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No. 16A

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE CALENDAR ADDENDUM

REPORTS

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**THE SENATE WILL MEET IN SESSION ON  
THURSDAY, APRIL 3, 2003 AT 10:00 A.M.**

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## **REPORTS**

### **FINANCE**

**SB 11-FN**, establishing new special justice positions in the Manchester, Concord, and Nashua district courts.

Inexpedient to Legislate, Vote 5-0

Senator Odell for the committee.

**SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester.

Ought to pass with amendment, Vote 5-0

Senator D'Allesandro for the committee.

**SB 69-FN-A**, (New Title) combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor.

Ought to pass with amendment, Vote 5-0

Senator Green for the committee.

**SB 70**, creating the Great Bay Estuary district and making an appropriation therefor.

Ought to pass with amendment, Vote 5-0

Senator Green for the committee.

**SB 85-FN**, making certain revisions to the special education laws.

Ought to Pass, Vote 5-0

Senator Odell for the committee

**SB 115**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan and establishing the estuary alliance for sewerage treatment.

Ought to pass with amendment, Vote 6-0

Senator Green for the committee.

**SB 128-FN**, transferring the bureau of vital records and health statistics from the department of health and human services to the department of state.

Ought to pass with amendment, Vote 4-1

Senator Green for the committee.

**SB 161**, relative to procedures in eminent domain proceedings.

Ought to pass with amendment, Vote 5-0

Senator D'Allesandro for the committee.

## **AMENDMENTS**

**Senate Finance**

**March 31, 2003**

**2003-1056s**

**08/09**

### **Amendment to SB 29-FN-A-LOCAL**

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

1 Reimbursement of Meals and Rooms Taxes Paid by the City of Manchester. Notwithstanding any other provision of law, the state shall reimburse the city of Manchester up to \$44,293 in addition to the amount calculated to be reimbursed under RSA 78-A:26. Reimbursement shall be contingent upon submission of documentation from the city of Manchester to the department of revenue administration supporting that up to \$44,293 of meals and rooms tax payments have been made by the city to vendors. Such additional sum, up to \$44,293 as certified by the department of revenue administration, shall be paid at the time distribution under RSA 78-A:26 is made for fiscal year 2004.

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

**Senate Finance**  
**March 31, 2003**  
**2003-1055s**  
**04/10**

#### **Amendment to SB 69-FN-A**

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

AN ACT combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

**2003-1055s**

#### **AMENDED ANALYSIS**

This bill consolidates the career incentive loan program and the nursing leveraged scholarship loan program into the workforce incentive program which contains a forgivable loan component and a loan repayment program for individuals who work in designated shortage areas.

**Senate Finance**  
**March 31, 2003**  
**2003-1063s**  
**06/01**

#### **Amendment to SB 70**

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

AN ACT establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan and making an appropriation to the Strafford regional planning commission and the Rockingham planning commission for certain related projects therefor.

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

1 Commission Established.

I. There is established a commission to study:

(a) The feasibility of implementing a recommendation of the estuaries project management plan that the discharge from area wastewater treatment plants be combined for discharge further offshore.

(b) Ways to aid in achieving restoration of the estuary habitat in a manner that is compatible with the National Estuary Restoration Act of 2000.

(c) Creation of a watershed district in the Great Bay Estuary area and the rivers that flow into it.

(d) Funding strategies for creating and maintaining effective partnerships between the federal government, the state government, local community governments and the private sector to fund and assist in the Great Bay estuary habitat restoration project.

(e) The need for joint public wastewater facilities for collection and discharge of treated wastewater and ways to achieve the construction, maintenance and management of these facilities.

II. Participation in this commission shall be voluntary.

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house.
- (c) One member, appointed by the governor.
- (d) One member from each participating town or city along the Great Bay estuary, river basin, and the estuarine watersheds appointed by the governing body of the town or city.
- (e) One member of the Strafford Regional Planning Commission, appointed by the commission.
- (f) One member of the Rockingham Regional Planning Commission, appointed by the commission.
- (g) One Strafford County commissioner, appointed by the county commission.
- (h) One Rockingham County commissioner, appointed by the county commission.
- (i) The commissioner of the department of environmental services, or designee.
- (j) The reserve manager of the Great Bay National Estuarine Research Reserve.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study:

I. The feasibility of implementing a recommendation of the estuaries project management plan that the discharge from area wastewater treatment plants be combined for discharge further offshore.

