergency plans.

II. Upgrade core public health functions at the state and local level such as infectious disease surveillance and investigation and enhancing public health laboratory capacity to stay current with the latest scientific and technological advances that would assist in mitigating the destructive impact of a bioterrorist attack or other emergency.

III. Improve connectivity and timely communication among hospitals, emergency responders, local officials, and state departments to assure rapid detection and deployment of resources to respond to an emergency.

IV. Assess and enhance the readiness of hospital and other medical, community-based systems to deal with large numbers of casualties by creating regional hospital mutual aid agreements and clinical laboratory network agreements.

V. Assist in identifying and securing qualified, highly skilled personnel to participate in all levels of emergency preparation and response.

2 State of Emergency Declaration; Powers. Amend RSA 107-C:5 to read as follows:

107-C:5 State of Emergency ***Declaration***; Powers. ~~[The provisions of this section shall be operative only during the existence of a state of emergency. Such state of emergency may be proclaimed by the governor or by a joint resolution of the house and senate if the governor or the legislature in such resolution finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. During such period as such state of emergency exists or continues]~~

I. The governor shall have the power to declare a state of emergency by executive order if the governor finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. The general court shall have the same power to declare a state of emergency by concurrent resolution of the house and senate. An executive order or concurrent resolution declaring a state of emergency shall specify the:

- (a) Nature of the emergency;***
- (b) Political subdivisions or geographic areas subject to the declaration;***
- (c) Conditions that have brought about the emergency; and***
- (d) Duration of the state of emergency, if less than 21 days.***

II.(a) A state of emergency shall terminate automatically 21 days after its declaration unless it is renewed under the same procedures set forth in paragraph I of this section. The governor may, by executive order, renew a declaration of a state of

emergency as many times as the governor finds is necessary to protect the safety and welfare of the inhabitants of this state.

(b) If the governor finds that maintaining the state of emergency is no longer justified, the governor shall issue an executive order terminating the state of emergency.

(c) The legislature may terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. The governor's power to renew a declaration of a state of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph; provided, however, that such resolution shall not preclude the governor from declaring a new emergency for different circumstances under paragraph I of this section.

III. During the existence of a state of emergency, and only for so long as such state of emergency shall exist, the governor shall have and may exercise the following additional emergency powers:

~~[I.]~~**(a)** To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.

~~[II.]~~**(b)** To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.

~~[III.]~~**(c)** To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.

~~[IV.]~~**(d)** Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under this chapter. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the governor may suspend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.

~~[V.]~~**(e)** To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

~~[VI.]~~**(f)** To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

3 New Sections; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 107-C by inserting after section 16 the following new sections:

107-C:17 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties which are in addition to those set forth in RSA 141-C:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the office of emergency management.

II. The commissioner may, with or without the approval of the governor's council, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems to be in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the

commissioner may control, restrict and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may give preference to health care providers, disaster response personnel, and mortuary staff.

IV. The commissioner may investigate any incident or imminent threat of any disease or health condition that may be caused by a natural disaster, radiation or chemical exposure, or the intentional use of any microorganism, infectious substance, or naturally occurring or manufactured biological product, that poses a risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such investigations may include requiring information from any health care provider or other person affected by or having information related to the incident or threat, inspections of buildings and conveyances and their contents, laboratory analysis of samples collected during the course of such inspections, and requiring a physical examination and the provision of specimens of body secretions, excretions, fluids and discharges for laboratory examination of any person having a disease or health condition that necessitates an investigation under this paragraph.

V. The commissioner may order a person to undergo such medical care as may be necessary to treat or prevent an incident or threat of disease or other health condition prompting an investigation pursuant to RSA 107-C:17, IV. Such care may include immunization of individuals as necessary to prevent the spread of contagious disease.

VI. Any order for investigation, treatment, or immunization, and any other order of the commissioner under this chapter, shall be subject to the due process requirements of RSA 141-C:14-a.

107-C:18 Safe Disposal of Corpses. The commissioner of health and human services, with the assistance of the chief medical examiner, may exercise the following powers relative to the safe disposal of corpses:

I. Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for emergency response.

II. Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.

III. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response.

IV. Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses as may be necessary for emergency response.

V. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the cause of death.

VI. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease.

VII. Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

107-C:19 Joint Legislative Oversight Committee.

I. A joint legislative oversight committee on the emergency management system is hereby established.

II. The committee shall consist of 9 members:

(a) Six members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house.

(b) Three senators, appointed by the senate president.

III. The committee shall elect from its membership a chairperson, a vice-chairperson and a clerk. All members shall be appointed to serve on the committee for a term coterminous with the term of their elected legislative office, and may be reappointed if reelected to the same office. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Provide legislative oversight and serve as the legislative liaison for the emergency management system.

(b) Develop, with the assistance of the department of health and human services and other appropriate agencies, a grid which outlines a gradation of emergency conditions and describes the powers authorized for each level of emergency.

(c) Conduct a continuing study of the major problems and concerns regarding planning, testing, and implementation of states of emergency.

(d) Hold such public hearings as may be necessary on matters pertaining to the emergency management system.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year, beginning November 1 of 2003.

4 Fees. Amend RSA 125-F:8, III to read as follows:

III. ***Except as provided in paragraph IV***, all fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

IV. Any increase in fees after the effective date of this paragraph and collected under this section shall be deposited in the radiation user and laboratory fees fund established in RSA 125-F:8-b and shall be used solely for the administration of the department's responsibilities under this chapter.

5 New Section; Radiation User and Laboratory Fees Fund. Amend RSA 125-F by inserting after section 8-a the following new section:

125-F:8-b Radiation User and Laboratory Fees Fund. There is hereby established the radiation user and laboratory fees fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees collected in accordance with RSA 125-F:8, IV. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter.

