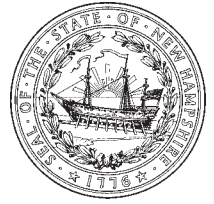


# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

## SENATE JOURNAL 8 (*Cont.*)



*March 13, 2003*

### Out of Recess.

### HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

**HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information.

**HB 66-FN**, relative to executive agency rulemaking authority.

**HB 69**, relative to the reinstatement of expired licenses for architects.

**HB 75**, relative to timber harvesting.

**HB 76**, relative to neighborhood electric vehicles.

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems.

**HB 86**, relative to the membership of the permissible fireworks review committee.

**HB 91**, relative to the telecommunications planning and development initiative and advisory committee.

**HB 99**, relative to absentee ballot requests.

**HB 101**, relative to qualifications for state offices.

**HB 108**, relative to the adoption of an optional veterans' property tax credit.

**HB 126**, relative to posting statutes at polling places.

**HB 127**, establishing a committee to study the effectiveness and fairness of county government.

**HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code.

**HB 132**, relative to state scholarships for orphans of veterans.

**HB 151**, authorizing the county convention to contract and fund performance audits of county departments.

**HB 166**, relative to employees of the New Hampshire retirement system.

**HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law.

**HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities.

**HB 223**, relative to the temporary removal of inmates.

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services.

**HB 233**, relative to the nuclear planning and response program.

**HB 246**, relative to availability of absentee voting applicant lists.

**HB 253**, relative to the design build concept for certain projects.

**HB 260**, relative to checklists used on election day.

**HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

**HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state.

**HB 271**, relative to walking disability plates and placards.

**HB 295**, relative to information filed with the regional planning commissions.

**HB 305**, relative to time allowed for voting.

**HB 310**, establishing a commission to study child support issues.

**HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

**HB 327**, establishing a committee to study the use of state vehicles.

**HB 336-Local**, relative to the development and adoption of the school administrative unit budget.

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine.

**HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property.

**HB 435**, relative to certificates of registration upon transfer of a vehicle.

**HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring.

**HB 477**, establishing certain speed limits.

**HB 485**, relative to the membership on the invasive species committee.

**HB 497**, relative to inactive status licenses.

**HB 498**, relative to 20-day vehicle registrations.

**HB 499**, expanding opportunities for teacher certification.

**HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire.

**HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act.

**HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow.

**HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses.

**HB 802-FN-A**, encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

**HB 833-Local**, relative to Shaker Road and Bay Hill Road in the town of Northfield.

**HB 834-Local**, relative to River Road and Nimble Hill Road in the town of Newington.

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals.

**HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans.

### INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **64 – HCR 8** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

**Adopted.**

**First and Second Reading and Referral**

**HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. (Executive Departments and Administration)

**HB 66-FN**, relative to executive agency rulemaking authority. (Executive Departments and Administration)

**HB 69**, relative to the reinstatement of expired licenses for architects. (Executive Departments and Administration)

**HB 75**, relative to timber harvesting. (Energy and Economic Development)

**HB 76**, relative to neighborhood electric vehicles. (Transportation)

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems. (Executive Departments and Administration)

**HB 86**, relative to the membership of the permissible fireworks review committee. (Public Affairs)

**HB 91**, relative to the telecommunications planning and development initiative and advisory committee. (Energy and Economic Development)

**HB 99**, relative to absentee ballot requests. (Internal Affairs)

**HB 101**, relative to qualifications for state offices. (Internal Affairs)

**HB 108**, relative to the adoption of an optional veterans' property tax credit. (Ways and Means)

**HB 126**, relative to posting statutes at polling places. (Internal Affairs)

**HB 127**, establishing a committee to study the effectiveness and fairness of county government. (Public Affairs)

**HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code. (Banks)

**HB 132**, relative to state scholarships for orphans of veterans. (Education)

**HB 151**, authorizing the county convention to contract and fund performance audits of county departments. (Public Affairs)

**HB 166**, relative to employees of the New Hampshire retirement system. (Executive Departments and Administration)

**HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law. (Ways and Means)

**HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities. (Ways and Means)

**HB 223**, relative to the temporary removal of inmates. (Executive Departments and Administration)

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. (Education)

**HB 233**, relative to the nuclear planning and response program. (Energy and Economic Development)

**HB 246**, relative to availability of absentee voting applicant lists. (Internal Affairs)

**HB 253**, relative to the design build concept for certain projects. (Transportation)

**HB 260**, relative to checklists used on election day. (Internal Affairs)

**HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. (Executive Departments and Administration)

**HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state. (Transportation)

**HB 271**, relative to walking disability plates and placards. (Transportation)

**HB 295**, relative to information filed with the regional planning commissions. (Internal Affairs)

**HB 305**, relative to time allowed for voting. (Internal Affairs)

**HB 310**, establishing a commission to study child support issues. (Public Affairs)

**HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system. (Executive Departments and Administration)

**HB 327**, establishing a committee to study the use of state vehicles. (Transportation)

**HB 336-Local**, relative to the development and adoption of the school administrative unit budget. (Education)

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine. (Interstate Cooperation)

**HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property. (Transportation)

**HB 435**, relative to certificates of registration upon transfer of a vehicle. (Transportation)

**HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. (Energy and Economic Development)

**HB 477**, establishing certain speed limits. (Transportation)

**HB 485**, relative to the membership on the invasive species committee. (Wildlife and Recreation)

**HB 497**, relative to inactive status licenses. (Transportation)

**HB 498**, relative to 20-day vehicle registrations. (Transportation)

**HB 499**, expanding opportunities for teacher certification. (Education)

**HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. (Environment)

**HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction. (Transportation)

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act. (Transportation)

**HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow. (Transportation)

**HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses. (Wildlife and Recreation)

**HB 802-FN-A**, encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility. (Transportation)

**HB 833-Local**, relative to Shaker Road and Bay Hill Road in the town of Northfield. (Transportation)

**HB 834-Local**, relative to River Road and Nimble Hill Road in the town of Newington. (Transportation)

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals. (Interstate Cooperation)

**HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans. (Public Affairs)

#### HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone.

**HB 82**, to change the name of "Mount Clay" to Mount Reagan.

**HB 120**, relative to sessions for the correction of the checklist and sessions for changes of party registration.

**HB 149**, relative to patient rights and disclosures.

**HB 156**, relative to weights and measures.

**HB 181**, relative to limiting landowner liability for giving permission for horseback riding.

**HB 182**, relative to unclaimed shares and advancements to heirs.

**HB 183**, relative to a distribution from a decedent's estate to a minor.

**HB 275**, establishing a committee to study ballot reform.

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

**HB 281-FN**, exempting automatic irrigation system installers from licensure by the electrician's board.

**HB 326**, relative to establishing a 6-year capital budget.

**HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system.

**HB 358-FN-L**, relative to recount fees in local elections.

**HB 379**, relative to penalties for OHRV violations by underage operators.

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard.

