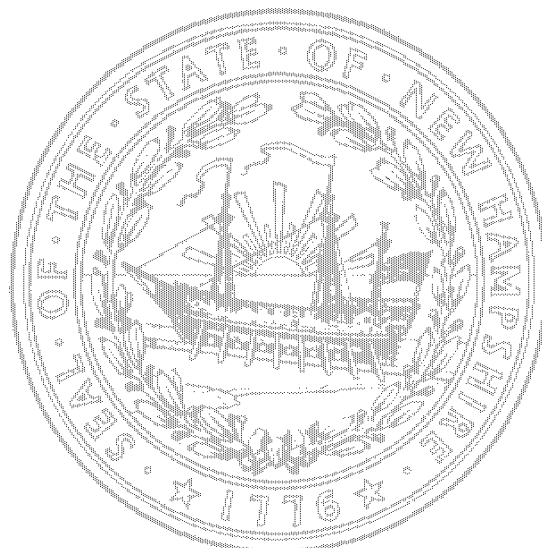


April 16, 2002
No. 26A

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR ADDENDUM

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

**THE SENATE WILL MEET IN SESSION ON THURSDAY, APRIL 18, 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

LAIID 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 284, (New Title) relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.

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 557, (New Title) relative to victims' assistance programs and the victims' assistance fund.

HB 587, (New Title) establishing a commission on the status of men.

HB 592, (2nd New Title) relative to a milfoil and other exotic aquatic plants prevention program.

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

HB 722, (New Title) relative to town, village district, and school district elections.

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 1218, relative to the regulation of pharmacists and prescription drug orders.

HB 1221, relative to coordinating certain town and school district meetings.

HB 1231, implementing a pre-engineering technology curriculum in the public high schools in the state.

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

HB 1302, relative to retroactive health insurance denials.

HB 1365, (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.

SPECIAL ORDER

10:16 A.M.

EDUCATION

HB 1446, relative to the recitation of the pledge of allegiance in the public schools. Vote 4-0
Ought to pass with amendment, Senator Johnson for the committee.

FINANCE

HB 1437-FN-A, (New Title) relative to increasing the staff in the consumer protection and
antitrust bureau of the department of justice. Vote 4-1

Inexpedient to Legislate, Senator Hollingworth 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 Eaton 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 6-0

Ought to Pass, Senator Boyce for the committee.

AMENDMENTS

Senate Education

April 15, 2002

2002-3482s

04/10

Amendment to HB 1446

Amend RSA 194:15-b as inserted by section 2 of the bill by replacing it with the following:

194:15-b New Hampshire School Patriot Act.

I. As a continuation of the policy of teaching our country's history to the elementary and
secondary pupils of this state, this section shall be known as the New Hampshire School Patriot
Act.

II. A school district shall authorize a period of time during the school day for the
recitation of the pledge of allegiance. Pupil participation in the recitation of the pledge of
allegiance shall be voluntary.

III. Pupils not participating in the recitation of the pledge of allegiance may silently
stand or remain seated but shall be required to respect the rights of those pupils electing to
participate. If this paragraph shall be declared to be unconstitutional or otherwise invalid, the
remaining paragraphs in this section shall not be affected, and shall continue in full force and
effect.

Senate Finance

April 15, 2002

2002-3475s

01/09

Amendment to HB 1461-FN

Amend RSA 4:45 as inserted by section 4 of the bill by replacing it with the following:

4:45 State of Emergency Declaration; Powers.

I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-P:35, VIII, 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:

(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.

(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.

(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.

(d) Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under RSA 21-P:34 through 21-P:48. 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.

(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.

(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.

REPORTS

CAPITAL BUDGET

HB 1000-FN-A, relative to the acquisition and oversight of certain rights in land located in Pittsburg, Clarksville, and Stewartstown, known as the Connecticut Lakes headwaters tract and making an appropriation therefor; establishing funds for the stewardship of these lands; and allowing state agencies to hold certain rights under the New Hampshire land and community heritage investment program. Vote 4-0

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

HB 1370, relative to establishing a 6-year capital budget. Vote 3-0
Interim Study, Senator Pignatelli for the committee.

EDUCATION

HB 631-L, (New Title) relative to access to public school programs by nonpublic or home educated pupils. Vote 2-0

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

HB 1328, (New Title) defining instructional time in public elementary and secondary schools. Vote 2-1

Inexpedient to Legislate, Senator Disnard for the committee.

HB 1483, (New Title) relative to municipal budget committees. Vote 2-0

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

ENVIRONMENT

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. Vote 2-0
Ought to pass with amendment, Senator Below for the committee.

EXECUTIVE DEPARTMENTS & ADMINISTRATION

HB 404, (New Title) relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals. Vote 4-0

Ought to Pass, Senator Flanders for the committee.

HB 523, (New Title) relative to filing fees and legislative approval of certain settlements by the attorney generals. Vote 4-0

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

HB 1207, relative to the regulation of the installation and servicing of fire suppression systems. Vote 4-0

Inexpedient to Legislate, Senator Flanders for the committee.

HB 1208, relative to real estate broker liens. Vote 4-0

Ought to Pass, Senator Francoeur for the committee.

HB 1318, (New Title) relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists. Vote 4-0

Ought to Pass, Senator Flanders for the committee.

HB 1343, relative to processing excavating and dredging permits. Vote 3-0

Interim Study, Senator Flanders for the committee.

HB 1388, relative to respiratory care. Vote 4-0

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

HB 1429, relative to the scope of the consumer protection act. Vote 3-0

Interim Study, Senator Flanders for the committee.

FINANCE

HB 213,-FN 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. Vote 4-0

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

HB 298-FN-L, (New Title) relative to charter schools and establishing a charter school revolving fund. Vote 3-2

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

HB 329-FN-L, (New Title) establishing a committee to study indoor air quality and fire safety in public schools. Vote 5-0

Ought to Pass, Senator Barnes for the committee.

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

MAJORITY REPORT: Inexpedient to Legislate, Senator Boyce for the committee. Vote 4-1

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

Vote 1-4

HB 650-FN, relative to master plans. Vote 5-0

Ought to Pass, Senator Larsen for the committee.

HB 1259-FN-L, relative to the base cost for calculating adequate education grants. Vote 6-0

Interim Study, Senator Boyce for the committee.

HB 1264-FN-L, 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. Vote 6-0

Ought to Pass, Senator Below for the committee.

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

MAJORITY REPORT: Ought to Pass, Senator Gatsas for the committee. Vote 3-2

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

Vote 2-3

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

Ought to Pass, Senator Barnes for the committee.

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

Vote 5-0

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

HB 1393, (New Title) relative to business replacement costs resulting from government program displacement. Vote 4-2

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

HB 1451-FN-A, implementing the Mobile Telecommunications Sourcing Act and relative to the telecommunications equipment assistance program. Vote 5-0

Ought to Pass, Senator Gatsas for the committee.

HB 1467-FN, relative to the cost of vaccines. Vote 5-1

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

INSURANCE

HB 672, (New Title) relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency. Vote 3-2

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

HB 1142, relative to the advisory council on unemployment compensation. Vote 4-1

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

HB 1194, relative to medical records. Vote 5-0

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

INTERNAL AFFAIRS

HB 1405, relative to the Memorial Day holiday. Vote 4-0

Interim Study, Senator Flanders for the committee.

HB 1441, relative to the availability of records of the joint committee on legislative facilities.

Vote 4-0

Ought to Pass, Senator Wheeler for the committee.

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. Vote 3-1

Ought to Pass, Senator Wheeler for the committee.

JUDICIARY

HB 386, relative to the relocation of the principal residence of a child. Vote 2-0

Ought to Pass, Senator Roberge for the committee.

HB 447, (New Title) establishing a task force on family law. Vote 3-0

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

HB 465, (New Title) relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. Vote 4-0

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

HB 586, excluding stepchildren from the definition of "child" in the context of support orders.

Vote 4-0

Inexpedient to Legislate, Senator Fernald for the committee.

HB 661, relative to hearing timelines in abuse and neglect cases. Vote 4-0

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

HB 678, relative to notice of release of an inmate from state prison. Vote 4-0

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

HB 686, relative to the scope of discovery in abuse and neglect cases. Vote 3-0

Interim Study, Senator Gordon for the committee.

HB 706, (New Title) relative to mediation in superior court cases involving children. Vote 4-0

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

HB 1108, (New Title) relative to administrative license suspension hearings. Vote 4-0

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

HB 1137, relative to the crime of resisting arrest. Vote 3-0

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

HB 1147, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. Vote 3-1

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

HB 1175, relative to proclaiming oneself a New Hampshire native. Vote 4-0

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

HB 1217, relative to payment of trust income. Vote 4-0

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

HB 1249, adopting the model Drug Dealer Liability Act. Vote 4-0

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

HB 1311, (New Title) relative to certain mental health records and establishing a committee to study the protection of certain medical information. Vote 3-1

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

HB 1338, clarifying that the judicial council is responsible for payment of indigent defense expenses. Vote 2-1

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

HB 1390, relative to quality assurance information. Vote 4-0

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

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. Vote 2-0

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

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. Vote 3-1

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

HB 1433, (New Title) prohibiting intoxication and constructive possession of alcohol by minors.
Vote 4-0

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

HB 1457, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests. Vote 4-0

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

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES

HB 1413, relative to disclosure of information by hospitals. Vote 5-0

Ought to Pass, Senator Wheeler for the committee.

TRANSPORTATION

HB 1134, relative to lighting requirements for motor vehicles and trailers. Vote 2-0

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

HB 1348, clarifying the law regarding title-exempted vehicles. Vote 3-0

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

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. Vote 4-0

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

WILDLIFE & RECREATION

HB 1235, relative to operation of motorized vessels and safe boater education. Vote 3-0

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

AMENDMENTS

Capital Budget

April 17, 2002

2002-3587s

06/01

Amendment to HB 1000-FN-A

Amend RSA 12-A:9-b, V as inserted by section 3 of the bill by replacing it with the following:

V. The duties of the committee shall include and be limited to:

(a) Providing advice to the monitoring entity for monitoring compliance with the terms and conditions of the working forest conservation easement covering approximately 146,400 acres of the Connecticut Lakes headwaters tract.