6 Definition; Communicable Disease. RSA 141-C:2, VI is repealed and reenacted to read as follows:

VI. "Communicable disease" means illness due to a microorganism, virus, infectious substance, biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

7 New Paragraph; Definition Added; Health Care Provider. Amend RSA 141-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Health care provider" means any person who or entity which provides health care services including, but not limited to, hospitals, medical clinics and offices, clinical laboratories, physicians, naturopaths, chiropractors, pharmacists, dentists, registered and other nurses, and nurse practitioners, paramedics, and emergency medical technicians.

8 New Paragraph; Definition Added; Protected Health Information. Amend RSA 141-C:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Protected health information" means any information, whether in oral, written, electronic visual, or any other form, that relates to an individual's physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there

is a reasonable basis to believe such information could be utilized (either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information) to reveal the identity of that individual.

9 Rulemaking. Amend RSA 141-C:6, III to read as follows:

III. Reporting [~~communicable diseases~~] **required** under RSA 141-C:7.

10 New Paragraphs; Rulemaking Added. Amend RSA 141-C:6 by inserting after paragraph XVIII the following new paragraphs:

XIX. Identifying microbial isolates of reportable diseases and patient specimens to be retained or forwarded to the public health laboratories.

XX. Establishing a registry of biological agents present in New Hampshire.

11 Reporting of Communicable Disease. RSA 141-C:7 is repealed and reenacted to read as follows:

141-C:7 Reporting of Communicable Disease.

I. Upon becoming aware of any communicable disease or communicable disease syndrome listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease or communicable disease syndrome, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report to the commissioner the communicable disease or communicable disease syndrome and shall provide such additional information and periodic reports as required under RSA 141-C:9, I.

II. Any veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person engaged in the care of animals shall report animals having or suspected of having any disease that may cause a communicable disease in humans.

III. Any clinical laboratory director shall forward to the department's public health laboratory isolates of reportable infectious microorganisms as specified by the commissioner. In addition, any clinical laboratory director performing any testing for reportable diseases shall retain the original patient specimens for 7 days after issuing a final test result for diseases specified by the commissioner and shall submit such specimens to the public health laboratories upon request.

IV. In addition to the foregoing requirements for health care providers, a pharmacist shall report, if required under rulemaking procedures by the commissioner, any unusual or increased types of prescriptions, or unusual trends in pharmacy visits that may be caused by a communicable disease. Prescription-related events that require a report may include, but are not limited to:

(a) An unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints.

(b) An unusual increase in the number of prescriptions for antibiotics.

(c) An unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints.

12 Reportable Information. Amend RSA 141-C:8 to read as follows:

141-C:8 List of Diseases; Report Forms. The commissioner shall compile a list of reportable communicable diseases necessary to protect the citizenry. The commissioner shall develop and provide a form for the reporting of communicable diseases under this section. The form shall include, at a minimum, the name, age, address, occupation, and place of occupation of the person. **Reportable information shall not include psychiatric, psychological, or other mental health records or information.**

13 New Paragraph; Specimens or Samples. Amend RSA 141-C:9 by inserting after paragraph II the following new paragraph:

III. Any specimens or samples acquired or collected by the commissioner under this chapter shall be destroyed when they are no longer needed for the purpose for which they were acquired or collected. No such sample or specimen shall be subject to genetic testing as defined in RSA 141-H.

14 Disclosure; Confidentiality. RSA 141-C:10 is repealed and reenacted to read as follows:
141-C:10 Disclosure; Confidentiality.

I. Any protected health information provided to or acquired by the department under this chapter shall be released only with the informed, written consent of the individual or to those authorized persons having a legitimate need to acquire or use the information and then only so much of the information as is necessary for such persons to provide care and treatment to the individual who is the subject of the protected health information, investigate the causes of disease transmission in the particular case, or control the spread of the disease in the particular case. Any release of information under this section without the informed, written consent of the individual shall be conditioned upon the protected health information remaining confidential.

II. Analyses and compilations of data which do not disclose protected health information shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to information required to be reported or provided to the commissioner under this chapter.

IV. Protected health information acquired or disclosed by the commissioner pursuant to this chapter shall be expunged by the commissioner and any person possessing such information when such information is no longer needed for the purpose for which it was acquired or disclosed.

15 Orders. RSA 141-C:12, III is repealed and reenacted to read as follows:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

16 New Paragraph; Evading Quarantine; Breaking Quarantine. Amend RSA 141-C:13 by inserting after paragraph II the following new paragraph:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

17 New Section; Due Process. Amend RSA 141-C by inserting after section 14 the following new section:

141-C:14-a Due Process.

I. Any person subject to an order to submit a specimen under RSA 141-C or for examination, vaccination, treatment, isolation, or quarantine, or any other order of the commissioner under this chapter may request a hearing in the superior court to contest such order. The commissioner shall provide, or cause to be provided, to the person both oral and written notice of the right to contest the order and the form for making the request, which form shall require no more than the person's name, address, and signature and the time and date of the signature.

II. Submission of the completed form to the law enforcement officer or other individual serving the order shall be considered a filing with the superior court and such officer or other individual shall promptly deliver the form to the superior court.

III. The superior court shall schedule a hearing and render a decision upon the request within 48 hours of the time the request was made. If the court determines that exigencies related to protection of the health of the public preclude a hearing and decision within the 48-hour period, the hearing and decision may take place within a suitable time as determined by the court, but in no event later than 120 hours after the time the request was made.

IV. No examination, vaccination, treatment, or other action shall be provided against the will of a person who has filed a request for a hearing. A person may be held in isolation or quarantine pending the outcome of the court hearing, but may no longer be held if the court fails to render its decision within the time period required under paragraph III.