**HB 434-L**, relative to junkyards and motor vehicle recycling yards.

**HB 469**, relative to areas of the state for hunting by crossbow.

**HB 533**, relative to health carrier disclosure for medical child support enforcement.

**HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits.

**HB 658-FN**, relative to impersonation of candidates.

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees.

**HB 703-FN**, permitting free admission to the state park system for disabled veterans.

**HB 732-FN**, relative to fines for forestry law violations, and deceptive forestry business practices.

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve.

**HB 745**, relative to voters presenting identification to obtain a ballot.

**HB 769**, relative to the lighting of certain advertising devices along highways.

**HB 791-FN-A**, establishing a rest area and state liquor store retail opportunities commission.

**HB 819**, relative to original and youth operators' licenses.

**HB 828-FN-A-L**, establishing a committee to study the effect of alternative transportation on state revenues.

**HB 831**, establishing a New Hampshire end-of-life care study commission.

**HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative.

### **INTRODUCTION OF HOUSE BILLS**

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **61-HCR 9** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

**Adopted.**

### **First and Second Reading and Referral**

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone. (Wildlife and Recreation)

**HB 82**, to change the name of "Mount Clay" to Mount Reagan. (Wildlife and Recreation)

**HB 120**, relative to sessions for the correction of the checklist and sessions for changes of party registration. (Internal Affairs)

**HB 149**, relative to patient rights and disclosures. (Public Institutions, Health and Human Services)

**HB 156**, relative to weights and measures. (Wildlife and Recreation)

**HB 181**, relative to limiting landowner liability for giving permission for horseback riding. (Wildlife and Recreation)

**HB 182**, relative to unclaimed shares and advancements to heirs. (Insurance)

**HB 183**, relative to a distribution from a decedent's estate to a minor. (Banks)

**HB 275**, establishing a committee to study ballot reform. (Internal Affairs)

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment. (Judiciary)

**HB 281-FN**, exempting automatic irrigation system installers from licensure by the electrician's board. (Executive Departments and Administration)

**HB 326**, relative to establishing a 6-year capital budget. (Capital Budget)

**HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system. (Insurance)

**HB 358-FN-L**, relative to recount fees in local elections. (Internal Affairs)

**HB 379**, relative to penalties for OHRV violations by underage operators. (Transportation)

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard. (Wildlife and Recreation)

**HB 434-L**, relative to junkyards and motor vehicle recycling yards. (Transportation)

**HB 469**, relative to areas of the state for hunting by crossbow. (Wildlife and Recreation)

**HB 533**, relative to health carrier disclosure for medical child support enforcement. (Public Institutions, Health and Human Services)

**HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits. (Insurance)

**HB 658-FN**, relative to impersonation of candidates. (Internal Affairs)

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees. (Insurance)

**HB 703-FN**, permitting free admission to the state park system for disabled veterans. (Wildlife and Recreation)

**HB 732-FN**, relative to fines for forestry law violations, and deceptive forestry business practices. (Energy and Economic Development)

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve. (Finance)

**HB 745**, relative to voters presenting identification to obtain a ballot. (Internal Affairs)

**HB 769**, relative to the lighting of certain advertising devices along highways. (Transportation)

**HB 791-FN-A**, establishing a rest area and state liquor store retail opportunities commission. (Executive Departments and Administration)

**HB 819**, relative to original and youth operators' licenses. (Transportation)

**HB 828-FN-A-L**, establishing a committee to study the effect of alternative transportation on state revenues. (Transportation)

**HB 831**, establishing a New Hampshire end-of-life care study commission. (Public Institutions, Health and Human Services)

**HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative. (Interstate Cooperation)

#### **REPORT OF COMMITTEE ON ENROLLED BILLS**

**The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:**

**HB 171**, establishing a commission to assess the operating efficiency of state government.

Senator D'Allesandro moved adoption.

**Adopted.**



**HOUSE MESSAGE**

The House of Representatives concurs with the Senate in its amendment(s) to the following entitled Bill(s) sent down from the Senate:

**HB 517-L**, relative to the classification of certain roads in the town of Hillsborough and transferring ownership of any residual interest in a certain parcel of property from the state to the city of Keene.

**LATE SESSION**

Senator Clegg moved that the Senate adjourn from the late session.

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 9

*March 20, 2003*

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, Chaplain to the Senate, offered the prayer.

This is the prayer of Saint Francis:

*Lord, make us instruments of your peace.*

*Where there is hatred, let us sow love;*

*Where there is injury, pardon;*

*Where there is discord, union;*

*Where there is doubt, faith;*

*Where there is despair, hope;*

*Where there is darkness, light;*

*Where there is sadness, joy.*

*Grant that we may not so much seek to be consoled as to console;*

*To be understood as to understand;*

*To be loved, as to love.*

*For it is in giving that we receive;*

*It is in pardoning that we are pardoned;*

*And it is in dying that we are born to life eternal.*

*Amen.*

Senator Roberge led the Pledge of Allegiance.

Senator Prescott is excused for the day.

**INTRODUCTION OF GUESTS****MOTION TO VACATE**

Senator Roberge moved to vacate **HB 310**, establishing a commission to study child support issues, from the Public Affairs Committee to the Judiciary Committee.

**Adopted.**

**HB 310 is vacated to the Judiciary Committee.**

**MOTION TO VACATE**

Senator Green moved to vacate **SB 160**, making a capital appropriation to continue construction of the vocational center in Nashua, from the Finance Committee to the Capital Budget Committee.

**Adopted.**

**SB 160 is vacated to the Capital Budget Committee.**

**MOTION TO AMEND THE RULES**

Senator Clegg moved to amend New Hampshire Senate Rule #24 by changing the required notice from five days to four days. The relevant sentence in New Hampshire Senate Rule #24 shall read:

**“A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least four (4) days before hearing in the Senate Calendar”.**

**Adopted by the necessary 2/3 vote.**

**RESOLUTION**

Senator Gatsas offered the following Resolution:

SENATE RESOLUTION **1**

A RESOLUTION recognizing that the ancient Macedonians were Hellenes, and that the inhabitants of Macedonia today are their Hellenic descendants and part of the northern province of Greece, Macedonia.

SPONSORS: Sen. Gatsas, Dist 16; Sen. D'Allesandro, Dist 20

COMMITTEE:

**ANALYSIS**

This senate resolution recognizes that the ancient Macedonians were Hellenes, and that the inhabitants of Macedonia today are their Hellenic descendants and part of the Northern province of Greece, Macedonia.