II. Ways to aid in achieving restoration of the estuary habitat in a manner that is compatible with the National Estuary Restoration Act of 2000.

III. Creation of a watershed district in the Great Bay Estuary area and the rivers that flow into it.

IV. Funding strategies for creating and maintaining effective partnerships between the federal government, the state government, local community governments, and the private sector to fund and assist in the Great Bay estuary habitat restoration project.

V. The need for joint public wastewater facilities for collection and discharge of treated wastewater and ways to achieve the construction, maintenance, and management of these facilities.

VI. The merits of forming a watershed district among area towns to provide for the collection, conveyance, and disposal of treated wastewater in the deep waters of the Piscataqua River or the Atlantic Ocean and for other water-related purposes and an appropriate name for any districts recommended.

VII. Funding strategies that a watershed district might use in conjunction with the state and federal governments for the benefit of the Great Bay Estuary and its environment.

4 Notice of First Meeting; Chairperson; Quorum. The senate member shall create a list of commission members and shall call the first meeting of the commission. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

5 Report. The commission 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, 2003.

6 Appropriation; Strafford Regional Planning Commission and Rockingham Planning Commission.

I. The sum of \$1,000,000 is hereby appropriated to the Strafford regional planning commission and the Rockingham planning commission for the biennium ending June 30, 2005 to be placed in an account established by the Strafford Regional Planning Commission for the purposes delineated in paragraphs II and III of this section

II. An amount of \$500,000 is allocated for the first phase, facilities planning. The facilities plan shall evaluate the needs and alternatives for regional wastewater collection/disposal facilities in light of the area's unique demographic, topographic, hydrologic, and institutional characteristics. The facilities plan shall assess and compare the present worth values of capital, operational, and maintenance costs of feasible alter-

natives, and identify the least-cost alternative which may be implemented from legal, institutional, financial, and management standpoints. If additional funding is needed to complete the defined scope of the first phase, funds from the second phase may be allocated to the first phase for this purpose.

III. An amount of \$500,000 is allocated for the second phase; preliminary design and water quality modeling or testing. In the event that the first phase has funds remaining after it is completed, funds from the first phase may be allocated to the second phase.

7 Bonds Authorized. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,000,000 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state. The bonds shall be 20 year bonds.

8 Effective Date.

I. Sections 1-5 of this act shall take effect upon its passage.

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

**2003-1063s**

#### AMENDED ANALYSIS

This bill establishes a commission to study certain recommendations of the New Hampshire estuaries project management plan and other issues related to the Great Bay estuary. This bill also makes an appropriation to the Strafford regional planning commission and the Rockingham planning commission for the preparation of a facilities plan, preliminary design, and water quality modeling or testing.

**Senate Finance**

**March 31, 2003**

**2003-1061s**

**01/05**

#### **Amendment to SB 115**

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

AN ACT increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements.

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

1 Purpose. The general court finds that the current fees for sewage disposal system and subdivision plan review under RSA 485-A are inadequate to cover the costs of conducting the reviews and of operating the program to assure compliance with statutory and regulatory requirements.

2 Fees; Subdivision and Waste Disposal System Reviews. Amend RSA 485-A:30, I to read as follows:

I. Any person submitting plans and specifications for a subdivision of land shall pay to the department a fee of [~~\$80~~] **\$150** per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee of [~~\$80~~] **\$140** for each system. Said fee shall be for reviewing such plans and specifications, making site inspections, [~~and for~~] the administration of sludge and septage management programs, **and for establishing a system for electronic permitting for waste disposal systems, subdivision plans, and for permits and approvals under the department's land regulation authority.** The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the treasurer as unrestricted revenue. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

3 Appropriation. The sum of \$1 is hereby appropriated to the department of environmental services for the biennium ending June 30, 2005 for the purpose of implementing information technology and regulatory process improvements. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

**2003-1061s**

**AMENDED ANALYSIS**

This bill increases the fees for subdivision and waste system review by the department of environmental services and makes an appropriation to the department for implementing information technology and regulatory process improvements including electronic permitting for waste disposal systems, subdivision plans, and other permits and approvals under the department's land use regulation authority.