V. At the hearing the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the person poses a threat to public health and the order issued by the commissioner is thereby warranted to alleviate such threat.

VI. All orders issued under this chapter shall be in writing and a copy shall be provided to the person subject to the order at the time it is served. Every person who contests an order of the commissioner under this chapter shall be given a copy of the executed form contesting such order.

VII. Nothing in this chapter shall be construed to require the medical examination, medical treatment, or vaccination of a person who objects, and no criminal penalties shall be imposed as a result. Notwithstanding this paragraph, such a person may be subject to isolation or quarantine for the minimum period necessary to protect the public health, as determined by the court in its decision following the hearing pursuant to this section.

18 New Paragraph; Treatment, Care of Sick; Costs. Amend RSA 141-C:15 by inserting after paragraph V the following new paragraph:

VI. When an individual subject to an order for treatment by the commissioner refuses to undergo such ordered treatment, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing treatment, the nature of the treatment to be provided, and the place or facility where the treatment shall be provided. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the treatment is to be provided.

19 New Section; Decontamination. Amend RSA 141-C by inserting after section 16 the following new section:

141-C:16-a Decontamination. The commissioner may close, direct and compel the evacuation of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 107-C:7.

20 Provisions for Personnel Subject to Legislative Approval. The federal government has provided and will provide funds to support states in their preparation for and response to bioterrorism attacks, man-made disasters, and other emergencies. Upon acceptance and receipt, and in accordance with the regulations governing the use of such funds, the commissioner of health and human services may establish one or more classified and unclassified positions to enable the department to carry out the activities necessary to meet the purposes for which the funds are provided. The establishment and the salary levels and labor grades of any such positions shall be subject to the approval of the legislative fiscal committee. No general funds shall be used to pay the salaries and benefits for the positions created under this section.

21 Effective Date. This act shall take effect July 1, 2002.

Amendment to HB 1180

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

AN ACT establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire and relative to exemption from local property taxes for leases of state-owned railroad properties.

Amend the bill by replacing section 1 with the following:

1 Task Force Established; Membership. There is established a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

I. The task force shall be composed of the following members:

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

(b) Two members representing rail interests, one nominated by the New Hampshire Railroad Revitalization Association, appointed by the governor and one designated by the department of transportation.

(c) The commissioner of the department of resources and economic development, or designee.

(d) The director of the division of aeronautics in the department of transportation, or designee.

(e) A representative of the trucking industry, nominated by the New Hampshire Motor Transport Association and appointed by the governor.

(f) One financial consultant, appointed by the governor.

(g) The state treasurer, or designee.

(h) The commissioner of the department of transportation, or designee.

Amend the bill by replacing all after section 6 with the following:

7 Property Tax Exemption; Leases of State-Owned Railroad Properties. Amend RSA 72:23, I(b) to read as follows:

(b) All leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a city, town, school district, or village district, entered into after July 1, 1979, shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date. This subparagraph shall not apply to leases of state-owned railroad properties which are subject to railroad taxes under the provisions of RSA 82 ***or which provide revenue to the state, a portion of which is distributed to cities and towns pursuant to RSA 228:69, I(a).*** All such leases and agreements shall include a provision that "failure of the lessee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said lease or agreement by the lessor." All such leases and agreements entered into on or after January 1, 1994, shall clearly state the lessee's obligations regarding the payment of both current and potential real and personal property taxes, and shall also state whether the lessee has an obligation to pay real and personal property taxes on structures or improvements added by the lessee.

8 Property Tax Exemption; Leases of State-Owned Railroad Properties; Applicability. RSA 72:23, I(b), as inserted by section 7, of this act shall apply to all leases of state owned railroad properties entered into on or after January 1, 2001.

9 Effective Date.

I. Section 6 of this act shall take effect December 1, 2006.

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

2002-3359s

AMENDED ANALYSIS

This bill establishes a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. The task force shall dissolve on December 1, 2006.

The bill also exempts certain leases of state-owned railroad properties from providing for payment of local property taxes.

Senate Transportation
April 10, 2002
2002-3353s
06/09

Amendment to HB 1298

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

AN ACT naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.

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

1 Hugh Gallen State Office Complex. The portion of the New Hampshire state hospital campus which has been converted to offices for state agencies and others, located on Pleasant Street in the city of Concord and currently known as the “state office park south,” is hereby named the Hugh Gallen State Office Complex in honor of former governor Hugh Gallen. A suitable marker may be erected or placed at the site.

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under section 1 of this act shall be approved by the department of transportation.

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

2002-3353s

AMENDED ANALYSIS

This bill names a portion of the New Hampshire state hospital campus on Pleasant Street in the city of Concord, currently known as “state office park south,” the Hugh Gallen Office Complex in honor of former governor, Hugh Gallen.

Senate Transportation
April 10, 2002
2002-3373s
05/04

Amendment to HB 1361-FN

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect July 1, 2002.

Senate Transportation
April 10, 2002
2002-3348s
03/01

Amendment to HB 1456-FN

Amend RSA 263:12, X as inserted by section 1 of the bill by replacing it with the following:

X. Knowingly scan, record, retain, or store, in any electronic form or format, personal information, as defined in RSA 260:14, obtained from any license, unless authorized by the department. Nothing in this paragraph shall prohibit a person from transferring, in non-electronic form or format, personal information contained on the face of a license to another person, provided that the consent of the license holder is obtained if the transfer is not to a law enforcement agency. Notwithstanding any other provision of law, any person selling alcohol or tobacco who uses due diligence in checking identification to prevent unauthorized sales and purchases of alcohol and tobacco shall not be held responsible for the acceptance of fraudulent identification. Where due diligence is exercised on the part of the seller, the unauthorized purchaser shall be liable for any penalty or fine resulting from the unauthorized sale.