03-1169

09/01

**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Three*

A RESOLUTION recognizing that the ancient Macedonians were Hellenes, and that the inhabitants of Macedonia today are their Hellenic descendants and part of the northern province of Greece, Macedonia.

Whereas, Philip of Macedonia, his son, Alexander the Great, and his tutor, the philosopher Aristotle, were born and raised in the northern province of Greece, Macedonia; and

Whereas, the language and culture of the ancient Macedonians, the ancestors of the inhabitants of northern Greece today, were Hellenic; and

Whereas, the Macedonians, like the rest of the Hellenes in antiquity, believed in the 12 gods of Olympus and participated with their fellow Hellenes in the Olympic Games; and

Whereas, Pella, the palace where Alexander the Great was born, and Vergina, the burial site of the Macedonian kings, are all located in northern Greece; now, therefore, be it

Resolved by the Senate:

That the New Hampshire senate recognizes that the ancient Macedonians were Hellenes, and that the inhabitants of Macedonia today are their Hellenic descendants and part of the northern province of Greece, Macedonia; and

That the history of ancient Macedonia has been Hellenic for 3,000 years and continues to be so today; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the New Hampshire congressional delegation.

**Adopted.**

**RESOLUTION**

Senator Boyce offered the following Resolution:



## 2003 SESSION

03-1214

03/10

SENATE RESOLUTION **3**

A RESOLUTION supporting the United States troops in Iraq.

SPONSORS: Sen. Boyce, Dist 4; Sen. Barnes, Dist 17; Sen. Clegg, Dist 14; Sen. Eaton, Dist 10; Sen. Flanders, Dist 7; Sen. Gallus, Dist 1; Sen. Gatsas, Dist 16; Sen. Green, Dist 6; Sen. Johnson, Dist 2; Sen. Kenney, Dist 3; Sen. Martel, Dist 18; Sen. Morse, Dist 22; Sen. O'Hearn, Dist 12; Sen. Odell, Dist 8; Sen. Peterson, Dist 11; Sen. Prescott, Dist 23; Sen. Roberge, Dist 9; Sen. Sapareto, Dist 19

COMMITTEE:

## ANALYSIS

This resolution expresses the support of the senate for the President, the men and women of the armed forces, and their families for their efforts in the Iraq conflict.

03-1214

03/10

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Three*

A RESOLUTION supporting the United States troops in Iraq.

Whereas, the United States has worked with the United Nations the 12 years following the Persian Gulf War in 1991 to peacefully disarm Saddam Hussein and the government of Iraq; and

Whereas, United Nations' Resolution 1441 was unanimously passed by the Security Council on November 8, 2002, finding Iraq in material breach of its obligations, and vowing serious consequences if they did not fully and immediately disarm; and

Whereas, the President of the United States, with the authorization of Congress, has ordered military action against the government of Iraq in an effort to address the threat Iraq poses to peace and stability of the country, the region, and the world; and

Whereas, hundreds of men and women who serve in the New Hampshire reserves and National Guard have been called to active duty; and

Whereas, these men and women have joined with other New Hampshire members of the United States armed forces and members of the multinational forces assembled against this threat; and

Whereas, the families of these men and women play an important role in providing support to them; now, therefore, be it

Resolved by the Senate:

That the senate of the state of New Hampshire supports the efforts and the leadership of the President as Commander-in-Chief in the current hostilities; and

That the senate of the state of New Hampshire supports the men and women of our armed forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery; and

That the senate of the state of New Hampshire commends the families of these men and women for their strength during this time of conflict.

**Question is on the adoption of the Resolution.**

**A roll call was requested by Senator Barnes.**

**Seconded by Senator Sapareto.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Cohen.**

**The following Senators voted No: None**

**Yeas: 22 - Nays: 0**

**Adopted.**

### **COMMITTEE REPORTS**

**SB 55-FN**, raising the age at which a child may terminate his or her public education. Education Committee. Ought to pass with amendment, Vote 2-0. Senator O'Hearn for the committee.

**Senate Education**

**March 13, 2003**

**2003-0710s**

**04/10**

### **Amendment to SB 55-FN**

Amend the bill by replacing sections 2-4 with the following:

2 Pupils; Compulsory Attendance. Amend RSA 193:1, IV to read as follows:

IV. ~~[Any]~~ ***Notwithstanding any provision of law to the contrary, any*** child ~~[at least 16]~~ ***under 18*** years of age ~~[and under 18 years of age]~~ ***who has not attained sufficient credit to receive a high school diploma or its equivalent, and*** who wishes to terminate such child's public or nonpublic education prior to graduating from high school shall do so only after a conference with the principal, or designee. ***A school district shall develop a policy to permit withdrawal under this paragraph.*** The principal shall request a conference with the parent, guardian, or other custodian. Written approval of withdrawal must be received from such child's parent, guardian, or other person residing in the state and having custody or charge of such child. The written approval shall be dated and the signature witnessed by the principal of the school where the child is in attendance, or the principal's designee.

3 Truant Officers; Duties. Amend RSA 189:36 to read as follows:

189:36 Duties. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children ~~[between the ages of 8]~~ ***at least 6 years of age*** and ~~[16]~~ ***under 18 years of age*** not attending school and without any regular and lawful occupation; and the laws relating to the attendance at school of children ~~[between the ages of 8]~~ ***at least 6 years of age*** and ***under 18 years of age***; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor.

4 Pupils; Bylaws as to Nonattendance. Amend RSA 193:16 to read as follows:

193:16 Bylaws as to Nonattendance. Districts may make bylaws, not repugnant to law, concerning habitual truants and children ~~[between the ages of]~~ ***at least 6 years of age*** and ~~[16]~~ ***under 18 years of age*** not attending school and not having a regular and lawful occupation, and to compel the attendance of such children at school; failure to comply with such bylaws shall constitute a violation for each offense.

**Question is on the adoption of the committee amendment.**

**A roll call was requested by Senator O'Hearn.**

**Seconded by Senator Sapareto.**

**The following Senators voted Yes: Johnson, Kenney, Below, Flanders, Odell, Peterson, O'Hearn, Foster, Larsen, D'Allesandro, Estabrook, Cohen.**

**The following Senators voted No: Gallus, Boyce, Green, Roberge, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse.**

**Yeas: 12 - Nays: 10**

**Amendment adopted.**

Senator O'Hearn offered a floor amendment.

**Sen. O'Hearn, Dist. 12**  
**March 18, 2003**  
**2003-0808s**  
**04/10**

**Floor Amendment to SB 55-FN**

Amend the bill by replacing all after section 4 with the following:

5 School Districts; Approval of High Schools. Amend RSA 194:23-b, I to read as follows:

I. In order to satisfy compulsory school attendance laws, a high school student less than ~~[16]~~ **18** years old must attend a high school which has been approved by the state board of education as complying with the provisions of RSA 194:23, or its equivalent; and the state board of education shall annually publish a list of all high schools which it has approved as meeting the requirements of RSA 194:23.