(b) Providing advice to the department of resources and economic development and the fish and game department on the management of public recreational use of the Connecticut Lakes headwaters tract, including the siting and approval of the first 10 new leases, the seasonal use of the road system, snowmobile trails and their use, and the terms for access and use of the tract by motorized vehicles. Such advice shall be offered in cooperation with the private landowner.

(c) Providing advice on the management of state park and natural areas within the tract owned in fee by the state.

(d) Providing advice to the department of resources and economic development and the fish and game department on any proposed revision to the stewardship or management plans required by the conservation easements on the 146,400 acres or the natural areas and, should amendments to these easements ever be contemplated, on the proposed amendments.

(e) Exercising authority to decide if 15 leases in addition to those in subparagraph (b) should be allowed and where such leases should be located, if the private owner or any future private owner requests this action.

(f) Exercising authority to decide if the private buyer, or any future private owner, should be allowed to exercise its rights under the conservation easement for commercial recreational activities for which the private owner may charge fees.

(g) Exercising authority to decide if the state can build structures for visitor support facilities as described in the conservation easement for the 146,400 acres.

Amend section 4 of the bill by replacing it with the following:

4 Acquisition of Certain Lands and Rights in Lands.

I. The governor is authorized to expend an amount not to exceed \$10,000,000 to purchase fee real estate, conservation easement interests and to cover related acquisition costs for the property in Pittsburg, Clarksville, and Stewartstown, New Hampshire, consisting of approximately 171,500 acres known as the Connecticut Lakes headwaters tract. The purchase price of such real estate and conservation easement interests shall not exceed the appraised value. The 171,500 acres known as the Connecticut Lakes headwaters tract shall be purchased by The Trust for Public Land, a not-for-profit corporation, from International Paper Corporation on or before March 29, 2002 and such conveyance shall be recorded in the Coos county registry of deeds. The state shall then purchase real estate interests in the tract.

II. Of the acreage described in paragraph I, the state's fee ownership of 25,000 acres in natural areas shall be subject to a conservation easement to be held by a qualified not-for-profit conservation organization or other qualified entity or both, and shall be managed in the public interest by the fish and game department. The conservation easement for such 25,000 acres shall be negotiated between the fish and game department and The Nature Conservancy, shall be substantially in the form of the February 6, 2002 Draft Grant of Conservation Easement, and shall be guided by the December 7, 2001 Final Report of the Connecticut Lakes Headwaters Partnership Task Force.

III. Of the acreage under paragraph I, 146,400 acres shall be sold to a private buyer subject to a perpetual conservation easement held by the state of New Hampshire under the jurisdiction of the department of resources and economic development. The conservation easement for such 146,400 acres shall be negotiated between the department of resources and economic development and the private buyer and approved by the commissioner of the department of resources and economic development, shall be substantially in the form of the January 18, 2002 Draft Grant of Conservation Easement, and shall be guided by the December 7, 2001 Final Report of the Connecticut Lakes Headwaters Partnership Task Force. One hundred acres shall be managed by the department of resources and economic development as an addition to the Deer Mountain campground.

Senate Education
April 17, 2002
2002-3577s
04/05

Amendment to HB 631-LOCAL

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

1 New Section; Pupils; School Attendance; Access to Public School Programs. Amend RSA 193 by inserting after section 1-b the following new section:

193:1-c Access to Public School Programs by Nonpublic or Home Educated Pupils.

I. Nonpublic or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for non-public or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall not include any pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

2 Repeal. RSA 193:1-a, II, relative to the eligibility of home educated resident pupils to attend curricular public school courses, is repealed.

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

2002-3577s

AMENDED ANALYSIS

This bill provides that home educated pupils shall have access to curricular courses or cocurricular programs offered by the school district in which the pupil resides, and that local school boards may establish a policy regulating participation in curricular courses and cocurricular programs, provided the policy is not more restrictive for non-public or home educated pupils than the policy governing the school district's resident pupils.

Environment
April 17, 2002
2002-3575s
06/09

Amendment to HB 1449-A

Amend the bill by replacing sections 2 and 3 with the following:

2 Pilot Program Established; Instream Flow Rules for the Lamprey River and the Souhegan River.

I. There is established a pilot program for the purpose of studying and establishing protected instream flows and water management plans for the Lamprey River and the Souhegan River, and their respective tributary drainage areas.

II. The commissioner of the department of environmental services shall adopt instream flow rules pursuant to RSA 541-A and RSA 483:9-c relative to the Lamprey River, as designated in RSA 483:15, I, and the Souhegan River, as designated in RSA 483:15, XIII. For each of the designated rivers, the instream flow rules shall require that a protected instream flow study be

conducted prior to the commissioner of the department of environmental services adopting a protected instream flow level and a water management plan.

III. The commissioner of the department of environmental services shall initiate and adopt rules pursuant to RSA 541-A for other rivers designated under RSA 483:15 only after the adoption and implementation of the rules relative to protected instream flows pursuant to RSA 483:9-c for the Lamprey and Souhegan rivers and completion of the report required under section 3, III(d) of this act, but not before December 1, 2006.

3 Instream Flow Technical Review Committees; Establishment; Duties.

I.(a) There are established instream flow technical review committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, an instream flow technical review committee for each river shall be appointed and convened. There shall be 14 members of each committee appointed as described by this paragraph.

(b) The duty of each committee shall be to advise the department on the preparation and conduct of the protected instream flow study. The committees may seek input from appropriate state and federal agencies and other interested parties as necessary.

(c) A committee member shall have either education or experience in water resources management or protection. The members shall be appointed by the commissioner of the department of environmental services in consultation with the rivers management advisory committee, as follows:

- (1) One representative from New Hampshire fish and game department;
- (2) One representative of the United States Environmental Protection Agency;
- (3) One representative of the United States Fish and Wildlife Service;
- (4) One representative of the United States Geological Survey;
- (5) Four technical representatives of business interests, one of whom shall be a municipal water supplier;
- (6) Four technical representatives of conservation interests; and
- (7) Two ex officio representatives of the New Hampshire general court; the chairperson of the senate environment committee, or designee, and the chairperson of the house resources, recreation and development committee, or designee.

(d) The members of each committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of each committee shall be called by the commissioner of the department of environmental services. Legislative members of each committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(e) The instream flow technical review committees shall make annual reports regarding their progress and findings on or before November 1 of each year of their existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

II.(a) There are established water management planning area (WMPA) advisory committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, a water management planning area advisory committee for each river shall be appointed and convened. There shall be up to 20 members of each committee appointed as described in this paragraph.

(b) The committee shall, with respect to the river for which the committee was appointed:

- (1) Provide information toward the development of the water management plan and the implementation of the protected instream flow;
- (2) Review and comment on the water management plan; and
- (3) Assist the department in hearings, negotiations, and public meetings related to the protected instream flow and the water management plan.

(c) The members shall be nominated by the commissioner of the department of environmental services in consultation with the rivers management advisory committee and shall be appointed by the governor and approved by the executive council, as follows:

- (1) Two local rivers management advisory committee representatives;
- (2) Four affected business water users in the WMPA;
- (3) One conservation commission member from a town or city in the WMPA;
- (4) Up to 3 government official representatives from a town or city in the WMPA;
- (5) One representative of recreational interests in the WMPA;
- (6) One community citizen representative from a town or city in the WMPA;
- (7) One representative of conservation interests in the WMPA;
- (8) One representative of business in a town or city in the WMPA;
- (9) One state senator in a town or city in the WMPA;
- (10) One state representative in a town or city in the WMPA;
- (11) One representative of a lake association in the WMPA, if any;
- (12) One public water supplier in the WMPA, if any;
- (13) One affected dam owner in the WMPA, if any; and
- (14) One affected agricultural water user in the WMPA, if any.

(d) The members of each committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of each committee shall be called by the commissioner of the department of environmental services. Legislative members of each committee shall receive mileage at the legislative rate when attending to the duties of the committees.

(e) Each water management planning area advisory committee shall make an interim report regarding their progress and findings on or before November 1 of each year of their existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

III. The commissioner of the department of environmental services shall:

(a) By April 1, 2005, conduct protected instream flow studies and submit a report that details the results of science for the pilot program, including the projected impacts of the protected instream flows and water management plans to be implemented on water users, wildlife, recreation, and other interests along the rivers and any recommendations for proposed legislation. The department shall hold a public hearing jointly with the senate environment committee and the house resources, recreation and development committee within 60 days and be open for a public comment period of an addition 30 days. The department shall consider the public comments received in any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(b) By October 1, 2005, adopt and implement the protected instream flows and water management plans relative to the Lamprey River and the Souhegan River.

(c) One year after the adoption and implementation of the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River, the department shall hold a public hearing and open a 30-day public comment period. The department shall consider the public comments received in any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(d) By December 1, 2006, submit a report that details the activities and results of the pilot program, including the impacts of the protected instream flows and water management plans on water users, wildlife, recreation, and other interests along the rivers and any recommendations for proposed legislation. The report shall also include a summary of public comments received and the completed instream flow studies and the adopted protected instream flow levels and water management plans and shall be submitted to the senate president, the speaker of the house of representatives, the governor, and the state library.

Senate Executive Departments and Administration
April 17, 2002
2002-3590s
08/10

Amendment to HB 523

Amend the bill by replacing section 3 with the following:

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

Senate Finance
April 16, 2002
2002-3540s
09/01

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 appraisal 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. Any contract or agreement entered into for a reassessment or new assessment ordered by the board of tax and land appeals, pursuant to RSA 71-B, shall be first submitted to the commissioner for examination and approval. 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~~

(a) Contract or agreement provisions for a full revaluation, a partial revaluation, or a statistical update; and

(b) Methodology for inspection, evaluation, and testing of data for the purpose 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.