Senate Ways and Means
April 10, 2002
2002-3379s
08/03

Amendment to HB 213-FN

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

AN ACT establishing a study committee on education property tax hardship relief, relative to appraisals of property for ad valorem tax purposes, and making an operating budget appropriation for hardship grants nonlapsing.

Amend the bill by replacing all after section 5 with the following:

6 Appraisals of Property for Ad Valorem Tax Purposes. Amend RSA 21-J:11 to read as follows:

21-J:11 Appraisals of Property for Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall ~~[enter into any contract or agreement with any town, city, or other governmental division]~~ **begin any appraised work** without first submitting ~~[the proposed]~~ **a copy of the** contract or agreement to the commissioner ~~[for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability]~~ **along with the names and qualifications** of **all** personnel to be employed under the contract **or agreement. This paragraph shall not apply to municipal employees.**

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

- (a) Assure that appraisals comply with all applicable statutes and rules;
- (b) Assure that appraisers are complying with the terms of ~~[any]~~ **the** appraisal contract **or agreement;**
- (c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and
- (d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the ~~[provisions required of all contracts for appraisal services and the]~~ methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

7 New Section; Cessation of Unauthorized Appraisals. Amend RSA 21-J by inserting after section 14-j the following new section:

21-J:14-k Cessation of Unauthorized Appraisals. The commissioner, or the commissioner's authorized agents, may issue a written cease and desist order against any person, firm, corporation, or municipality that does not comply with RSA 21-J:11, I or RSA 21-J:14-f. Any such act may be enjoined by the superior court, upon application of the attorney general.

8 Footnote Added; Hardship Grants. Amend 2001, 130:1.06, 03, 02, 02, 04, class 90 to read as follows:

	FY 2002	FY 2003	
90 Hardship Grants	F	5,000,000	5,000,000
9 Effective Date.	This act shall take effect upon its passage.		

2002-3379s

AMENDED ANALYSIS

This bill establishes a study committee on education property tax hardship relief.

This bill changes certain requirements for appraisals of property for tax purposes.

The bill also makes an operating budget appropriation for fiscal year 2002 for hardship grants nonlapsing.

2002-3247s
03/01

Amendment to HB 1167

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

AN ACT permitting wine manufacturers to sell their products at farmers' markets and relative to liquor and wine representative licenses.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 Liquor Licenses and Fees; Licenses Required, Enforceability of Contracts and Agreements; Liquor and Wine Representative License; Sales Person Deleted. Amend RSA 178:1, III to read as follows:

III. Any person applying for a liquor and wine representative license shall have been a New Hampshire resident, or shall have at least one director, officer, **or** partner ~~[or licensed sales person]~~ who has been a New Hampshire resident for at least 3 years immediately preceding the date of application.

2002-3247s

AMENDED ANALYSIS

This bill permits wine manufacturers to sell their products at farmers' markets. This bill also modifies the residency requirement for liquor and wine representative license applicants by deleting the reference to licensed sales person.

Senate Ways and Means
April 10, 2002
2002-3380s
08/03

Amendment to HB 1268-FN

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

AN ACT establishing a committee to study the feasibility of establishing a net operating loss deduction in computing the business profits tax.

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

1 Committee Established. There is established a committee to study the feasibility of establishing a net operating loss deduction in computing the business profits tax.

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. The committee shall study the feasibility of establishing a net operating loss deduction in computing the business profits tax.

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 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, 2002.

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

2002-3380s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of establishing a net operating loss deduction in computing the business profits tax.

Senate Ways and Means

April 10, 2002

2002-3393s

09/10

Amendment to HB 1270-FN

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

AN ACT making technical corrections due to the repeal of the legacies and succession tax, relative to the exception from the meals and rooms tax for gratuities, and relative to appeals for redetermination or reconsideration of assessments or demands for payment made by the department of revenue administration.

Amend the bill by replacing all after section 14 with the following:

15 Meals and Rooms Tax; Definition of Gratuity. Amend RSA 78-A:3, XII to read as follows:

XII. "Gratuity" means a ~~voluntarily given~~ gift of money in return for a service.

16 Meals and Rooms Tax; Exceptions to Tax. RSA 78-A:6-a is repealed and reenacted to read as follows:

78-A:6-a Exception to Tax.

I. Advance deposits which are forfeited by a prospective occupant shall not be taxed under this chapter. However, if such advance deposit is a payment in full for a room rent, including tax, and is retained by the operator, the operator shall remit that portion of the payment which represents the meals and rooms tax to the state.

II. Gratuity charges added to the charge for a taxable meal or taxable room shall not be taxed under this chapter if:

- (a) The gratuity is not used by the operator as a supplement to or in lieu of wages, or as a pool from which bonuses are paid to managerial personnel;
- (b) The gratuity is paid to the service personnel providing the service for which the gratuity is charged;
- (c) The purchaser or occupant's contract or receipt separately states the amount of the gratuity charged;
- (d) The gratuity is usual and customary; and
- (e) The payroll or other business records of the operator substantiate the distribution of the gratuity to the service employees as a payment that does not supplement wages or is not in lieu of wages.

III. Gratuity charges arranged by written contract between operators and motorcoach service providers or other businesses making group purchases on behalf of purchasers or occupants shall not be taxed under this chapter if:

- (a) The requirements of RSA 78-A:6-a, II(a), (b), (c), and (e) are met; and
- (b) The amount of the gratuity was determined based on the usual and customary practice of the industry.

IV. The amount of any gratuity charge excepted from tax by RSA 78-A:6-a, II or III shall be limited to that amount actually received by the service personnel providing the service for which such gratuity is charged.