6 Applicability; Home Educated Pupils. The provisions of this act shall not apply to children who are home schooled pursuant to a home education plan established under RSA 193-A. The provisions of this act shall not be construed to alter, modify, or affect in any way the provisions of RSA 193-A.

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

**2003-0808s**

**AMENDED ANALYSIS**

This bill raises from 16 to 18 the age at which a pupil may decide to terminate his or her public education, and provides an exemption for home educated pupils.

**MOTION TO TABLE**

Senator Below moved to have **SB 55** laid on the table.

**Adopted.**

**LAID ON THE TABLE**

**SB 55-FN**, raising the age at which a child may terminate his or her public education.

**SB 69-FN-A**, establishing an elementary or secondary teacher education and nursing education career incentive program within the postsecondary education commission and making an appropriation therefor. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Larsen for the committee.

**Senate Education**  
**March 13, 2003**  
**2003-0709s**  
**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, and making an appropriation therefor.

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

1 New Subdivision; Workforce Incentive Program. Amend RSA 188-D by inserting after section 18-e the following new subdivision:

**Workforce Incentive Program**

188-D:18-f Workforce Incentive Program.

I. The postsecondary education commission shall administer the workforce incentive program in accordance with state statutes and accounting procedures. The program shall include a forgivable loan component and a loan repayment component. The commission shall have the authority to:

- (a) Conduct the programs authorized under this subdivision.
- (b) Receive and disburse moneys in accordance with this subdivision.
- (c) Make application for and receive available federal, public, or private funds.

(d) Adopt rules, pursuant to RSA 541-A, to carry out components of the program, including establishing a reasonable maximum amount of money provided to a recipient under the program, a reasonable frequency of such loans, setting minimum qualifications of applicants, determining the terms of repayment and a schedule and amount of loan repayment, making grants, and paying loan incentives under this subdivision.

(e) Maintain such records and submit such reports as may be required.

II. Application for and disbursement of all moneys shall be made in the form and manner designated by the postsecondary education commission. No moneys may be disbursed by the postsecondary education commission under this subdivision until the postsecondary education commission has adopted rules under subparagraph I(d), and has filed such rules with the fiscal committee of the general court and the governor and council.

#### 188-D:18-g Forgivable Loans.

I. Financial assistance in the form of a forgivable loan shall be provided to qualified individuals who are residents of this state and need such assistance to attend education programs approved by the commission. The loans shall be for education in programs given in New Hampshire, which prepare recipients for careers in shortage areas as determined by the commission.

II. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. The commission shall require recipients to agree in writing to work in the shortage area for which funds were received in New Hampshire for a specified period following completion of training.

III. Educational institutions which are eligible for receipt of money provided to students under this subdivision shall match funds provided by the state in order to receive such money. The total amount of matching funds shall not exceed any amount provided by the state during each fiscal year. Such matching funds shall be provided in addition to any other sums provided by the state.

IV. The loans shall be paid through the financial aid office of the school in which the recipient is enrolled. The commission shall establish the maximum amount of money to be provided to a student and the frequency of such loans for completion of studies over the course of training, provided that such amount and frequency shall be reasonable.

#### 188-D:18-h Repayment of Forgivable Loans.

I. The commission shall establish repayment schedules that reflect the differing career demands of the shortage areas. All repayment schedules shall contain a component that allows for repayment through service in New Hampshire for a specified period of time.

II. If the note is not cancelled because of service, the recipient shall repay the loan within 2 years after withdrawing from, or completing the training program or from the inception of monetary repayment.

III. The commission shall have the authority to enter into contracts for the administration of the repayment provisions of this program.

IV. If a recipient refuses to repay a loan, the commission, or its designee, shall turn the account over to the appropriate collection agency.

V. The state treasurer shall credit all loan repayments to the forgivable loan fund for use under this program. Loan repayments credited to the loan fund shall be in addition to any other moneys appropriated to that fund.

VI. Nothing in this subdivision shall be construed to alter any rights or obligations incurred under RSA 326-B relative to the granting and repayment of scholarship loans.

VII. A recipient shall not be considered in violation of the repayment schedule if he or she is:

(a) Engaged in a course of study, at least on a half-time basis, at an institution of higher education;

(b) Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years;

(c) Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years; or

(d) Unable to secure employment by reason of the care required by a disabled spouse, child or parent for a period not to exceed 12 months.

VIII. To qualify for any of the exceptions in paragraph VII of this section, a recipient shall notify the commission of such claim to the exception and provide supporting documentation as required by the postsecondary education commission.

IX. During the time the recipient qualified for any of the exceptions in paragraph VII of this section, such recipient need not make the repayments required under paragraph II of this section and the postsecondary education commission shall extend the 2-year repayment period established under paragraph II of this section by a period equal to the length of time a recipient meets any of the conditions listed in paragraph VII of this section, or if a recipient's inability to complete the loan repayments within this 2-year period, because of a financial condition, has been established to the satisfaction of the postsecondary education commission.

X. The commission, or its designee, shall cancel a recipient's repayment obligation if it determines that he or she is:

(a) Permanently totally disabled, as established by an affidavit of a qualified physician; or

(b) Deceased as established by a death certificate or other evidence deemed conclusive under state law.

XI. The commission shall cancel a recipient's repayment obligation when the recipient has received relief under federal bankruptcy laws only if the recipient's loans under Title IV of the Higher Education Act of 1965 have been cancelled as a result of that bankruptcy.

XII. The commission, or its designee, shall have the power to close the accounts of recipients who have completed their repayment obligation either through service or monetary repayment, and deem accounts as uncollectable if all reasonable means of collection have been exhausted.

#### 188-D:18-i Loan Repayment Component.

I. The commission shall repay a percent of loan debt for recipients based on each complete year of qualifying service in a shortage area.

II. The commission, or its designee, shall determine the maximum amount of repayment an individual shall be eligible to receive, and the qualifying service to be covered under this section.

III. Only loan debt that was incurred as a result of postsecondary education and which were part of a financial aid award shall be eligible for repayment.

2 Applicability. Loans granted and notes signed under the career incentive program or the nursing leveraged scholarship loan program, prior to their repeal by section 3 of this act shall be enforced in accordance with the original terms of such loans or notes.

3 Application of Receipts; Loan Fund. RSA 6:12, I(tttttt) is repealed and reenacted to read as follows:

(tttttt) Moneys deposited in the postsecondary education loan fund under RSA 188-D:18-h.