2002-3540s

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.

Senate Finance
April 17, 2002
2002-3576s
04/10

Amendment to HB 298-FN-LOCAL

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

AN ACT relative to charter schools.

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

1 New Section; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new section:

194-B:3-a Charter School Approval by State Board of Education Pilot Program.

I. There is hereby established a 10-year pilot program which authorizes the state board of education to grant charter status under this section. Beginning January 1, 2002, the state board of education shall be authorized to grant no more than 2 state charter school applications each year.

II. The proposed charter school application shall be presented for approval directly to the state board of education by the applicant of the prospective charter school no later than June 15 of the year preceding intended operation. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II (a)-(bb). The department of education shall notify an applicant of any missing information within 10 days of the initial filing or by June 30, whichever is earlier. The applicant shall have until July 15 to refile an application.

III. The department of education may forward the proposed application to the applicant, along with a written statement detailing any suggested amendments or modifications.

IV. By September 30 of the given year, the state board of education shall either approve or deny an application based on the criteria set forth in RSA 194-B:1-a. Approval of an application constitutes the granting of charter status and the right to operate as a charter school. The state board of education shall notify all applicants of their decision, and shall include in any notice of denial a statement that the applicant may reapply under RSA 194-B:3, RSA 194-B:4, or under this section in a subsequent year.

V.(a) The following provisions of law shall not apply to charter school applications proposed under this section, or to charter schools granted approval for operation under this section:

- (1) RSA 194-B:3, II (cc).
- (2) RSA 194-B:3, III-IV.
- (3) RSA 194-B:3, XI.
- (4) RSA 194-B:4.
- (5) RSA 194-B:15, II.

(b) Except as provided in this paragraph, the provisions of RSA 194-B shall apply to charter schools approved for operation by the state board of education under this section.

2 Charter School Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school, the pupil's resident district shall pay to such school ~~[an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department]~~ **tuition in an amount not less than the base cost per pupil as determined in RSA 198:40 as adjusted for grade level weights as determined in RSA 198:38.** Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, ~~[funding for a pupil attending a charter or open enrollment school shall be paid on the same time schedule as the resident district,]~~ **tuition payments shall coincide with the distribution of adequacy grants under RSA 198:42** or on such other terms as ~~[the school and the funding source may find]~~ **as are** mutually acceptable.

3 New Paragraph; Charter School Funding. Amend RSA 194-B:11 by inserting after paragraph VIII the following new paragraph:

IX.(a) The pupil's resident school district shall pay tuition in cash or may issue reimbursement anticipation notes as set forth in RSA 198:20-d for each year in which a resident pupil attends a charter school approved by the state board of education. Unless otherwise agreed upon, cash payment shall coincide with the schedule for grant payment set forth in RSA 198:42. The reimbursement anticipation note shall be in the amount of the average base cost per pupil of an elementary or high school pupil, as calculated under RSA 198:40, for the year of attendance at the charter school, and shall be issued to the charter school prior to the beginning of the school year of the charter school. Each reimbursement anticipation note issued shall be for a term of 3

years from the date of issue or would be redeemable by the charter school at such time as the charter school or the pupil's resident school district receives adequate education grant amounts pursuant to RSA 198:42.

(b) Upon receipt of such reimbursement anticipation notes, the charter school may elect to borrow funds for the purpose of meeting general operating and maintenance expenses for charter school operations.

(c) Not more than 5 percent of the resident pupils in any grade shall be eligible to transfer to a charter school in any school year without the approval of the local school board.

4 New Paragraph; Charter and Open Enrollment Schools; Duties of the Board of Trustees. Amend RSA 194-B:5 by inserting after paragraph V the following new paragraph:

VI. The meetings and proceedings of the board of trustees shall be held in public session pursuant to RSA 91-A:2, except for those meetings or proceedings designated as nonpublic sessions as defined in RSA 91-A:3, II.

5 Repeal. RSA 194-B:3-a, relative to direct approval of charter schools by the state board of education, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2012.

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

2002-3576s

AMENDED ANALYSIS

This bill establishes a 10-year pilot program for the approval of up to 2 charter schools per year by the state board of education and creates certain exemptions from existing law relative to the approval process, while subjecting charter schools approved by the state board of education to the same oversight and reporting requirements found in the existing charter school laws. The bill provides that funding for charter schools shall be through reimbursement anticipation notes or cash tuition payments directly payable to the charter school.

Senate Finance - Minority

April 17, 2002

2002-3574s

08/09

Amendment to HB 589

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect January 1, 2003.

2002-3574s

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, 2006.

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

Senate Finance - Minority
April 17, 2002
2002-3579s
09/01

Amendment to HB 1268-FN

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

1 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3)[(C)] of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. ***For taxable periods ending on or before June 30, 2003***, a net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 ~~[and such apportioned]~~ Net operating ~~[loss]~~ ***losses*** may only be carried forward for the ~~[5]~~ ***15*** years following the loss year. ***For taxable periods ending on or before June 30, 2003***, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the amount of the net operating loss carryover shall be limited to losses incurred on or after ~~[January 1, 1989]~~ ***July 1, 1997***.

2 Applicability. Section 1 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2003.

3 Effective Date. This act shall take effect July 1, 2003.

Senate Finance
April 17, 2002
2002-3567s
09/01

Amendment to HB 1366-FN

Amend the bill by replacing section 2 with the following:

2 State Employee Recognition and Award Program. RSA 99-E is repealed and reenacted to read as follows:

CHAPTER 99-E

STATE EMPLOYEE RECOGNITION AND AWARD PROGRAM

99-E:1 Committee. There is hereby established an evaluation committee to review employee suggestions and extraordinary service and to make awards.

I. The committee shall consist of:

- (a) The director of personnel, who shall serve as chairman.
- (b) The commissioner of administrative services, or designee.
- (c) Two members, appointed by the governor from certified bargaining representatives selected from lists to be provided by the bargaining organization, who shall have 2-year terms.
- (d) One member of the senate, appointed by the senate president, who shall serve a term coterminous with the member's legislative term.
- (e) One member of the house of representatives, appointed by the speaker of the house of representatives, who shall serve a term coterminous with the member's legislative term.
- (f) One member selected by the other members, who shall have a 2-year term.

II. The committee shall submit to the governor and the general court a biennial report of its activities, including employees recognized and rewarded, and efficiencies realized. The report shall be submitted by October 1 of each even-numbered year.

99-E:2 Awards. The committee shall give recognition, and if appropriate, awards to state employees as follows:

I. Monetary awards for original suggestions to improve government operation, safety, cost-savings, or efficiency; or

II. Nonmonetary recognition for extraordinary service in the interest of the state. Any state employee shall be eligible based on a suggestion or service which is outside or beyond the employee's regular responsibilities or performance standards.

99-E:3 Administration of Monetary Awards Program.

I. A state employee interested in receiving a monetary award under RSA 99-E:2, I shall submit in writing an original proposal to the employee's department head and the legislative budget assistant. The written proposal shall include the employee's name, position, department, and the date and time of filing. Employees may jointly submit one proposal. If the same idea is submitted individually, the first to submit the written proposal to the department head and to the legislative budget assistant shall be entitled to any award.

II. Within 90 days of receiving the proposal, the department shall inform the employee and the legislative budget assistant in writing whether they intend to implement the proposal or whether more information is required. If more information is needed, the department shall state the amount of additional time required and shall notify the employee and the legislative budget assistant in writing of the department's decision regarding implementation of the proposal.

III. Within 12 months of implementation, the legislative budget assistant shall conduct an audit to determine the amount of cost-savings resulting from the employee's proposal. The cost of the audit shall be paid by the department in the next biennium from moneys identified as resulting from any cost-savings.

IV. By February 1 of each year, the legislative budget assistant shall submit award proposals received in the previous year, whether such proposals were implemented or not, to the committee, the governor and council, the speaker of the house of representatives, and the president of the senate.

99-E:4 Amount of Monetary Awards.

I. An employee who is eligible for a monetary award under RSA 99-E:3 shall receive either \$10,000 or 10 percent of the cost-savings realized in the first year of implementation of the proposal, whichever is less.

II. An amount equal to the monetary award shall be appropriated to the department in the biennium following implementation of the proposal. If the department is federally funded, the award shall be paid from the general fund, and the governor is authorized to draw a warrant for award granted out of any money in the treasury not otherwise appropriated. If the

department is self-funding, the award shall be paid from the department's operating budget. The department head shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

99-E:5 Nonmonetary Recognition. A state employee shall be eligible for recognition under RSA 99-E:2, II based on the recommendation of the employee's supervisor or department head, for extraordinary suggestions or service in the interest of the state which are beyond the employee's regular responsibilities or performance standards. The committee, in conjunction with the employee's supervisor or department head, shall determine the appropriate form of recognition to which the employee is entitled.

99-E:6 Entitlement. No person shall have any vested rights to such recognition or award under this chapter.

99-E:7 Rulemaking. The committee shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Procedures for submitting suggestions and nominations based on extraordinary service.
- II. Standards for giving recognition and rewards.
- III. Standards for the amount of reward based on the value of the suggestion or service.

Senate Finance
April 17, 2002
2002-3568s
09/10

Amendment to HB 1393

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

AN ACT relative to a study of the payment of business replacement costs resulting from government program displacement and relative to maximum payments for certain displacement expenses.

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

1 Committee to Study Eminent Domain Proceedings; Duty Added. Amend section 3 of SB 187-FN of the 2002 session by inserting after paragraph V the following new paragraph:

VI. Study the payment of business replacement costs resulting from government program displacement.

2 Committee Established.

I. There is established a committee to study the payment of business replacement costs resulting from government program displacement.