V. Any auxiliary charges, not including gratuity charges, such as, but not limited to, service charges, house charges, management fees, or housekeeping charges, added to the charge for a taxable meal or taxable room, shall not be taxed under this chapter if:

- (a) The taxable meal or taxable room rental may be purchased without such auxiliary charges at the option of the purchaser or occupant; and
- (b) The amount of the auxiliary charge is separately stated on the contract or receipt.

VI. The portion of a single aggregate charge allocated to items which are not customarily associated with the purchase of a taxable room or taxable meal, including but not limited to ski lift tickets, boat ride fees, amusement park admission tickets, theater tickets or other similarly packaged items shall not be taxable if the packaged item or service is not part of the operator's standard room rental or meal and the allocated cost of the package item or service is equal to the amount paid to an outside vendor or the allocated cost of the package item or service is the amount over and above the amount which a consumer would be ordinarily charged for the room rental and/or meal had the consumer purchased the room or meal without the packaged item or service; and

- (a) The allocated cost of the package for gratuities meets the requirements of RSA 78-A:6-a, II(a), (b), (d), and (e); and

- (b) The operator's business records provide the documentation necessary for the department to determine the allocation of costs and the proper application of the tax.

17 Department of Revenue Administration; Appeal for Redetermination or Reconsideration; Procedure. Amend RSA 21-J:28-b, IV to read as follows:

IV. Within 30 days of the notice of decision, the taxpayer may appeal such decision by written application to the board of tax and land appeals or the superior court, in the county in which the taxpayer resides or has a place of business or resident agent. The board of tax and land appeals or the superior court, as the case may be, shall ~~determine de novo the correctness of the commissioner's actions.~~ **hear the appeal de novo. Each party may introduce whatever evidence it believes necessary, limited only by the evidentiary rules of the forum. Legal issues shall be limited to those raised before the commissioner, with the exception that the taxpayer may raise additional legal claims addressing constitutional issues, and either party may raise additional legal claims upon a showing of good cause.**

18 Effective Date.

I. Sections 15-16 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill makes technical corrections due to the repeal of RSA 86:6, relative to the taxable property and tax rate under the legacies and successions tax, in 2001, 158 (HB 170). The bill repeals the remainder of RSA 86 and RSA 89.

The bill also changes requirements and procedures for the exception for gratuities from the meals and rooms tax.

This bill also establishes procedural requirements for appeals for redetermination or reconsideration of assessments or demands for payment made by the department of revenue administration.

Senate Ways and Means

April 10, 2002

2002-3378s

08/03

Amendment to HB 1277

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

AN ACT increasing the optional veterans' property tax credit, and enabling municipalities to adopt an extension of the exemption for the disabled for persons over 65 years of age.

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

3 Exemption for the Disabled; Optional Extension Added. Amend RSA 72:37-b to read as follows:

72:37-b Exemption for the Disabled.

I. Upon its adoption by a city or town as provided in RSA 72:37-c, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:37-c, a person eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

II. The ~~[exemption]~~ **exemptions** in paragraph I **and I-a** may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. No exemption shall be allowed under paragraphs I or I-a unless the person applying for an exemption:

(a) Has resided in this state for at least 5 consecutive years preceding April 1 in the year in which the exemption is claimed.

(b) Had, in the calendar year preceding said April 1, a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraphs I or I-a. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured.

(2) Expenses and costs incurred in the course of conducting a business enterprise.

(3) Proceeds from the sale of assets.

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

IV. Additional requirements for an exemption under paragraphs I or I-a shall be that the property is:

(a) Owned by the resident;

(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;

(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed;

(d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.

4 Procedure for Adoption; Exemption for the Disabled. RSA 72:37-c is repealed and reenacted to read as follows:

72:37-c Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA 72:37-b, I, and may either jointly or separately adopt the provisions of RSA 72:37-b, I-a, in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers. A public hearing shall be held at least 15 but not more than 60 days prior to the vote.

(b) In a city, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such city may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the exemption provided in RSA 72:37-b, I or the extension of the exemption provided in RSA 72:37-b, I-a. The exemption shall take effect in the tax year beginning April 1 following its adoption.

III. A municipality may modify or rescind the exemptions provided by this section in the manner described in this section.

5 Effective Date. This act shall take effect July 1, 2002.

2002-3378s

AMENDED ANALYSIS

This bill increases the amount of the optional veterans' property tax credit.

This bill also allows municipalities to adopt an extension of the property tax exemption for disabled persons who are 65 years of age or older.

Senate Ways and Means

April 10, 2002

2002-3383s

04/03

Amendment to HB 1451-FN-A

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

AN ACT implementing the Mobile Telecommunications Sourcing Act and relative to the telecommunications equipment assistance program.

Amend the bill by replacing all after section 6 with the following:

7 Nonseverability. If a court of competent jurisdiction enters a final judgment on the merits that is based on federal law, is no longer subject to appeal, and substantially limits or impairs the essential elements of sections 116 through 126 of Title 4 U.S.C., then all provisions and applications of sections 1-6 of this act are declared invalid and shall have no legal effect as of the date of entry of such judgment.

8 Applicability. The provisions of sections 1-6 of this act shall apply to taxpayer invoices issued by home service providers after August 1, 2002.

9 Telecommunications Equipment Assistance Program; Definition of Qualified Person.
Amend RSA 362-E:1, IV to read as follows:

IV. "Qualified person" means a person who is [~~deaf, hard of hearing, speech impaired, or~~] unable to reasonably use standard telephone equipment due to a [~~hearing or speech~~] disability, ***such as being deaf, hard of hearing, speech impaired, paraplegic, or unable to use his or her arms.***

10 Effective Date. This act shall take effect July 1, 2002.

2002-3383s

AMENDED ANALYSIS

This bill incorporates the provisions of the Mobile Telecommunications Sourcing Act, Public Law 106-252, into the communications services tax.