4 Higher Education Corporations; Reports Required. Amend RSA 292:8-kk to read as follows:

292:8-kk Reports Required. When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the academic record, or a legible, certified copy thereof, of each student who has been registered for instruction at the institution shall be forwarded to the postsecondary education commission together with an explanation of the institution's credit and grading system. The postsecondary education commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be [\$2 per copy of a student transcript] ***a reasonable fee based on average fees collected by United States institutions.*** Said fees shall be credited to the appropriation for the commission.

5 Repeal. The following are repealed:

I. RSA 188-D:18, relative to the career incentive program.

II. RSA 188-D:18-a - 188-D:18-e, relative to the nursing leveraged scholarship loan program.

6 Appropriation. The sum of \$300,000 for the fiscal year ending June 30, 2004 is hereby appropriated to the postsecondary education commission to fund the workforce incentive program set forth in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

**2003-0709s**

**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. The bill also makes an appropriation to the department of postsecondary education for the purposes of the workforce incentive program.

**Amendment adopted.**

Senator Larsen offered a floor amendment.

**Sen. Larsen, Dist. 15**

**March 19, 2003**

**2003-0883s**

**04/05**

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

Amend the bill by replacing section 2 with the following:

2 Applicability. Loans granted and notes signed under the career incentive program or the nursing leveraged scholarship loan program, prior to their repeal by section 5 of this act, shall be enforced in accordance with the original terms of such loans or notes.

Amend the bill by replacing paragraph I of section 5 with the following:

I. RSA 188-D:14 - 188-D:18, relative to the career incentive program.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 108-FN-L**, relative to charter schools. Education Committee. Re-refer to committee, Vote 3-0. Senator Green for the committee.

**Committee report of re-refer is adopted.**

**SB 118-FN-A**, establishing a ladders to literacy program and making an appropriation therefor. Education Committee. Re-refer to committee, Vote 4-0. Senator O'Hearn for the committee.

**Committee report of re-refer is adopted.**

**SB 166**, establishing a committee to study methods for the state to create incentives for school districts to provide mentoring for beginning teachers. Education Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 195**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education. Education Committee. Inexpedient to Legislate, Vote 5-0. Senator O'Hearn for the committee.

**Committee report of inexpedient to legislate is adopted.**

**SB 105-FN**, establishing state appliance and equipment energy efficiency standards. Energy and Economic Development Committee. Re-refer to committee, Vote 5-0. Senator Below for the committee.

**Committee report of re-refer is adopted.**

**SB 89**, relative to encouraging the use of biosolids and short paper fiber in road construction projects. Environment Committee. Inexpedient to Legislate, Vote 4-0. Senator Johnson for the committee.

**Committee report of inexpedient to legislate is adopted.**



**SB 167**, relative to indoor air quality assessment in public school buildings. Environment Committee. Inexpedient to Legislate, Vote 3-2. Senator Johnson for the committee.

**Question is on the adoption of the committee report of inexpedient to legislate.**

**A roll call was requested by Senator Estabrook.**

**Seconded by Senator Cohen.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse.**

**The following Senators voted No: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.**

**Yeas: 16 - Nays: 6**

**Committee report of inexpedient to legislate is adopted.**

#### **TAKEN OFF THE TABLE**

Senator O'Hearn moved to have **SB 55** taken off the table.

**Adopted.**

**SB 55-FN**, raising the age at which a child may terminate his or her public education. Education Committee.

Senator O'Hearn offered a floor amendment.

**Sen. O'Hearn, Dist. 12**

**March 20, 2003**

**2003-0930s**

**04/10**

#### **Floor Amendment to SB 55-FN**

Amend the bill by replacing all after section 4 with the following:

5 Applicability; Home Educated Pupils. The provisions of this act shall not apply to children who are home schooled pursuant to a home education plan established under RSA 193-A. The provisions of this act shall not be construed to alter, modify, or affect in any way the provisions of RSA 193-A.

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

**2003-0930s**

#### **AMENDED ANALYSIS**

This bill raises from 16 to 18 the age at which a pupil may decide to terminate his or her public education, and provides an exemption for home educated pupils.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**Senator Barnes is in opposition to SB 55.**

**March 20, 2003**

**2003-0929-EBA**

**04/01**

#### **Enrolled Bill Amendment to HB 517-LOCAL**

The Committee on Enrolled Bills to which was referred HB 517-LOCAL

**AN ACT** relative to the classification of certain roads in the town of Hillsborough and transferring ownership of any residual interest in a certain parcel of property from the state to the city of Keene.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 517-LOCAL

This enrolled bill amendment makes a grammatical correction to the bill.

Enrolled Bill Amendment to HB 517-LOCAL

Amend the bill by replacing line 6 of section 3 with the following:

station 463+00 and Park Avenue in Keene, as shown on a plan entitled "Plans of Proposed Federal  
Senator Green moved adoption.

**Adopted.**

**SB 185**, relative to reducing mercury in automobiles. Environment Committee. Inexpedient to Legislate, Vote 3-2. Senator Johnson for the committee.

**Committee report of inexpedient to legislate is adopted.**

**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. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 2-1. Senator Kenney for the committee.

**Senate Executive Departments and Administration**

**March 13, 2003**

**2003-0678s**

**01/09**

**Amendment to SB 128-FN**

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

1 Statement of Intent. This act establishes a division within the department of state that will be responsible for the regulation of vital records and the dissemination of vital records data. This act maintains the right of the department of health and human services to have full access to vital records information as set forth in RSA 126:24-c. By transferring the bureau of vital records and health statistics from the department of health and human services to the department of state, the general court recognizes that the same state department that regulates other records of the state shall also regulate vital records.

2 New Chapter; Vital Records Administration. Amend RSA by inserting after chapter 5-B the following new chapter:

CHAPTER 5-C  
VITAL RECORDS ADMINISTRATION

5-C:1 Definitions. In this chapter:

I. "Department" means the department of state.

II. "Director" or "registrar" means the director of vital records administration who shall also be known as the registrar of vital records.

III. "Division" means the division of vital records administration, department of state.

5-C:2 Division of Vital Records Administration Established.

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 shall select 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.

II. The director shall:

(a) Be responsible for the day-to-day operations of the division.

(b) Plan and provide operational resources as available, for the establishment and support of a state-wide vital records registration, issuance and dissemination program.

#### 5-C:3 Declaration of Policy and Purpose.

I. The New Hampshire constitution identifies the office of the secretary of state as the keeper of the records of the state.

II. The division shall provide access to vital records and vital records data while assuring the privacy of all New Hampshire citizens.

#### 5-C:4 Registrar of Vital Records; Privacy; Duties.

I. The secretary of state shall appoint the registrar of vital records for the state who, under the supervision of the secretary, shall have charge of the vital records of the state and shall enforce the provisions of law in relation to them.

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. The secretary of state shall adopt rules to ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose. The secretary of state shall also adopt rules to ensure that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public. Notwithstanding the provisions of this paragraph, the department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c.