II.(a) The members of the committee shall be as follows:

- (1) Three members of the senate, appointed by the president of the senate.
- (2) Three members of the house of representatives, appointed by the speaker of the house.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the payment of business replacement costs resulting from government program displacement.

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 45 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, and the state library on or before November 1, 2002.

3 Moving and Related Expenses. Amend RSA 124-A:3, I(d) to read as follows:

(d) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in accordance with criteria to be established by the lead agency, but not to exceed ~~[[\$10,000]~~ **\$250,000**.

4 Contingency. If SB 187-FN of the 2001 legislative session becomes law, then section 1 of this act shall take effect upon passage of this act and section 2 of this act shall not take effect. If SB 187-FN does not become law, then section 2 of this act shall take effect upon passage of this act and section 1 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 4 of this act.

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

2002-3568s

AMENDED ANALYSIS

This bill provides for the study of payment of business displacement costs resulting from government program displacement.

The bill also increases the maximum payment which a displaced person may be paid by a displacing agency for actual reasonable expenses necessary to reestablish a displaced form, nonprofit organization, or small business at its new site.

Senate Finance
April 16, 2002
2002-3499s
01/09

Amendment to HB 1467-FN

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

II. The general court further finds that future funding for vaccines is in jeopardy due to the increasing costs of existing vaccines, the expected introduction of new and more costly products, and the unpredictability of financial participation by insurers. Therefore, it shall be the responsibility of the department of health and human services to purchase vaccines at the most economical price using a combination of general funds, federal funds, and funds provided by insurers through the New Hampshire vaccine association, and it shall be the responsibility of insurers to reimburse the state for the cost of vaccines that are provided to New Hampshire insured resident children.

Amend RSA 126-Q:1 as inserted by section 2 of the bill by replacing it with the following:

126-Q:1 Definitions. In this chapter:

I. "Association" means the New Hampshire vaccine association.

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

III. "Covered lives" shall have the same meaning as defined in RSA 404-G:2, V.

IV. "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines purchased at the federal discount rate by the department of health and human services.

V. "Health insurance" shall have the same meaning as defined in RSA 404-G:2, VII.

VI. "Licensed insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B. "Licensed insurer" shall not include the New Hampshire Individual Health Plan Benefit Association.

VII. "Total non-federal program cost" means the estimated vaccine cost less the amount of federal revenue available to the state for the purchase, distribution, and administration of vaccines.

VIII. "Vaccine" means any preparations of killed microorganisms, living attenuated organisms, or living fully virulent organisms that are approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and have been authorized by the commissioner of the department of health and human services for administration to children of the state of New Hampshire under the age of 19 years for the purposes of producing or artificially increasing immunity to particular life-threatening and disabling diseases.

Amend RSA 126-Q:4 as inserted by section 2 of the bill by replacing it with the following:

126-Q:4 Assessment Determination.

I. The commissioner shall calculate the total non-federal program cost no later than October 1 of each year.

II. The board shall determine the amount to be raised by the association by multiplying the ratio of the number of covered lives to the total number of non-elderly New Hampshire residents by the total non-federal program cost.

III. For any year in which the total non-federal program cost exceed 50 percent of the estimated vaccine cost, then the amount to be raised by the association shall be determined by multiplying the ratio of the number of covered lives to the total number of non-elderly New Hampshire residents by 50 percent of the estimated vaccine cost.

IV. Each licensed insurer shall be assessed in proportion to the number of its covered lives.

V. The aggregate amount to be raised by the association shall include credit for any surpluses remaining from prior years, as well as reasonable costs for the association's administration.

Insurance
April 17, 2002
2002-3553s
09/04

Amendment to HB 672

Amend RSA 415:18-a, I(a) (4) as inserted by section 1 of the bill by replacing it with the following:

(4) Psychiatric/mental health advanced registered nurse practitioners.

Amend RSA 415:18-a, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Policies written pursuant to this section shall include coverage for expenses arising from treatment for chemical dependency including alcoholism, up to a specified limit which may be defined in terms of a dollar amount or a maximum number of days or visits. Coverage for expenses arising from treatment for chemical dependency, including alcoholism, shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

Amend RSA 420-B:8-b, III as inserted by section 2 of the bill by replacing it with the following:

III. Coverage shall be provided for expenses arising from treatment for chemical dependency, including alcoholism, up to a specified limit which may be defined in terms of a dollar amount or a maximum number of days or visits. Coverage shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

2002-3553s

AMENDED ANALYSIS

This bill revises the laws relative to insurance coverage for mental and nervous conditions. The bill also requires insurance coverage for treatment for chemical dependency, including alcoholism.

Insurance
April 17, 2002
2002-3558s
08/09

Amendment to HB 1142

Amend the bill by replacing section 1 with the following:

1 Advisory Council. Amend RSA 282-A:128 to read as follows:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation, hereinafter called the advisory council. The advisory council shall consist of 9 members to be appointed, with the exception of the legislative members, ~~[upon recommendations of the commissioner]~~ by the governor with the consent and advice of the governor's council. Three of the appointees of this advisory council shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; one shall be a senator from the insurance committee appointed by the senate president; one shall be a representative from the labor, industrial and rehabilitative services committee appointed by the speaker of the house; the remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. Such advisory council shall ***meet no later***

than 45 days after each calendar quarter and aid the commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. ***Advisory council meetings shall provide opportunity for public comment. Public comment shall be limited to items on the agenda.***

Insurance
April 17, 2002
2002-3561s
09/01

Amendment to HB 1194

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

AN ACT relative to employer-sponsored group health insurance plans, relative to certain technical changes in the insurance laws, and establishing a study committee on employer-sponsored group health insurance plans and cancellations of such plans.

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

1 New Subdivision; Employer-Sponsored Group Health Insurance Plan. Amend RSA 415 by inserting after section 24 the following new subdivision:

Employer-Sponsored Group Health Insurance Plans

415:25 Employer-Sponsored Group Health Insurance Plans.

I. Any employer offering a group health insurance plan under this chapter, RSA 420-A, or RSA 420-B to its employees shall notify the health insurance carrier of the amount of such employer's employee contributions for such plan.

II. The health insurance carrier shall notify the insurance commissioner in the event that an employer is over 31 days delinquent regarding the payment of the premium.

2 New Subdivision; Employer-Sponsored Group Health Insurance Plans. Amend RSA 275 by inserting after section 60 the following new subdivision:

Employer-Sponsored Group Health Insurance Plans

275:61 Employer-Sponsored Group Health Insurance Plans; Escrow Required. Following one notification of delinquency under RSA 415:25, II, an employer offering a group health insurance plan, issued pursuant to RSA 415, RSA 420-A, or RSA 420-B, to its employees shall maintain an escrow account or accounts, separate and apart from an individual or office account, into which all employee contributions for such health insurance plan shall be deposited. The escrow account or accounts shall be maintained in an insured financial institution within the state of New Hampshire. The employer shall certify to the health insurance carrier that such an account has been established.

3 Standards for Accident and Health Insurance; Appeal Procedure. Amend RSA 415-A:4-b, I(a) to read as follows:

(a) The person or persons reviewing the grievance shall not be the same person or persons making the initial determination, shall not be subordinate to ~~[or the supervisor of]~~ the person making the initial determination, and shall act as a fiduciary;

4 Managed Care Law; Grievance Procedures. Amend RSA 420-J:5, I(a) to read as follows:

(a) The persons reviewing the grievance shall not be the same person or persons making the initial determination, and shall not be subordinate to ~~[or the supervisor of]~~ the person making the initial determination;

5 Committee Established. There is established a committee to study employer-sponsored group health insurance plans and cancellations of such plans.

6 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.

7 Duties. The committee shall study employer-sponsored group health insurance plans and cancellations of such plans.

8 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.

9 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.

10 Effective Date

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2002-3561s

AMENDED ANALYSIS

This bill requires employers offering group health insurance plans to their employees to notify the health insurance carrier of the amount of employee contribution. The bill also requires such an employer to escrow employees' contributions, if the insurance commissioner is notified of the employer's delinquency regarding the payment of the premium.

This bill makes certain technical changes to certain appeal procedures under the insurance laws.

The bill also establishes a committee to study employer-sponsored group health insurance plans and cancellation of such plans.

Senate Judiciary
April 17, 2002
2002-3548s
05/03

Amendment to HB 447

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

AN ACT establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; and relative to the judicial conduct commission and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Task Force on Family Law Established.

I. There is established the task force on family law consisting of 22 members who shall serve at the pleasure of the governor. The members shall include persons familiar with family law, mediation, family support, and children's services. All non-legislative members shall be appointed by the governor. The members of the task force shall be as follows:

- (a) A marital master.
- (b) A judge of the superior court.
- (c) A judge of the family division.
- (d) A court alternative dispute resolution representative.
- (e) An attorney with the department of health and human services, division of children, youth, and families.
- (f) A representative of the department of health and human services, division of child support and child support enforcement.
- (g) A child psychologist.
- (h) Two members of the New Hampshire Bar Association, one of whom shall be a member of the family law section.
- (i) A representative of guardians ad litem.
- (j) A child impact provider/instructor.
- (k) A representative from the commission on the status of women.
- (l) A representative from the commission on the status of men.
- (m) A representative of the New Hampshire Coalition Against Domestic and Sexual Violence.
- (n) Two members of the house of representatives, one of whom is a member of the children and family law committee and one of whom is a member of the judiciary committee, appointed by the speaker of the house of representatives.
- (o) A member of the senate, appointed by the senate president.
- (p) A male community member who is also an experienced consumer of family law, mediation, family support, or children's services.
- (q) A female community member who is also an experienced consumer of family law, mediation, family support, or children's services.
- (r) Two at-large members.
- (s) The executive director of the judicial council.