The bill also changes the definition of "qualified person" for purposes of the telecommunications equipment assistance program.

Wildlife and Recreation
April 10, 2002
2002-3361s
04/01

Amendment to HB 1187-FN

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

AN ACT establishing a committee to study criminal penalties for possession of a firearm in a safe school zone.

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

1 Committee Established. There is established a committee to study the criminal penalties for possession of a firearm in a safe school zone.

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) Five 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 criminal penalties for possession of a firearm in a safe school zone.

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. Five members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

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

2002-3361s

AMENDED ANALYSIS

This bill establishes a committee to study criminal penalties for possession of a firearm in a safe school zone.

HEARINGS

WEDNESDAY, APRIL 10, 2002

● PLEASE NOTE HB 1429 HAS BEEN CANCELLED AND RESCHEDULED FOR APRIL 17TH

EXECUTIVE DEPARTMENTS & ADMINISTRATION, Room 104, LOB

Cancelled **HB 1429**, relative to the scope of the consumer protection act.

● **PLEASE NOTE THE FOLLOWING HEARING HAS A TIME CHANGE**

INSURANCE, Room 101, LOB

9:00 a.m. **HB 1467-FN**, relative to the cost of vaccines.

EXECUTIVE SESSION ON PENDING LEGISLATION TO FOLLOW

WORK SESSION

JUDICIARY, Room 102, LOB

10:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

WAYS & MEANS, Room 103, SH

9:00 a.m. **HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax.

9:30 a.m. **HB 1282**, (New Title) establishing a committee to study gaming options for New Hampshire.

EXECUTIVE SESSION TO FOLLOW ON ALL PENDING LEGISLATION

FRIDAY, APRIL 12, 2002

FINANCE, Room 103, SH

9:00 a.m. **HB 1462-FN-A-L**, eliminating the statewide education property tax as a source of funding adequate education.

MONDAY, APRIL 15, 2002

PUBLIC AFFAIRS, Room 105-A, SH

10:00 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION**

TUESDAY, APRIL 16, 2002

INTERNAL AFFAIRS, Room 103, LOB

2:45 p.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION**

HB 1405, relative to the Memorial Day holiday.

HCR 14, (New Title) declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

HB 1441, relative to the availability of records of the joint committee on legislative facilities.

JUDICIARY, Room 102, LOB

9:00 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION**

HB 386, relative to the relocation of the principal residence of a child.

HB 447, (New Title) establishing a task force on family law.

HB 465, (New Title) relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

HB 586, excluding stepchildren from the definition of "child" in the context of support orders.

HB 661, relative to hearing timelines in abuse and neglect cases.

HB 678, relative to notice of release of an inmate from state prison.

HB 686, relative to the scope of discovery in abuse and neglect cases.

HB 706, (New Title) relative to mediation in superior court cases involving children.

HB 1108, (New Title) relative to administrative license suspension hearings.

HB 1137, relative to the crime of resisting arrest.

HB 1147, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

HB 1175, relative to proclaiming oneself a New Hampshire native.

HB 1217, relative to payment of trust income.

HB 1249, adopting the model Drug Dealer Liability Act.

HB 1311, (New Title) relative to certain mental health records and establishing a committee to study the protection of certain medical information.

HB 1338, clarifying that the judicial council is responsible for payment of indigent defense expenses.

HB 1390, relative to quality assurance information.

HB 1406, (New Title) permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

HB 1433, (New Title) prohibiting intoxication and constructive possession of alcohol by minors.

HB 1457, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests.

● **PLEASE NOTE HB 2000 WAS RECESSED ON APRIL 12TH**

TRANSPORTATION, Room 104, LOB

8:30 a.m. **HB 2000**, (New Title) relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

● **PLEASE NOTE HB 1235, HAS BEEN RESCHEDULED FROM APRIL 9TH**

WILDLIFE & RECREATION, Room 101, LOB

10:15 a.m. **HB 1235**, relative to operation of motorized vessels and safe boater education.

WEDNESDAY, APRIL 17, 2002

CAPITAL BUDGET, Room 103, SH

2:00 p.m. **HB 1370**, relative to establishing a 6-year capital budget.

EDUCATION, Room 105-A, SH

1:00 p.m. **HB 1483**, (New Title) relative to municipal budget committees.

ENVIRONMENT, Room 104, LOB

8:30 a.m. **HB 1449-A**, (New Title) establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.

● **PLEASE NOTE HB 1218 CANCELLED**

HB 1208, HB 1318, HAVE BEEN RESCHEDULED FROM APRIL 3RD

HB 1429 HAS BEEN RESCHEDULED FROM APRIL 10TH

EXECUTIVE DEPARTMENTS & ADMINISTRATION, Room 104, LOB

1:00 p.m. **HB 1208**, relative to real estate broker liens.
Cancelled **HB 1218**, relative to the regulation of pharmacists and prescription drug orders.
2:00 p.m. **HB 1318**, (New Title) relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.
2:15 p.m. **HB 1429**, relative to the scope of the consumer protection act.
INSURANCE, Room 101, LOB

9:00 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION**

HB 672, (New Title) relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.
HB 1142, relative to the advisory council on unemployment compensation.
HB1194, relative to medical records.