**Senate Finance**

**March 31, 2003**

**2003-1046s**

**01/09**

**Amendment to SB 128-FN**

Amend RSA 5-C:2, I as inserted by section 2 of the bill by replacing it with the following:

I. There is established within the department a division of vital records administration under the supervision of a director of vital records administration. The secretary of state, with the approval of the governor and council, shall appoint the director of vital records administration. In addition to the title of director, the director shall also be known as the registrar of vital records. The director of vital records administration shall be academically and technically qualified to hold the position. The director shall be a citizen of this state or become a citizen of this state within one year of the director's appointment.

Amend RSA 5-C:5, I as inserted by section 2 of the bill by replacing it with the following:

I. The secretary of state shall adopt rules relative to facts which must be recorded relative to births, marriages, divorces, deaths, and fetal deaths. At a minimum, the rules that are adopted relative to the facts included on the forms and data fields maintained electronically shall include all facts contained on the national standard certificate forms developed by the National Center for Health Statistics, United States Department of Health and Human Services. As revisions to the National Center for Health Statistics standard certificates are made, the secretary of state shall adopt new rules to incorporate new facts contained on the standard certificates.

Amend RSA 126:24-c as inserted by section 25 of the bill by replacing it with the following:

126:24-c Access to Information from Vital Records for Public Health Purposes. The department shall have a direct and tangible interest in vital records data including personal identifiers. The secretary of state shall provide continuous electronic access to the department of the entire contents of the data files on a 24-hour, 7-day per week basis. If a means of electronic access becomes possible that will allow access at a faster rate, the department may utilize such new means of access, provided that it assumes the full cost of implementing the new means of access. Such access shall be provided in standard database format that establishes a remote electronic link from the secretary of state's office to the department that would not restrict the ability of the department to transfer data. However, under no circumstance shall any information relative to any adoption or any restricted record as determined by a court of law be provided to the department.

Amend RSA 126-24-e as inserted by section 25 of the bill by inserting after paragraph VI the following new paragraph:

VII. The board shall have 2 part-time staff persons to conduct the duties associated with the work of the board. The board shall reimburse members for travel expenses associated with board activities.

Amend RSA 126:24-f as inserted by section 25 of the bill by inserting after paragraph II the following new paragraph:

III. Annually, on or after April 30 for birth data, and on or after August 31 for death data, the committee shall produce a report on the quality of the prior year's vital records data based on the final data year reports received from the National Center for Health Statistics for natality and mortality demographic files. The report shall include a statement on the quality and completeness of each element recorded on the statistical forms as they are maintained electronically. The report shall be submitted to the commissioner, or designee, the secretary of state, the registrar of vital records, the speaker of the house of representatives, and the president of the senate.

Amend the bill by inserting after section 27 the following and renumbering the original section 28 to read as 29:

28 Transfer.



I. All existing rules, regulations and procedures in effect, in operation, or adopted in or by the former department of health and human services, office of community and public health, bureau of vital records are declared in effect and shall continue in effect until rescinded, revised, or amended by the secretary of state.

II. All of the functions, powers, duties, and responsibilities of the department of health and human services, office of community and public health, bureau of vital records are transferred to the secretary of state. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds in any account or subdivision of an account of the department of health and human services and authorized for use by the office of community and public health, bureau of vital records, actions and other property or obligations of any kind of the department of health and human services, office of community and public health, bureau of vital records.

III. The transfer of the office of community and public health, bureau of vital records from the department of health and human services to the secretary of state shall not affect the terms or appointments of current members of the vital records improvement advisory committee established under RSA 126:32.

#### **Senate Finance**

**March 31, 2003**

**2003-1058s**

**01/09**

#### **Amendment to SB 161**

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

1 Preliminary Steps to Initiating Action. RSA 498-A:4 is repealed and reenacted to read as follows:

498-A:4 Preliminary Steps to Initiating Action.

I. DISCLOSURE. At the initial contact with a property owner, the condemnor shall provide to the condemnee a copy of "Public Projects and Your Property," as amended, which provides information regarding acquisition and relocation to the property owner. "Public Projects and Your Property" shall include a disclosure, conspicuously located, which states that the condemnor does not represent the rights of the condemnee and that the condemnee may not rely upon the condemnor or its employees for independent advice or unbiased counsel.

#### **II. APPRAISAL.**

(a) The condemnor shall have an impartial, qualified appraiser make at least one appraisal of all property proposed to be acquired. The appraiser shall make reasonable efforts to confer with the condemnees or their personal representatives.

(b) Every condemnee who is the subject of a residential property acquisition shall have a reasonable opportunity to have his or her property appraised by an independent, qualified appraiser, employed by the condemnor. The condemnor shall reimburse the cost of the residential appraisal up to \$1,000.