II. The governor shall appoint one member to serve as the chairperson. The task force shall meet at least monthly at a date, time, and place designated by the chairperson. Nine persons shall constitute a quorum for the transaction of business. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

III. A member who misses 3 consecutive meetings may be removed from the task force. The governor shall immediately fill all vacancies of non-legislative members. The speaker of the house of representatives or the senate president shall immediately fill all vacancies of legislative members.

Amend paragraph II as inserted by section 3 of the bill by replacing it with the following:

II. Submit a final report 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, 2003. The final report shall outline the findings and recommendations of the task force.

Amend the bill by replacing all after section 3 with the following:

4 Payment of Expenses. Amend RSA 604-A:8 to read as follows:

604-A:8 Payment of Expenses.

I. Each claim and written statement in support thereof when approved by the court shall be forwarded to the ~~[commissioner of administrative services]~~ **judicial council** for payment. ~~[The commissioner of administrative services may adopt rules, under RSA 541-A, in addition to the requirements of paragraph II, to carry out the provisions of this section.]~~ **The judicial council shall pay bills in accordance with supreme court rules regarding indigent defense, as well as any rules adopted by the commissioner of administrative services under RSA 604-A:10, IV.**

II. Statements submitted by counsel for payments of fees shall in each case be examined by the trial and appellate judges and certified by them as to the reasonableness of the fee requested and whether the defendant continued to be eligible for assignment of counsel during the duration of the trial. Such certificates shall be attached to the request for payment of counsel fees. Counsel must submit bills to the appropriate court for payment within 60 days of the disposition of a case unless the trial judge finds that there are extenuating circumstances. Courts shall, within 30 days of receipt, certify statements as outlined above and forward the certified statements to the ~~[commissioner of administrative services]~~ **judicial council** for payment.

5 Records Required. Amend RSA 604-A:10 to read as follows:

604-A:10 Rulemaking; Records Required; **Judicial Council**; Commissioner of Administrative Services.

I. The ~~[commissioner of administrative services]~~ **judicial council** shall keep records of the notification of eligibility and assignment of counsel as submitted by the courts of the state pursuant to supreme court order 81-5A and subsequent related orders. In addition to any other use the ~~[commissioner of administrative services]~~ **judicial council** shall make of these records, the ~~[commissioner of administrative services]~~ **judicial council** shall keep records including the following information and compile such information on a monthly basis:

(a) The name of the courts, including the location and the type of the court.
(b) The type of the case as defined by the most serious offense charged in the case, according to the following categories:

- (1) Homicide
- (2) Other felony
- (3) Misdemeanor
- (4) Juvenile
- (5) Other

(c) Whether the case was assigned to a private attorney or a public defender.

II. When a final bill has been approved for payment to a private attorney, the ~~[commissioner of administrative services]~~ **judicial council** shall record the following information:

- (a) The type of case as defined in RSA 604-A:10, I(b).
- (b) The amount of the attorney's fee.

III. The ~~[commissioner of administrative services]~~ **judicial council** shall also compile the gross monthly cost for bills approved for payment for expenses other than counsel, including those pursuant to RSA 604-A:6.

IV. The commissioner of administrative services shall, with the approval of the attorney general, adopt rules pursuant to RSA 541-A, governing determinations of eligibility for payment of indigent defense expenditures, determinations of repayment schedules, financial and credit

investigations, and any other matters ~~[he]~~ **the commissioner** deems necessary or advisable for the performance of ~~[his]~~ duties under this chapter.

6 New Sections; Administrative Support; Legal Costs. Amend RSA 494-A by inserting after section 17 the following new sections:

494-A:18 Administrative Support. Notwithstanding RSA 494-A:1, upon request of the commission, the department of administrative services shall assist the commission in matters related to personnel and benefits administration, purchasing, telecommunications, financial data management, and property management. Upon request of the commission, the state library shall assist the commission in development and maintenance of a web page on the official state website.

494-A:19 Legal Costs. With the approval of the joint legislative fiscal committee, the commission may employ counsel, attorneys, and other assistants, in case of reasonable necessity, and may pay them reasonable compensation. The governor is authorized to draw a warrant for the costs of such compensation out of any money in the treasury not otherwise appropriated.

7 Appropriation Made Nonlapsing. Amend 2001, 267:8 to read as follows:

267:8 Appropriation. The sum of ~~[\$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year]~~ **\$375,000 for the biennium** ending June 30, 2003 ~~[are]~~ **is** hereby appropriated to the judicial conduct commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said ~~[sums]~~ **sum** out of any moneys in the treasury not otherwise appropriated.

8 Judicial Conduct Commission; Definition of Clerk Added; Definition of Judge Amended. Amend RSA 494-A:2 to read as follows:

494-A:2 Definitions. In this chapter:

I. "Clerk" means a clerk of court or a deputy clerk, a register of probate or deputy register, a court stenographer or reporter, and any person performing the duties of a clerk, register, or reporter.

~~[I.]~~ **II.** "Commission" means the judicial conduct commission established under RSA 494-A:1.

~~[II.]~~ **III.** "Executive director" means the executive director of the commission appointed under RSA 494-A:3.

~~[III.]~~ **IV.** "Judge" means ~~[supreme court justices under RSA 490:1; superior court judges under RSA 491:1; superior court marital masters; district court judges under RSA 502 A:3; and probate court judges, under RSA 547]~~ **a full-time or part-time judge of the supreme, superior, district, or probate court; a retired judge who is recalled to judicial service; a full-time marital master; and any referee or special master who is an officer of the judicial system and who performs judicial functions.**

9 Judicial Conduct Commission; Terms of Office; Service Pending Appointment of Successor. Amend RSA 494-A:5, II to read as follows:

II. After the initial appointment, a member may be reappointed for an additional term of 4 years. Members may not serve more than 2 consecutive terms. Members who have served 2 consecutive terms may not be reappointed until they have been off the commission for a period of 4 years. ***Notwithstanding the term limits established in this paragraph, members may serve until their successors have been appointed.***

10 Judicial Conduct Commission; Duties; Proceedings; Clerks Added. Amend RSA 494-A:10 to read as follows:

494-A:10 Duties; Proceedings.

I. The commission shall be responsible for addressing complaints concerning the conduct of judges **and clerks** in the courts of this state. The commission shall determine if a complaint constitutes conduct which violates the Code of Judicial Conduct. The commission shall adopt rules for its proceedings under this chapter. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. If the commission finds evidence of criminal acts, it shall report such evidence to the attorney general.

If the commission finds that a judge's **or clerk's** conduct warrants the removal of the judge **or clerk**, the commission shall refer the matter to the legislature.

II. The commission shall, by rules under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August 1990), as adopted by the House of Delegates of the American Bar Association on August 7, 1990. ***The Code also shall address the professional conduct of clerks as defined in RSA 494-A:2, I.***

11 Judicial Conduct Commission; Procedures for Complaints; Public Availability; Clerks Added and Deadline Extension for Probable Cause Determination Permitted. Amend RSA 494-A:11 to read as follows:

494-A:11 Procedures for Complaints; Public Availability. The commission shall adopt rules of procedure to be followed in making its determinations which shall incorporate the following:

I. When a complaint is received by the commission, the commission shall determine if the complaint alleges a violation of the Code of Judicial Conduct. If the commission determines that the complaint on its face alleges no violation of the Code of Judicial Conduct, the commission shall dismiss the complaint and respond to the complaining party, explaining the basis for its decision. If the commission determines that the complaint alleges a violation, the commission shall send a copy of the complaint to the judge **or clerk** and the judge **or clerk** shall have 21 days to respond in writing. There shall be no direct communications between the judge **or clerk** and the complaining party. Following the response from the judge **or clerk**, the commission shall send a copy of the response to the complaining party. The commission may also conduct such further investigation as it may deem necessary before ruling on the complaint. The commission shall, within 90 days of the first meeting following receipt of the complaint, ***or for good cause shown, such longer period as determined by the commission,*** determine whether there is probable cause to believe that the judge **or clerk** has committed a violation of the Code of Judicial Conduct. If not, the complaint shall be dismissed. If so, the commission shall proceed to make a final determination as to whether a violation has occurred. In any event, the complaining party and the judge **or clerk** shall be informed of the ruling on probable cause along with a brief explanation of the basis of the decision.

II. After making a finding of probable cause, the commission shall conduct a public hearing before making a final determination. After probable cause has been found, the complaint, response, transcripts, findings, deliberations, and reports of actions taken shall be available to the public under the provisions of RSA 91-A. The exemption regarding internal personnel practices in RSA 91-A:5, IV shall be inapplicable to proceedings or documents under this paragraph relating to a complaint before the commission.

III. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. The commission may recommend that the supreme court suspend the judge **or clerk**.

IV. If the complaint referred to the commission alleges conduct that would constitute a crime, the commission chairperson shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not supersede the commission's jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the commission shall suspend its activities until the criminal proceedings, if any, are concluded.

V. In all cases, whether a complaint is dismissed or not, complaints received by the commission shall be made available to the administrative judge of the court in which the judge **or clerk** complained against holds office. Furthermore, all complaints against judges **and clerks** received by the administrative judges and other judges of the superior court, the district court, and the probate court shall be forwarded to the commission.

VI. The statute of limitations for any complaint shall be 3 years from the act which is the subject of the complaint or from the conclusion of the trial or appeal during which the act occurred, whichever is later.

12 New Paragraphs; Judicial Conduct Commission; Disqualification; Appointment of Alternates. Amend RSA 494-A:7 by inserting after paragraph II the following new paragraphs:

III. If a member is disqualified under this section, the commission may vote to name an alternate in his or her place.

IV. If the entire commission is disqualified under this section, the appointing authorities under RSA 494-A:4 shall name alternates.

13 Prospective Repeal. Sections 1-3 of this act, relative to the task force on family law, are repealed.

14 Effective Date.

I. Section 13 of this act shall take effect November 1, 2003.

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

2002-3548s

AMENDED ANALYSIS

This bill:

I. Establishes a task force on family law to develop a proposal for integrating a non-adversarial system for families undergoing divorce, separation, custody disputes, and other family law matters.