III. The division is designated the vital statistics center for New Hampshire in accordance with section 306(e) of the Public Health Services Act (42 USC 242k(e)). The division is authorized to collect, compile, coordinate and disseminate all vital records information, while adhering to the privacy requirement of paragraph II. The division shall have the power to enter into contractual agreements to the end that costs related to the collection of information shall be defrayed for outside agencies to the extent that funds are available from any source for such purpose.

#### 5-C:5 Statistical Forms.

I. The secretary of state shall adopt rules relative to facts which must be recorded relative to births, marriages, divorces, deaths, and fetal deaths. The registrar for the state shall furnish to sextons, to clergymen and others authorized to solemnize marriages, to physicians, town clerks, clerks of the superior courts, responsible institutions, and clerks of the Society of Friends, a copy of this chapter and suitable forms for recording facts as required by the department of state.

II. In addition to the secretary of state, any interested state agency or individual may request that additional data fields be added to any of the vital records statistical forms. Such requests shall be granted upon meeting the following minimum requirements:

(a) Any individual and any state agency, with the exception of the department of health and human services, shall provide a description of need for the additional data fields.

(b) Any individual and any state agency, with the exception of the department of health and human services, shall provide a business plan describing how the additional data fields will be used.

(c) All individuals and all state agencies shall demonstrate that they have adequate resources to pay for software changes to the secretary of state's automated data collection system including development, testing, training of users, maintenance, and replacement of statistical forms.

(d) All individuals and all state agencies shall provide assurances that any statistical form changes shall not adversely affect any of the data contracts that the secretary of state maintains.

5-C:6 Recordkeeping. The secretary of state may adopt rules to secure uniformity and efficiency in the preparation, transcription, collection, compilation and preservation of facts in relation to births, marriages, divorces, fetal deaths and deaths. In the case of fetal deaths, the name of parent or parents and the name of the child shall not be divulged except by the written consent of the parent or parents. The rules also may include provisions for so-called delayed certificates of birth, the registration of children of unknown parentage, the filing of additional certificates after the legitimization of children and other matters relative to vital statistics.

5-C:7 Rules. The secretary of state shall establish a manual of uniform rules necessary and proper to effectuate the purpose of this chapter. Any rules adopted pursuant to this chapter shall not be subject to the provisions of RSA 541-A.

5-C:8 Rulemaking. The secretary of state shall adopt rules relative to:

I. The confidentiality afforded to individuals under RSA 5-C:4, II.

II. Guidance and direction in the collection of information by data collectors under RSA 5-C:4, III.

III. The statistical forms under RSA 5-C:5.

IV. Securing uniformity and efficiency in the preparation, transcription, collection, compilation, and preservation of facts in relation to births, marriages, divorces, fetal deaths and deaths as authorized under RSA 5-C:6.

V. Births occurring outside an institution under RSA 5-C:11, III.

VI. Birth certificates for foreign-born children adopted in New Hampshire under RSA 5-C:16, I.

VII. Disclosure of certain information under RSA 5-C:17, V.

5-C:9 Seal of Registrar. The registrar shall have a seal which shall be like the seal of the state except that the device thereon shall be surrounded by the words "New Hampshire Department of State, Registrar of Vital Records" in the place of the words "Seal of the State of New Hampshire, 1776."

5-C:10 Authenticated Copies. Every certificate or other official paper executed by the registrar under seal, in pursuance of authority conferred by law, shall be received as evidence, and may be recorded in the proper recording offices in the same manner and with like effect as a legally acknowledged deed; and copies of papers and records in his or her office, so authenticated, shall be received as evidence with the same effect as the originals.

5-C:11 Birth Registration.

I. The division shall maintain a central record of all births occurring in the state of New Hampshire.

II. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, secure the signatures required on a birth worksheet provided by the division, and file electronically a birth record with the state of New Hampshire, division of vital records administration within 6 days of the birth. The physician in attendance shall provide the medical information required by the worksheet and certify to the facts of birth within 72 hours after the birth. If the attending physician does not certify to the facts of birth within the required 72 hours, the chief of obstetrics or the chief of the medical staff shall complete and certify the birth worksheet.

III. When a birth occurs outside an institution the necessary facts shall be obtained and processed under the rules adopted by the secretary of state.

IV. Either of the parents of the child or other informant shall certify the accuracy of the personal data provided and sign the worksheet in time to permit the filing of the birth record within the 6 days required by this section.

V. In the case of a child born of unwed parents, the legal portion of the birth certificate shall not contain any reference or specific statement to the fact that the child was born of unwed parents, or to the marital status of the parents.

VI.(a) Except as provided in subparagraphs (b) and (c), the registrar shall obtain the social security identification numbers of both parents of the newborn child at the time the vital statistics information authorized by this section is obtained.

(b) Social security numbers of the parents shall not be obtained when the child is born of unwed parents and paternity has not been established pursuant to RSA 168-A; provided, however, that if paternity is subsequently established by court order or affidavit of paternity and the birth certificate is modified pursuant to RSA 5-C:12, III or IX, the registrar shall then request the social security numbers of both parents.

(c) A parent who does not have a social security number at the time of the initial information request shall sign a declaration attesting to such fact and submit such document to the registrar.

(d) The parental social security numbers shall not appear on the face of the birth certificate itself.

(e) The social security numbers obtained pursuant to this paragraph shall be confidential and shall be disclosed only to the office of child support enforcement services, department of health and human services, solely for the purpose of enforcing a child support order in effect in this state.

(f) Refusal of a parent to provide a social security number pursuant to subparagraph (a) or (b) shall not be grounds for refusal to issue a birth certificate. The preceding sentence shall appear in writing on the forms used by the division to collect information for birth certificates.

5-C:12 Names on Certificates of Birth; Affidavits of Paternity.

I. If the mother was married at the time of either conception or birth or anytime between conception and birth and:

(a) There is no dispute as to paternity, the name of the husband shall be entered on the certificate as the father of the child. The surname of the child shall be any name chosen by the parents; provided, however, that if the parents are separated or divorced at the time of the child's birth, the choice of surname rests with the parent who has actual custody following birth.

(b) A situation arises whereby the mother claims that the father of the child is not her husband, and the husband agrees to such a claim, and the putative father agrees to such a statement, then a 3-party affidavit of paternity may be signed by the respective parties and duly notarized. This will allow the name of a nonhusband to be placed on the birth certificate as the father and the surname of the child shall be any name chosen by the mother.

(c) A question of paternity determination arises which is not resolved under subparagraph (b), it shall be settled by a court of competent jurisdiction.

II. If the mother was not married at the time of either conception or birth or between conception and birth, the name of the father shall not be entered on the certificate of birth unless an affidavit of paternity is signed by the mother and father and duly notarized, in which case the surname of the child shall be any name chosen by the mother and father.