JUDICIARY, Room 102, LOB

8:30 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION**

HB 386, relative to the relocation of the principal residence of a child.
HB 447, (New Title) establishing a task force on family law.
HB 465, (New Title) relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.
HB 586, excluding stepchildren from the definition of "child" in the context of support orders.
HB 661, relative to hearing timelines in abuse and neglect cases.
HB 678, relative to notice of release of an inmate from state prison.
HB 686, relative to the scope of discovery in abuse and neglect cases.
HB 706, (New Title) relative to mediation in superior court cases involving children.
HB 1108, (New Title) relative to administrative license suspension hearings.
HB 1137, relative to the crime of resisting arrest.
HB 1147, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.
HB 1175, relative to proclaiming oneself a New Hampshire native.
HB 1217, relative to payment of trust income.
HB 1249, adopting the model Drug Dealer Liability Act.
HB 1311, (New Title) relative to certain mental health records and establishing a committee to study the protection of certain medical information.
HB 1338, clarifying that the judicial council is responsible for payment of indigent defense expenses.
HB 1390, relative to quality assurance information.
HB 1406, (New Title) permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom

the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

HB 1433, (New Title) prohibiting intoxication and constructive possession of alcohol by minors.

HB 1457, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests.

MEETINGS

WEDNESDAY, APRIL 10, 2002

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

9:00 a.m. Regular Business

9:30 a.m. Audit:

State of New Hampshire

Department of Resources and Economic Development

Division of Parks and Recreation

Cannon Mountain

Financial and Compliance Audit

Report for the Ten Months Ended April 30, 2001

SENATE INSURANCE COMMITTEE (HB 1194, relative to medical records.) Room 101, LOB

9:30 a.m. Work Session (Proposed Amendment)

THURSDAY, APRIL 11, 2002

NH DEPARTMENT OF TRANSPORTATION (Newbury-Bradford 12893, Proposed improvements on NH 103 beginning in Newbury near Colburn Farm Road proceeding south approximately 6.5 miles to the Bradford/Warner Town line) Bradford Town Hall, 75 West Main Street, Bradford, NH

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

FRIDAY, APRIL 12, 2002

PRIVACY TASK FORCE (HB 702, Chapter 256:7, Laws of 2001) Room 210-211, LOB

9:00 a.m. Regular Meeting

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION (RSA 12-J:1) Room 201-203, LOB

9:30 a.m. Regular Meeting

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

9:30 a.m. Subcommittee Meeting

TELECOMMUNICATION OVERSIGHT COMMITTEE (RSA 374:22-h) Room 304, LOB

10:00 a.m. Special Meeting

WELLNESS & PRIMARY PREVENTION COUNCIL (RSA 126-M:3) Room 206, LOB

10:00 a.m. Regular Meeting

MONDAY, APRIL 15, 2002

SUBCOMMITTEE OF THE FISCAL COMMITTEE OF THE GENERAL COURT ON TAX SIMULATION & FORECASTING MODELS (Charles River Associates (CRA) Update) Room 212, LOB

1:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Transportation Enhancement (TE) Advisory Committee Meeting) Rooms 112-113, JOM Building NHDOT, Concord, NH

3:00 p.m. Advisory Committee Meeting

TUESDAY, APRIL 16, 2002

ASSESSING STANDARDS BOARD (RSA 21-J:14-a) Room 301, LOB

2:00 p.m. Regular Meeting

WEDNESDAY, APRIL 17, 2002

NH DEPARTMENT OF TRANSPORTATION (Bedford-Manchester-Londonderry-Litchfield-Merrimack 11512, Manchester Airport Access Road) Highlander Inn Ballroom, 2 Highlander Way, Manchester, NH

2:00 p.m. - 5:00 p.m. Public Informational/Screening Session

NH DEPARTMENT OF TRANSPORTATION (Bedford-Manchester-Londonderry-Litchfield-Merrimack 11512, Manchester Airport Access Road) Highlander Inn Ballroom, 2 Highlander Way, Manchester, NH

6:00 p.m. NHDES & ACOE Public Hearing (Wetland Permit)

NH DEPARTMENT OF TRANSPORTATION (Haverhill-Bath 10436, Reconstruct US 302, from NH 10 northerly approximately 1.8 miles) Woodsville Elementary, 206 Central Street, Woodsville, NH

7:00 p.m. Public Informational/Special Committee

THURSDAY, APRIL 18, 2002

NH DEPARTMENT OF TRANSPORTATION (Goshen 13477, Bridge Rehabilitation) Goshen Town Hall, Rt. 10 Goshen, NH

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

FRIDAY, APRIL 19, 2002

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

9:00 a.m. Regular Meeting

LONG TERM RATE CARE ADVISORY COMMITTEE (RSA 151-E:6-a) Room 103, SH

1:00 p.m. Regular Meeting

MONDAY, APRIL 22, 2002

SOURCES THAT BURN VIRGIN PETROLEUM OR COAL TO COMPLY WITH AIR TOXIC CONTROL ACT (RSA 125-I), STUDY OF PUBLIC HEALTH AND ENVIRONMENTAL BENEFITS (SB 93, Chapter 88:1, Laws of 2001) Room 101, LOB

9:00 a.m. Regular Meeting

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

1:00 p.m. Complaint Hearings
NH CANADIAN TRADE COUNCIL (RSA 12-A:2-g) Room 306, LOB
2:00 p.m. Regular Meeting

TUESDAY, APRIL 23, 2002

CAPITAL BUDGET OVERVIEW COMMITTEE Room 201, LOB
10:00 a.m. Update on Department of Safety Construction Projects
11:00 a.m. Update on University System of New Hampshire Construction Projects
ASSESSING STANDARDS BOARD (RSA 21-J:14-a) Room 301, LOB
2:00 p.m. Regular Meeting
WINNIPESAUKEE RIVER WATERSHED ADVISORY COMMITTEE (RSA 483-D:2)
Department of Environmental Services, 6 Hazen Drive, Room 312, Concord, NH
2:00 p.m. Regular Meeting