II. Clarifies that the judicial council is responsible for payment of indigent defense expenses.

III. Authorizes the department of administrative services and the state library to assist the judicial conduct commission in certain areas. The bill permits the commission, with the approval of the legislative fiscal committee, to employ counsel, attorneys, and other assistants, in case of reasonable necessity, and makes a continual appropriation for such purpose.

IV. Makes an appropriation to the judicial conduct commission for the 2002 fiscal year nonlapsing.

V. Expands the scope of the judicial conduct commission to include judicial referees, court reporters, clerks, and registers.

VI. Clarifies the procedures for judicial conduct commission appointments and complaint response timelines.

Senate Judiciary

April 16, 2002

2002-3544s

10/03

Amendment to HB 465

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

AN ACT relative to lobbying activities of the New Hampshire Bar Association.

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

1 New Subdivision; State Bar Association. Amend RSA 311 by inserting after section 7-f the following new subdivision:

State Bar Association

311:7-g State Bar Association.

I. The New Hampshire Bar Association may use a part of dues paid by its members to lobby or influence the legislature on its behalf, and may engage a person for such purpose, provided the Association limits its activities before the general court to those matters which are related directly to the efficient administration of the judicial system, the composition and operation of the courts, and the education, ethics, competence, integrity, and regulation, as a body, of the legal profession.

II. Nothing in the section shall prevent officers and members of the New Hampshire Bar Association from appearing before the general court to express their views as individuals, as members of voluntary associations, or as representatives of clients.

III. The New Hampshire Bar Association shall include in its annual dues statement a description of the lobbying activities of the Bar Association, and an identification of the portion of the annual dues used to pay for lobbying or influencing the legislature on behalf of the Bar Association. Any member of the New Hampshire Bar Association may opt not to pay that portion of the Bar Association dues that are used for lobbying or influencing the legislature or other political matters.

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

2002-3544s

AMENDED ANALYSIS

The bill defines when the New Hampshire Bar Association may lobby the general court, and allows Bar Association members to opt not to pay the portion of dues used for lobbying.

Senate Judiciary

April 16, 2002

2002-3535s

05/01

Amendment to HB 661

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

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

2002-3535s

AMENDED ANALYSIS

This bill requires that, in abuse and neglect cases, the court hold a hearing no later than 5 days from the date of an ex parte order, excluding Saturdays, Sundays, and holidays.

Senate Judiciary

April 16, 2002

2002-3519s

04/10

Amendment to HB 678

Amend RSA 651:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court ~~[has]~~ **and the prosecutor of the underlying offense have** been notified of the proposed release, and **there has been no objection within 10 days of the notice by either the sentencing court or the prosecutor of the underlying offense** ~~[has not objected within 10 days of receipt of such notice]~~. **If the prosecutor of the underlying offense objects to the proposed release, the prosecutor shall submit in writing to the sentencing court the reasons for objecting. The sentencing court shall, within 10 days of receipt of the prosecutor's objection schedule a hearing on the proposed release. The sentencing court shall then approve or deny the proposed release.** The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

Amend RSA 651:25, VI (d) as inserted by section 2 of the bill by replacing it with the following:

(d) The commissioner of corrections has notified the sentencing court **and the prosecutor of the underlying offense** of the proposed parole, and the court has not objected in writing within 20 days of such notice.

Senate Judiciary
April 17, 2002
2002-3550s
05/10

Amendment to HB 706

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

AN ACT relative to mediation in superior court cases involving children and relative to certified shorthand reporters.

Amend RSA 458:15-a, III-X as inserted by section 1 of the bill by replacing them with the following:

III. In all superior court cases filed on or after July 1, 2003, involving disputed legal or physical custody of children, physical custodial rights, or grandparents' visitation rights, including requests for modification of prior orders, the court may order the parties to participate in mediation. If the parties are ordered to participate in mediation under this section, all issues

relevant to their case, including but not limited to property settlement, alimony, and child support, shall also be mediated unless the court orders otherwise.

IV. The court may choose not to order mediation if there is:

- (a) A showing of undue hardship to a party.
- (b) An agreement between the parties for alternate dispute resolution procedures.
- (c) An allegation of abuse or neglect of the minor child.
- (d) A finding of alcoholism, drug abuse, or domestic abuse as defined in RSA 173-B:1

unless all parties agree to mediation.

(e) An allegation of serious psychological or emotional abuse.

(f) Lack of an available, suitable mediator within a reasonable time period.

V. The court shall not order the mediation unless all parties consent.

VI. Either party may move to have the mediator replaced for good cause.

VII. Mediation proceedings shall be held in private, and all communications, oral or written, made during the proceedings, which relate to the issues being mediated, whether made by the mediator, or a party, or any other person present, shall be privileged and confidential and shall not be disclosed and shall not be admissible in court, except as provided in RSA 328-C:9.

VIII. Any mediated agreement reached by the parties on all or some of the disputed issues shall be reduced to writing, signed by each party, and filed with the court as soon as practicable.

IX. The parties shall participate at mediation in good faith. If the mediator determines that mediation is not helpful in resolving the dispute, the mediator shall report that fact to the court and return the matter to the court for adjudication of the underlying issues.

X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the special fund established pursuant to RSA 458:17-b and repaid by the parties in accordance with RSA 458:17-e.

XI. The supreme court shall establish rules and take such action as necessary to effectuate the purpose of this section.

Amend the bill by replacing section 4 with the following:

4 Definition. Amend RSA 331-B:2, I to read as follows:

I. "Shorthand reporting" means the making by means of written symbols or abbreviations in shorthand, ***voice writing***, or machine writing a verbatim record of the spoken word.

5 Certification and Examination. Amend RSA 331-B:3 to read as follows:

331-B:3 Certification and Examinations. The chief justice shall issue a certificate to each applicant who successfully passes the examination given by the National [~~Shorthand~~] ***Court Reporters Association or the National Verbatim Reporters Association*** or who is eligible for a certificate under the renewal or reciprocity provisions of this chapter. The chief justice shall conduct the examinations semiannually at such times and places as he may designate. Applicants shall be sent 30 days written notice of the time and place of the examination.

6 Applicant from Other States. Amend RSA 331-B:6 to read as follows:

331-B:6 Applicants from Other States. The chief justice may certify any applicant who is certified in any other state or in the District of Columbia, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state. The chief justice may certify any applicant who has received the National [~~Shorthand~~] ***Court Reporters Association's or the National Verbatim Reporters Association's*** certificate of proficiency.

7 Effective Date.

I. Sections 4-6 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 2003.

AMENDED ANALYSIS

This bill requires, with certain exceptions, mediation of superior court cases involving children. Mediators are certified under RSA 328-C and if the parties are indigent, the mediators are paid from the special fund currently used for guardian ad litem services.

This bill adds voice writers to the definition of "shorthand reporting" for the purposes of being certified as a certified shorthand reporter. This bill also changes the governing organization from the National Shorthand Reporters Association to the National Court Reporters Association.

Senate Judiciary
April 17, 2002
2002-3545s
03/10

Amendment to HB 1108

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

AN ACT relative to the New Hampshire hospital security force and establishing a committee to study administrative license suspension hearings.

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

1 Salaries of State Employees; Differentials, Direct Care Employees; Reference Changed. Amend RSA 99:11, I to read as follows:

I. The annual salaries of classified employees who are actively engaged in the care and treatment of patients or inmates at the New Hampshire hospital, Laconia developmental services, Glenclyff home for the elderly, New Hampshire veterans' home, and the youth development center, and the [security] **campus police** employees, pharmacists, and dieticians employed at the New Hampshire hospital, shall be increased by a \$5 per week differential. This paragraph shall not apply to those employees who receive hazardous duty pay under RSA 99:10.

2 New Hampshire Retirement System; Definitions; Permanent Policeman; Reference Changed. Amend RSA 100-A:1, VII-a(b) to read as follows:

(b) Any bingo or lucky 7 inspector, [security] **campus police** officer appointed pursuant to RSA 135:41, any juvenile probation and parole officer, or any person employed in the bureau of trails of the department of resources and economic development; or

3 New Hampshire Hospital and Insane Persons; Hospital Security Force; Reference Changed. Amend the subdivision heading preceding RSA 135:41 to read as follows:

Hospital [Security] **Campus Police** Force

4 New Hampshire Hospital and Insane Persons; Hospital Security Force; References Changed. Amend RSA 135:41-43 to read as follows:

135:41 Hospital [Security] **Campus Police** Force. The superintendent of the New Hampshire hospital is authorized to organize a hospital [security] **campus police** force for the purpose of patrolling the hospital's buildings, roads, and grounds of the campus of the state office park south and providing for general security on the campus. The hospital [security] **campus police** force shall be under the immediate control of and responsible to the superintendent of the hospital.

135:42 Authority. All [security] **campus police** officers of the hospital security force shall be ex officio constables and shall possess general police powers including the power of arrest, but such powers shall extend only to the campus of the state office park south and only to the period during which such members are on official active duty. The only 2 instances where the authority of members of the hospital [security] **campus police** force shall extend beyond the campus of the state office park south are:

I. Where a member of the [security] **campus police** force is in hot pursuit of a person or persons who have committed a crime or violation while on the campus or who have committed the crime of escape from the hospital; and

II. Where a member of the hospital [security] **campus police** force is acting to return a court-committed patient to the hospital's custody.

135:43 Training.

I. The superintendent of New Hampshire hospital shall require that all employees hired as [security] **campus police** officers after July 30, 1977, and all [security] **campus police** officers who have not become permanent employees before July 30, 1977, complete a program of police training as established by the police standards and training council pursuant to RSA 188-F and as appropriate to such officers' exercise of limited police powers.

II. Security officers already serving under permanent appointment on July 30, 1977, shall not be required to meet any requirements of paragraph I as a condition of tenure or continued employment.