(c) Before making the offer provided for in paragraph III, the condemnor shall make reasonable efforts to negotiate with the condemnees or their personal representatives for the purchase of the property, but failure to confer or negotiate shall not be a defense to condemnation of a property. Any sum of money or other consideration discussed by either the condemnor or the condemnee during any such negotiations shall not be admissible in evidence and shall not be referred to in any proceedings for the determination of just compensation.

(d) Within 10 days of receipt of a notice of offer provided for in paragraph III of this section a municipal condemnee shall, at the request of the condemnor, furnish the condemnor with the estimated amount of unpaid taxes, fees and interest for which notice has not been recorded at the registry of deeds for the county in which the property is located. Failure to timely provide such estimate shall not affect any right of a municipal condemnee under this chapter.

(e) When the condemnor is the department of transportation, the condemnor shall review any independent appraisals for accuracy before formulating a notice of offer.

(f) The condemnor shall provide a copy of the appraisal, and if requested, review notes on which the negotiations are based to the condemnee at the time of negotiation or at least 45 days prior to making the notice of offer, whichever comes first.

#### **III. NOTICE OF OFFER.**

(a) The condemnor shall make its notice of offer within a reasonable time after it publicly announces its plans to take a property.

(b) No property shall be taken unless the condemnor shall serve upon the condemnee a written notice of offer to purchase, which shall set forth:

(1) The purpose for which the property will be taken.

(2) A description of the property to be taken sufficient for the identification thereof, including sources of title, if ascertainable.

(3) The amount of compensation offered and whether the offer is based on the appraisal required by RSA 498-A:4, II(a), or on some other basis.

(4) The date the property value was determined.

(5) That an action to condemn the property in the manner provided by this chapter will be commenced if the offer is not accepted within 30 days after service of the notice, or that the condemnee may reject the offer within 20 days and request a notice of offer based on the value of the property at the time the taking was announced or at the time of the notice of offer.

(c) When the taking of a portion of the property will have a substantial unfavorable impact on the condemnee's use of the property, the condemnee shall have the option of rejecting the notice of offer and electing to have the entire property condemned. The condemnee shall have this option regardless of the financial value of the portion to be taken.

(d) Any offer shall remain outstanding and may be accepted by the condemnee until such time as either the condemnor or the condemnee files a petition in the superior court to have the damages reassessed under RSA 498-A:27.

(e) The condemnor shall make public a complete list of such offers showing the name of each condemnee and the amount of the offer in each case, including the value of the property before and after the taking, if different, and the amount of damages.

#### IV. SERVICE OF NOTICE.

(a) The giving of the notice of offer is a jurisdictional prerequisite to instituting condemnation proceedings. The notice may be served by certified mail and service shall be complete on the date of mailing. If the condemnee is a minor, an incompetent person, unknown, or is one whose whereabouts are unknown, the condemnor shall serve such notice upon the legal guardian of the condemnee. If there is no such guardian, the condemnor shall petition the board and request that a guardian ad litem be appointed to represent such condemnee. If the condemnee is unknown or one whose whereabouts are unknown, such notice shall also be published once in a newspaper of general circulation in the county where the property is located.

(b) If the offer is accepted, the transfer of title shall be accomplished within 30 days after acceptance, including payment of the considerations set forth in the offer or as agreed upon between the parties, unless such time is extended by mutual written consent by the condemnor and condemnee. In the event the condemnee fails to convey the property within the specified time, the condemnor may commence condemnation proceedings.

(c) If the offer is not accepted within 30 days after the service of the notice, the condemnor shall commence condemnation proceedings within 90 days after the expiration of such 90-day period.

2 New Section; Abandonment of Property Not Condemned. Amend RSA 498-A by inserting after section 12 the following new section:

498-A:12-a Abandonment of Property Not Condemned. If a condemnor acquires property before condemning a fee, the property may not be disposed of for any reason without first offering to the condemnee, his or her heirs and assigns, the property including any improvements made on such property, at the fair market value. The condemnee, his or her heirs and assigns shall be served notice in the same manner as prescribed for the service of notices in RSA 498-A:4, and shall have 90 days after receipt of such notice to make the written acceptance thereof.

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

**2003-1058s**

#### AMENDED ANALYSIS

This bill clarifies certain eminent domain proceedings.