III. When an affidavit of paternity is executed in a hospital or birthing center, or before a midwife, the following procedure shall apply:

(a) A hospital, birthing center, or midwife shall provide to an unmarried mother of a live child born in a hospital, birthing center, or other location, an affidavit of paternity that can be completed by the child's mother and father to acknowledge paternity of a child, which affidavit shall be notarized by the hospital or birthing center staff if the birth occurs in a hospital or birthing center. Before a mother and a putative father can sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities, and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) When a mother and father sign an affidavit of paternity, a hospital, birthing center, or midwife shall:

(1) Complete the affidavit of paternity and forward the record to the division; and

(2) File a copy of the affidavit of paternity with the department of health and human services, office of child support enforcement services, at the address indicated on the affidavit of paternity.

(c) For each affidavit of paternity signed and filed in accordance with this paragraph, the department of health and human services shall reimburse the hospital, birthing center, or midwife in an amount authorized by federal law.

(d) The department of health and human services shall develop and distribute to a hospital, birthing center, or midwife free of charge the affidavit of paternity forms, information on the purpose and completion of the form, and information on the rights and responsibilities of the parents, and shall provide assistance and training to staff assigned responsibility for providing the information.

IV. When an affidavit of paternity is executed and filed with the clerk of the town where the birth occurs, the following procedures shall apply:

(a) In those instances where an affidavit of paternity is completed by the parents of the child and filed directly with the clerk of the town where the birth occurs, the clerk of the town shall forward a copy of the affidavit of paternity to the department of health and human services, office of child support enforcement services, at the address indicated on the affidavit of paternity and shall forward the electronic record to the division. Before a mother and a putative father may sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.



(b) The department of health and human services shall develop and distribute to a clerk of the town free of charge the affidavit of paternity forms, information on the purpose and completion of the form, and information on the rights and responsibilities of the parents, and shall provide assistance and training to staff assigned responsibility for providing the information.

V. The division shall link an electronic record of an affidavit of paternity with the original birth record of the child.

VI. An affidavit of paternity signed pursuant to this section shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

(1) Sixty days; or

(2) The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

VII. Written notice of rescission shall be sent to the clerk of the town in which the birth occurred, with a copy to the office of child support enforcement services at the address indicated on the affidavit, no later than 60 days after the affidavit is signed. After expiration of the rescission period, the signed affidavit of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown.

VIII. When an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, and the acknowledgment has not been rescinded pursuant to this section, any further modification of the birth certificate regarding the paternity of the child shall require an order from a court of competent jurisdiction.

IX. In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court. Each final order affecting a determination of parentage of a minor child shall be forwarded by the court to the clerk of the town or city in which the birth occurred for entry on the birth certificate. The surname of the child shall remain unchanged unless otherwise designated in the court order.

X. In all other cases, the surname of the child shall be any name chosen by the mother.

XI. If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

XII. The secretary of state shall adopt rules relative to implementing the secretary's duties under this section.

5-C:13 Report of Marriage. Every person who solemnizes a marriage shall make a record of it and of all the facts required by the department and, within 6 days thereafter, shall forward it to the town clerk who issued the marriage license. The town clerk shall forward the report of marriage to the division.

5-C:14 Preservation of Returns. The registrar shall cause the returns made to him or her under the preceding sections and the returns of divorces made by the clerks of court to be arranged, alphabetical indexes of all the names contained in such returns to be made, and the whole to be bound in convenient volumes and preserved in his or her office. Records of births, marriages, deaths, and divorces shall be kept separately.

5-C:15 Birth Registration Cards.

I. The registrar or a town clerk may issue, in accordance with the provisions of RSA 5-C:17, a card containing information relative to the date and place of birth of such persons as may be on record with the division. The fee for the issuance of any such card shall be \$12. However, under no circumstances shall any information relative to any adoption be disclosed or given out by the registrar, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

II. The town clerk shall forward \$6 of each fee collected under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 5-C:25. The town clerk shall retain the remaining \$4 as a fee for issuing such birth registration card.

5-C:16 Birth Certificate for Foreign-Born Children Adopted in New Hampshire.



I. The registrar shall establish in accordance with rules adopted by the secretary of state a New Hampshire certificate of birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of birth shall be established and registered and a certified copy of such certificate issued when he or she receives a request and a fee of \$25 from the adoptive parents or adopted person over 18 for such a certificate and a report of the adoption as provided in RSA 170-B:18. Funds paid to the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:25.

II. The birth certificate established according to this section shall show the true or probable foreign country of birth, and shall state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.

III. The registrar shall not establish a New Hampshire certificate of birth if the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older requests that the certificate not be established.

IV. Any birth certificate established under this section shall not be deemed a record within the meaning of RSA 170-B:19.

5-C:17 Disclosure of Information from Vital Records. In order to protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics the registrar or the custodian of permanent local records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record unless he or she is satisfied that the applicant has a direct and tangible interest in such record. However, under no circumstance shall any information relative to any adoption be disclosed or given out by the registrar or custodian of permanent local records or any other individual except pursuant to RSA 170-B:19, II.

I. The registrant, a member of his or her immediate family, his or her guardian, or respective legal representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

II. The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the registrant or his or her family.

III. Commercial firms or agencies requesting a listing of names and addresses shall not be considered to have a direct and tangible interest.

IV. Properly qualified members of the press, radio, television, and other news media shall be considered to have a direct and tangible interest in vital statistic records when the information requested by such media sources is of a public nature.

V. Disclosure of certain information and statistical data to federal, state or local agencies and research for legitimate purposes other than requests for vital records information for the purposes of health-related research under RSA 126:24-c may be authorized by the registrar under rules adopted by the secretary of state.

VI. The department of health and human services shall have a direct and tangible interest in vital records information in accordance with the provisions of RSA 126:24-c.

VII. Disclosure of voluntary acknowledgments and adjudication of paternity by judicial or administrative processes shall be released for the purposes of the state case registry pursuant to RSA 161-B:7.

#### 5-C:18 Fees for Copies and Verifications.

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:17, the sum of \$12 for making search, which sum shall include payment for the issuance of such copy or verification, and \$8 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:25 and shall retain the remaining \$4 as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:25, and the town clerk shall retain the remaining \$3 as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate.

5-C:19 Furnishing to Governmental Agencies. Certified copies, certificates of partial facts, verifications or search of the records may be made for any federal, state or local governmental agency by special arrangement without regard to the provisions of RSA 5-C:18.

5-C:20 Disposal of Fees. All fees collected by the registrar under the provisions of RSA 5-C:15, and RSA 5-C:17-19, shall be paid into the state treasury but shall be held in a special fund which shall be a continuing appropriation for the department, for the use of the division.