5 General Powers and Duties of Guardian of the Person; Reference Changed. Amend RSA 464-A:25, I(a)(3) to read as follows:

(3) Approval by the probate court of an admission to a state institution shall also authorize any readmission which occurs within 60 days of discharge from such institution. For purposes of this subparagraph, [security] **campus police** staff at New Hampshire hospital or any other law enforcement official shall be authorized to transport the ward to New Hampshire hospital, upon presentation by the guardian of letters of guardianship over the person together with the certificate of the psychiatrist.

6 Administrative License Suspension Hearings Study Committee.

I. There is established a committee to study administrative license suspension hearings.

II.(a) The members of the committee shall be as follows:

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study whether an administrative license suspension hearing may be conducted more efficiently and effectively while preserving the rights of the motorist.

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 45 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, and the state library on or before November 1, 2002.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

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

2002-3545s

AMENDED ANALYSIS

This bill:

I. Changes references to the New Hampshire hospital security force to read as campus police force.

II. Establishes a committee to study administrative license suspension hearings.

Senate Judiciary
April 16, 2002
2002-3510s
09/04

Amendment to HB 1137

Amend RSA 642:2 as inserted by section 1 of the bill by replacing it with the following:

642:2 Resisting Arrest or Detention. A person is guilty of a misdemeanor when the person knowingly or purposely physically interferes with a person recognized to be a law enforcement official, including a probation or parole officer, seeking to effect an arrest ~~[or]~~, detention, ***or protective custody*** of the person or another regardless of whether there is a legal basis for the arrest. Verbal protestations alone shall not constitute resisting arrest ~~[or]~~, detention, ***or protective custody***.

Senate Judiciary
April 16, 2002
2002-3533s
04/10

Amendment to HB 1147

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

1 New Paragraph; Sentences; Annulment of Criminal Records; Criminal Convictions in Another Jurisdiction. Amend RSA 651:5 by inserting after paragraph VI the following new paragraph:

VI-a. A conviction for an offense under New Hampshire law committed under the laws of another state which would not be considered an offense under New Hampshire law, shall not count as a conviction for the purpose of obtaining an annulment under this section.

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

2002-3533s

AMENDED ANALYSIS

This bill provides that a conviction for an offense under New Hampshire law which would not be considered an offense under New Hampshire law, shall not count as a conviction for the purposes of obtaining an annulment of a criminal record in this state.

Senate Judiciary
April 16, 2002
2002-3530s
05/03

Amendment to HB 1175

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

1 New Section; State Emblems, Flag, Etc.; New Hampshire Native. Amend RSA 3 by inserting after section 22 the following new section:

3:23 New Hampshire Native.

I. A New Hampshire native is someone who was born in the state of New Hampshire or someone born to a mother domiciled in the state of New Hampshire at the time of his or her birth.

II. Nothing in this section shall affect official records.

III. No person who in good faith proclaims himself or herself to be a New Hampshire native pursuant to this section shall be charged with perjury.

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

2002-3530s

AMENDED ANALYSIS

This bill establishes the circumstances in which a person may proclaim himself or herself a New Hampshire native.

Senate Judiciary
April 16, 2002
2002-3523s
01/04

Amendment to HB 1217

Amend the introductory paragraph of RSA 564-A:3-c, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The term "income" in the governing instrument shall mean an annual distribution (the unitrust distribution) equal to 5 percent (the payout percentage) of the net fair market value of the trust's assets as determined at the end of the calendar year, whether such assets would be considered income or principal under other provisions of this chapter, averaged over the lesser of:

Amend RSA 564-A:3-c, V as inserted by section 1 of the bill by replacing it with the following:

V. The trustee may in the trustee's discretion from time to time determine all of the following:

- (a) The effective date of a conversion to a unitrust.
- (b) The provisions for prorating a unitrust distribution for a short year in which a beneficiary's right to payments commences or ceases.
- (c) The frequency of unitrust distributions during the year.
- (d) The effect of other payments from or contributions to the trust on the trust's valuation.
- (e) How frequently to value nonliquid assets and whether to estimate their value.
- (f) Whether to omit from the calculations trust property occupied or possessed by a beneficiary.
- (g) Any other matters necessary for the proper functioning of the unitrust.

Amend RSA 564-A:3-c, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Unless otherwise provided by the governing instrument, the unitrust distribution shall be paid from net income, as such term would be determined if the trust were not a unitrust. To the extent net income is insufficient, the unitrust distribution shall be paid from net realized short-term capital gains. To the extent income and net realized short-term capital gains are insufficient, the unitrust distribution shall be paid from net realized long-term capital gains. To the extent income and net realized short-term and long-term capital gains are insufficient, the unitrust distribution shall be paid from the principal of the trust.

Senate Judiciary
April 17, 2002
2002-3563s
09/01

Amendment to HB 1249

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

AN ACT establishing a committee to study providing a civil remedy for damages to persons in a community injured as a result of illegal drug abuse.

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

- 1 Committee Established. There is established a committee to study providing a civil remedy for damages to persons in a community injured as a result of illegal drug use.
- 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 providing a civil remedy for damages to persons in a community injured as a result of illegal drug use.

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.

2002-3563s

AMENDED ANALYSIS

This bill establishes a committee to study providing a civil remedy for damages to persons in a community injured as a result of illegal drug abuse.

Senate Judiciary
April 17, 2002
2002-3560s
01/09

Amendment to HB 1311

Amend RSA 135-C:31-a, I as inserted by section 1 of the bill by replacing it with the following:

I. If the district court finds that the petitioner has failed to meet the burden specified in RSA 135-C:31, I, all court documents pertaining to the petition, including the physician's or A.R.N.P's certificate, and the complaint shall be sealed and the involuntary emergency admission shall be annulled.

Amend paragraph I of section 4 of the bill by replacing it with the following:

I. The committee shall consist of 6 members of the house judiciary committee, appointed by the chair of such committee.

Amend the bill by replacing sections 6 and 7 with the following:

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

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

Senate Judiciary
April 17, 2002

2002-3562s
09/01

Amendment to HB 1338

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

AN ACT clarifying that the judicial council is responsible for payment of indigent defense expenses and relative to the Auburn District Court.

Amend the bill by replacing section 3 with the following:

3 Auburn District Court. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. Auburn, Candia, Raymond District. The Auburn, Candia, Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require.

4 Effective Date.

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

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

2002-3562s

AMENDED ANALYSIS

This bill clarifies that the judicial council is responsible for payment of indigent defense expenses.

This bill also changes the name of the Auburn district to the Auburn, Candia, Raymond district and allows the court location within the district to be determined by the department of administrative services, upon recommendation of the supreme court.

Senate Judiciary
April 17, 2002
2002-3559s
01/09

Amendment to HB 1390

Amend RSA 151:13-a, II(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

(a) A judicial or administrative proceeding brought by a quality assurance committee to revoke or restrict the license, certification, or privileges of a physician or hospital staff member; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against a physician or hospital staff member.

Amend RSA 151-D:2, I(a) and (b) as inserted by section 4 of the bill by replacing it with the following:

(a) A judicial or administrative proceeding brought by an ambulatory care clinic, its quality assurance program, or its board of directors, to revoke or restrict the license, certification, or privileges of a physician or staff member; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against a physician or staff member.

Senate Judiciary
April 17, 2002
2002-3581s
05/09

Amendment to HB 1406

Amend RSA 463:18-a, IV-V as inserted by section 1 of the bill by replacing it with the following:

IV. Nomination of a guardian of the person shall be made by using a properly executed nomination document to which a certified copy of the minor's birth certificate and an attested copy of the existing custody or guardianship order, if any, of the minor shall be attached. The document nominating the guardian shall contain the following:

- (a) Name and address of the armed forces member.
- (b) Name and address of the person nominated by the guardian.
- (c) Name and date of birth of the minor of the armed forces member.
- (d) The following language:

Know all persons that I _____, currently residing at _____, by this document do consent to the appointment of _____, whose address is _____, as the guardian of my minor child, thereby submitting to the jurisdiction of the court and waiving notice of the petition. This document shall grant the person nominated the same powers and duties of a guardian of the person under RSA 463:12 for 7 days from the date of my activation or until the probate court grants a guardianship, whichever is sooner. A copy of my activation orders must accompany this document for it to be valid.

V. The parent or legal guardian's signature shall be witnessed by a third party and the signatures of the witness and parent or legal guardian shall be acknowledged by a notary public.

VI. Upon receipt of a petition to terminate a guardianship created under this section filed by the service member, the court shall terminate the guardianship.

Amend RSA 464-A:4-a, III-IV as inserted by section 3 of the bill by replacing it with the following:

III. Nomination of a guardian of the person by an activated member of the armed services shall be made by using a properly executed nomination document to which a certified copy of the existing guardianship order shall be attached. The document nominating the guardian shall contain the following:

- (a) Name and address of the armed forces member.

- (b) Name and address of the person nominated the guardian.
- (c) Name and address of the ward.
- (d) The following language:

Know all persons that I _____, currently residing at _____, by this document do consent to the appointment of _____, whose address is _____, as the successor guardian of _____, thereby waiving notice of the petition. This document shall grant the person nominated the same powers and duties of a guardian of the person under RSA 464-A:25 for 7 days from the date of my activation or until the probate court grants a guardianship, whichever is sooner. A copy of my activation orders must accompany this document for it to be valid.

IV. The legal guardian's signature shall be witnessed by a third party and the signatures of the witness and legal guardian shall be acknowledged by a notary public.

V. Upon receipt of a petition to terminate a substitute guardianship created under this section filed by the service member, the court shall terminate the substitute guardianship.

Senate Judiciary
April 17, 2002
2002-3566s
10/01

Amendment to HB 1420

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

AN ACT establishing a task force to define the practice of law in New Hampshire.