WEDNESDAY, APRIL 24, 2002

211 COMMISSION (HB 707, Chapter 258:1, Laws of 2001) Room 304, LOB
2:00 p.m. Regular Meeting
TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19) Landergan Hall, Room 12,
Department of Education, 101 Pleasant St. Concord, NH
2:30 p.m. - 4:30 p.m. Regular Meeting

FRIDAY, APRIL 26, 2002

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62) Room 306, LOB
9:00 a.m. Regular Meeting

MONDAY, APRIL 29, 2002

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2) Room 103, SH
9:00 a.m. Investment Committee
10:00 a.m. Regular Meeting
OIL FUND DISBURSEMENT (RSA 146-D:4) Room 305, LOB
9:00 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
HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13) Room 205, LOB
1:00 p.m. Regular Meeting

TUESDAY, APRIL 30, 2002

ASSESSING STANDARDS BOARD (RSA 21-J:14-a) Room 301, LOB
2:00 p.m. Regular Meeting

MONDAY, MAY 6, 2002

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

9:30 a.m. Subcommittee Meeting
NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2) Room 205, LOB
2:00 p.m. Regular Meeting

WEDNESDAY, MAY 8, 2002

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE Room 201, LOB

9:30 a.m. Regular Meeting
Skyhaven Airport Discussion with Skyhaven Airport Operations Committee and City of Rochester Officials

MONDAY, MAY 13, 2002

CERTIFICATE OF NEED STATUTE TASK FORCE (RSA 151-C:16) Room 203, LOB

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

FRIDAY, MAY 17, 2002

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

9:00 a.m. Regular Meeting

WEDNESDAY, MAY 22, 2002

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19) Landergan Hall, Room 12, Department of Education, 101 Pleasant St. Concord, NH

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

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

NOTICES

FRIDAY, APRIL 12, 2002

All members of the General Court and the public are invited to the meeting of the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment on Friday, April 12, 2002 in LOB Room 201-203 at 9:30 AM. There is a special briefing and program at each meeting that is interesting and helpful to those concerned with the problems of substance abuse. Get involved.

Senator Ned Gordon

MONDAY, APRIL 15, 2002

Informational Meeting on TANF and Reauthorization and Postsecondary Education, at 10:00 a.m. - 12:00 p.m. Room 206, LOB

Senator Katherine Wheeler

WEDNESDAY, APRIL 17, 2002

The New Hampshire Women's Lobby is pleased and honored to announce that Rep. Terie Norelli and Rep. Cynthia Dokmo will receive Meritorious Service Awards, Juliana Eades will receive the Citizen Award and Arnie Arnesen will receive the Media Award at our annual "Spring Celebs" event on Wednesday, April 17th from 4:30 to 6:30 p.m. at the Holiday Inn in Concord. All are invited to join us in honoring these outstanding New Hampshire citizens. Tickets are \$10 for members and \$15 for nonmembers and are available from members or from the NH Women's Lobby Office at 224-9105.

Senator Debora B. Pignatelli

SENATE DEADLINES 2002 SESSION

JANUARY 2, 2002

CONVENING DAY
INTRODUCTION OF SENATE BILLS
(Calendar with all hearing published)

FEBRUARY 21, 2002

LAST DAY TO ACT ON SENATE BILLS

FEBRUARY 24, 2002 - MARCH 5, 2002

VACATION WEEK

APRIL 18, 2002

LAST DAY TO ACT ON ALL BILLS FROM
OTHER BODY

APRIL 25, 2002

LAST DAY TO FORM COMMITTEE OF
CONFERENCES

MAY 2, 2002

LAST DAY TO ACT ON COMMITTEE OF
CONFERENCE REPORTS

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 2002**. 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 10	8:30	Conant Elementary - Concord	4/25
April 10	9:30 & 11:00	Marston Elementary - Hampton	4/75
April 10	12:30 & 1:30	Centerwoods Elementary - Weare	4/50
April 10	2:30	Leadership Concord	30
April 11	9:30 & 11:00	Symonds School - Keene	4/50
April 12	8:30	Conant Elementary - Concord	4/25
April 12	9:30 & 11:00	Marston Elementary - Hampton	4/100

April 15	9:00	Henniker Elementary	4/25
April 15	11:00 & 12:30	Antrim Elementary	4/44
April 15	2:00	Teen Pact – Rhode Island	Teens/45
April 16	9:30	Newfields Elementary	5/35
April 16	10:00 & 12:00	Lincoln-Akerman Elementary – Hampton Falls	3 & 4/75
April 17	9:30 & 11:00	East Rochester Elementary	4/60
April 17	1:00 & 2:00	Hinsdale Elementary	4/75
April 18	9:30 & 11:00	Pleasant St. Elementary - Laconia	4/60
April 19	9:30 & 10:45	Henry Moore School - Candia	4/60
April 19	12:00 & 1:00	Maple St. School - Contoocook	4/88
April 22	10:00 & 11:15	Canaan Elementary	4/60
April 23	9:30 & 11:00	John Fueller School – North Conway	4/50
April 24	9:30 & 11:00	Hanover St. School - Lebanon	4/80
April 24	1:00	Trinity Christian School - Concord	5 & 6/34
April 25	9:30 & 11:00	Ray School – Hanover	3/104
April 26	10:00	Cornish Elementary	4/12
April 26	10:00	Freedom Elementary	4/13
April 26	11:30	Madison Elementary	4/28
April 26	2:00	CHOSNH-Christian Home School - Hollis	30
April 29	9:30 & 11:00	Epsom Central School	4/60
April 29	10:00	Seminary Hill Elementary – West Lebanon	4/40
April 30	10:00 & 11:30	Thornton Ferry -Merrimack	4/50
April 30	11:00	Danbury Elementary	3 & 4/26