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

1 Task Force Established. There is established a task force to define the practice of law in New Hampshire.

2 Membership and Compensation.

I. The members of the task force 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.
- (c) One attorney from the department of justice, consumer protection and antitrust bureau, appointed by the attorney general.
- (d) One member of the New Hampshire Bar Association, appointed by the association.
- (e) Two persons who are not members of the New Hampshire Bar but who have represented clients before New Hampshire courts, one of whom shall be appointed by the senate president and one of whom shall be appointed by the speaker of the house of representatives.
- (f) One representative from Franklin Pierce Law Center, appointed by the dean.
- (g) One licensed real estate broker, appointed by the New Hampshire real estate commission.
- (h) One clerk of a New Hampshire court, appointed by the chief justice of the supreme court.
- (i) One retired New Hampshire judge, appointed by the chief justice of the supreme court.

(j) Two persons who were represented in legal proceedings by persons who are not members of the New Hampshire Bar, one of whom shall be appointed by the senate president and one of whom shall be appointed by the speaker of the house of representatives.

(k) One victim advocate, appointed by the governor.

(l) One representative of the New Hampshire Banking Association, appointed by the association.

II. There shall be no compensation for members of the task force, except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

3 Duties. The task force shall define the practice of law in New Hampshire.

4 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Ten members of the task force shall constitute a quorum.

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

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

2002-3566s

AMENDED ANALYSIS

This bill establishes a task force to define the practice of law in New Hampshire.

Senate Judiciary

April 17, 2002

2002-3571s

03/04

Amendment to HB 1433

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

AN ACT relative to evidence of possession of alcoholic beverage.

Amend the bill by replacing section 1 with the following:

1 Alcoholic Beverages; Unlawful Possession; Alcohol Concentration. Amend RSA 179:10 to read as follows:

179:10 Unlawful Possession.

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his *or her* possession any liquor or alcoholic beverage shall be guilty of a violation and shall be fined a minimum of \$250. ***For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of possession of alcoholic beverage.*** Any second and subsequent offense shall be fined at least \$500. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. ***In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.***

II. Any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit ~~[the same]~~ ***any liquor or beverage in his or her possession***, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

2002-3571s

AMENDED ANALYSIS

This bill establishes alcohol concentration of .02 or more in a person under the age of 21 as prima facie evidence of possession of alcoholic beverage. Possession of alcoholic beverage by a person under the age of 21 is a violation and requires the person to be fined and to forfeit the beverage.

Senate Judiciary
April 17, 2002
2002-3565s
03/10

Amendment to HB 1457

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

AN ACT relative to administration of alcohol concentration tests.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2002-3565s

AMENDED ANALYSIS

This bill clarifies the applicability of certain provisions relating to the drawing of blood for the purposes of administering of alcohol concentration tests.

Senate Transportation
April 16, 2002
2002-3503s
03/10

Amendment to HB 1134

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

AN ACT relative to lighting requirements for motor vehicles and trailers and establishing a grants coordinator in the department of safety.

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

3 Department of Safety; Position Established; Grants Coordinator. There is established within the department of safety, division of administration, a grants coordinator position. The grants coordinator shall apply for and administer federal funds and private foundation aid to implement the statewide criminal justice information system, and any additional federal and private foundation funds that may become available to support programs at the department of safety or the police standards and training council. The grants coordinator shall file quarterly reports with the commissioner of safety and the director of police standards and training detailing the grants obtained and managed by the grants coordinator.

4 Transfer Authorized; Police Standards and Training Council Training Fund. The police standards and training council is authorized to execute an interagency agreement with the department of safety and may, notwithstanding RSA 188-F:30, transfer to the department of safety up to \$100,000 during the fiscal year ending June 30, 2003 in unappropriated penalty assessment funds from the police standards and training council training fund for the purpose of funding the first-year costs of the grants coordinator position, a clerical assistant, and other costs of the department of safety associated with the grants coordinator. The department of administrative services is authorized, upon request of the department of safety, to establish at appropriate salary grades the necessary classified positions within the department of safety, division of administration, and to allocate the funds transferred pursuant to this section to the appropriate requested class codes for personnel, supplies, equipment, and travel in the department of safety budget for the fiscal year ending June 30, 2003.

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

2002-3503s

AMENDED ANALYSIS

This bill:

I. Provides that a motor vehicle, full trailer, or semi-trailer may be equipped with more than one stop lamp.

II. Requires that when a vehicle is manufactured with multiple stop lamps, multiple tail lamps, or stop lamps or tail lamps with multiple bulbs or filaments, each of the lamps, bulbs, or filaments shall be in working order.

III. Establishes the position of grants coordinator in the department of safety and authorizes a transfer from the police standards and training council training fund to fund the position.

This bill was requested by the police standards and training council.

Senate Transportation
April 16, 2002
2002-3518s
05/03

Amendment to HB 1348

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

AN ACT clarifying the law regarding title-exempted vehicles; permitting owners of antique motor vehicles to obtain certificates of title; and relative to farm tractor plates.

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

2 New Section; Certificates of Title and Registration of Vehicles; Title for Antique Motor Vehicle. Amend RSA 261 by inserting after section 4 the following new section:

261:4-a Antique Motor Vehicle; Certificate of Title. Nothing in RSA 261:3 or RSA 261:4 shall prohibit the department from issuing a certificate of title for an antique motor vehicle upon the request of the vehicle owner. The commissioner shall adopt rules, under RSA 541-A, relative to the issuance of a certificate of title for an antique motor vehicle.

3 Motor Vehicles; Title and Registration; Farm Tractor Plates. Amend RSA 261:83 to read as follows:

261:83 Farm Tractor Plates.

I. A tractor shall qualify for farm tractor registration rates and shall be driven with such registration only when the tractor is used exclusively for agricultural purposes or to draw another vehicle in such a way that part of the load is carried on such towing vehicle.

II. *Notwithstanding any provision of law to the contrary, a farm tractor that is fitted with attachments such as cultivators, loaders, or other equipment, specific to the activities of the farm, shall qualify for farm tractor registration rates and number plates, provided that it is being used exclusively for agriculture and farming purposes, and not being used for hire.*

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

2002-3518s

AMENDED ANALYSIS

This bill:

- I. Clarifies the procedure for registering certain title-exempted vehicles.
- II. Provides that antique motor vehicle owners may obtain certificates of title.
- III. Clarifies the procedure for registering certain title-exempted vehicles.

Senate Transportation

April 16, 2002

2002-3502s

01/09

Amendment to HB 2000

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

AN ACT relative to the state 10-year transportation improvement program and establishing a transportation project study committee.

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

2 Committee Established. There is established a committee to study the use of design-build, design-build-finance, and design-build-finance-operate-maintain methods for certain transportation projects in New Hampshire.

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 of representatives.

II. The committee shall solicit information from such organizations and individuals as may be necessary to assist the committee in the performance of its duties. Such organizations and individuals shall include, but not be limited to, the following:

- (a) The Business and Industry Association of New Hampshire.
- (b) The New Hampshire Joint Board of Licensure for Professional Engineers, Architects, Land Surveyors, Natural Scientists and Foresters.
- (c) The New Hampshire Good Roads Association.
- (d) Chambers of Commerce.
- (e) The Associated General Contractors of New Hampshire.
- (f) The commissioner of the department of transportation, or designee.
- (g) The commissioner of the department of environmental services, or designee.

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

IV. The committee shall study the use of design-build, design-build-finance, and design-build-finance-operate-maintain methods for certain transportation projects in New Hampshire. The committee shall research the cost-effectiveness of these methods, any potential to improve the timeliness of delivery of future transportation projects, and any other matters the committee deems relevant.

V. The members of the 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.

VI. 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.

3 Effective Date.

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

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

2002-3502s

AMENDED ANALYSIS

This bill:

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

II. Establishes a committee to study the use of design-build, design-build-finance, and design-build-finance-operate-maintain methods for certain transportation projects in New Hampshire.

Wildlife & Recreation

April 16, 2002

2002-3508s

03/09

Amend RSA 270-D:17, I-II as inserted by section 7 of the bill by replacing it with the following:

I.(a) The department shall charge a fee of \$10 for issuing a safe boater education certificate.

(b) The fee for a temporary certificate shall not exceed \$5.

II.(a) The department~~[, or its agents,]~~ ***may charge a fee for*** offering a safe boater education course or exam ~~[may charge a fee]~~. The fee shall not exceed the costs incurred by the department~~[, or its agents,]~~ in offering the course or exam ~~[and shall not exceed \$50]~~.

(b) Agents of the department may charge a fee for offering a safe boater education course or exam. The commissioner shall establish by rule the maximum fees that may be charged by agents.

HEARINGS

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 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

COMMISSION ON EDUCATION OF DEAF AND HARD OF HEARING PERSONS IN NEW HAMPSHIRE (HB 1283, Chapter 43, 2000) Room 205, LOB

10:00 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

SUBCOMMITTEE OF THE FISCAL COMMITTEE OF THE GENERAL COURT ON TAX SIMULATION & FORECASTING MODELS Room 212, LOB

1:00 p.m. Regular Meeting

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

SENATE RULES COMMITTEE Room 103, SH

10:00 a.m. Meeting to establish deadlines

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

THURSDAY, APRIL 25, 2002

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2) ROOM 304, LOB

8:00 a.m. Regular Meeting

FRIDAY, APRIL 26, 2002

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

9:00 a.m. Regular Meeting

TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h) Room 304, LOB

10:00 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

**SUBCOMMITTEE OF THE FISCAL COMMITTEE OF THE GENERAL COURT ON TAX
SIMULATION & FORECASTING MODELS** Room 212, 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

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 Transportation

Bureau of Mechanical Services

Fuel Distribution Section

Financial and Compliance Audit Report

For the Year Ended June 30, 2001

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

MONDAY, JUNE 3, 2002

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

9:30 a.m. Regular Meeting

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

2:00 p.m. Regular Meeting

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

NOTICES

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 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