5-C:21 Record as Evidence. A certified copy issued by a town clerk of a record of a birth, marriage, or death, on file with the town clerk or division, shall be prima facie evidence of the fact, in any judicial proceeding.

5-C:22 Correction and Amendment. Any correction or amendment to a record of any birth, marriage or death shall be made by the town clerk according to rules adopted by the secretary of state and the town clerk shall receive for amending or correcting any record the fee of \$10 to be paid by the person making application for such an amendment or correction. The town clerk shall retain the fee collected under this section for making such correction or amendment. Such fee shall be waived if the error was made by the town clerk.

5-C:23 Duties and Responsibilities; Penalties.

I. Any person having knowledge of and a direct and tangible interest in the facts shall furnish such information as he or she may possess regarding any birth, death, fetal death, marriage, or divorce upon demand of the registrar.

II. Any person shall be guilty of a class B felony if he or she:

(a) Willfully and knowingly makes any false statement in a certificate, record, or report required to be filed by statute or in an application for an amendment thereof or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(b) Without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed by statute or a certified copy of such certificate, record or report; or

(c) Willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or

(d) With the intention to deceive willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or

(e) Willfully and knowingly furnishes or processes a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or

(f) Without lawful authority possesses any certificate, record, or report, required by statute or a copy or certified copy of such certificate, record or report knowing same to have been stolen or otherwise unlawfully obtained.

III. Except as otherwise provided, any person shall be guilty of a misdemeanor if he or she willfully and knowingly transports or accepts for transportation, interment or other disposition of a dead body without an accompanying permit when required pursuant to RSA 290.

IV. Except as otherwise provided, any person shall be guilty of a violation if he or she:

(a) Willfully and knowingly refuses to provide information required by this chapter or rules adopted hereunder; or

(b) Willfully and knowingly neglects to comply with or intentionally violates any of the provisions of this section or refuses to perform any of the duties imposed upon him or her by this section.

5-C:24 Decorative Heirloom Certificates.

I. The registrar shall, upon request and payment of the fee, supply to any applicant having a direct and tangible interest as provided in RSA 5-C:17, a decorative heirloom certificate of any birth or marriage registered with him or her.

II. The decorative heirloom certificate shall be of a distinctive design and shall include the seal of the registrar and an original signature. The information on heirloom certificates shall be in accordance with rules adopted by the secretary of state.

III. The fee for each decorative heirloom certificate shall be \$25. The registrar shall forward \$15 of each fee collected to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:25.

5-C:25 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for the improvement of the registration, certification, preservation and management of the state's vital records, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall not be used for rent or electricity expenses or for general clerical or administrative personnel of the division. The secretary of state shall allocate moneys in the fund with the assistance of the advisory committee established under RSA 5-C:26. The fund shall accrue interest and shall be nonlapsing and continually appropriated to the secretary of state.

#### 5-C:26 Advisory Committee.

I. There is established an advisory committee to assist the secretary of state in administering the fund established under RSA 5-C:25. The advisory committee shall also determine the need for improvement and automation of the processing of vital records upon recommendations from representatives of the department, the New Hampshire City and Town Clerks' Association, and the division of information technology management. The members of the committee shall be appointed as follows:

- (a) Two town clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (b) Two city clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (c) A funeral director, appointed by the New Hampshire Funeral Directors' Association.
- (d) A physician licensed under RSA 329 from the office of chief medical examiner, or designee.
- (e) A public member, who shall have a direct interest in the registration of vital records, appointed by the department.
- (f) The registrar of vital records, or designee.
- (g) A health information specialist, appointed by the New Hampshire Hospital Association.
- (h) The director of the division of information technology management, department of administrative services, or designee.
- (i) The state archivist, or designee.
- (j) The commissioner of health and human services, or designee.
- (k) A representative of a local city public health agency, appointed by the commissioner of health and human services.
- (l) One vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the commissioner of health and human services.

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. The city and town clerk members shall serve staggered terms and initially one town clerk and one city clerk shall serve for 2 years and one town clerk and one city clerk shall serve for 3 years.

5-C:27 Quarterly Reports. The department shall file a financial report for the vital records improvement fund for the preceding quarter showing the summary of receipts and expenditures, according to the uniform classifications.

5-C:28 Annual Report. The department shall prepare and file a report on the uses of the vital records improvement fund and shall submit the report to the vital records improvement advisory committee no later than December 31 of each year. The report shall contain the following:

- I. The gross revenue received by the fund.

II. A summary of receipts and expenditures, according to uniform classifications.

III. Accomplishments achieved pursuant to RSA 5-C during the preceding fiscal year.

IV. An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the funds.

V. Any recommendations for additional legislation, and other relevant matters.

3 Reference Change. Amend RSA 126:27, IV to read as follows:

IV. User fees which shall be assessed persons requesting data under RSA ~~[126:14, V]~~ 126:28, 126:30, and 141-B:9.

4 Reference Changes. Amend RSA 6:12, I(tt) to read as follows:

(tt) Moneys received from the town clerk under RSA ~~[126:13, H]~~ **5-C:15, II**, and by the department of ~~[health and human services]~~ **state** under RSA ~~[126:15, H]~~ **5-C:18, II**, which shall be credited to the vital records improvement fund established in RSA ~~[126:31]~~ **5-C:25**.

5 Reference Change. Amend RSA 33-A:4-a, I(e) to read as follows:

(e) The ~~[state]~~ registrar of vital records ~~[and health statistics]~~.

6 Reference Changes. Amend RSA 168-A:2, I(b) to read as follows:

(b) An affidavit of paternity with the clerk of the town where the birth of the child occurred pursuant to RSA ~~[126:6-a]~~ **5-C:12**, I(b) or II. The affidavit of paternity shall have the legal effect of establishing paternity without requiring further action pursuant to this chapter, unless rescinded pursuant to RSA ~~[126:6-a, H-d]~~ **5-C:12, VI**.

7 Reference Changes. Amend RSA 168-A:2, V to read as follows:

V. Upon determining paternity, the court shall provide a copy of the order to the ~~[bureau]~~ **department of state, division** of vital records ~~[and health statistics]~~ **administration**, except that the office of child support enforcement services shall provide the copy to the ~~[bureau]~~ **department of state, division** of vital records ~~[and health statistics]~~ **administration** in cases initiated by the department **of health and human services**.

8 Reference Changes. Amend RSA 168-A:13 to read as follows:

168-A:13 Social Security Numbers. At the conclusion of a paternity action filed pursuant to this chapter in which paternity is established, the court shall also order the mother and father to supply their social security numbers to the registrar of vital records~~[and health statistics]~~, in accordance with RSA ~~[126:6]~~ **5-C:11**, and to the department of health and human services.

9 Reference Change. Amend RSA 170-B:2, XIII(a) to read as follows:

(a) The person designated as the father pursuant to RSA ~~[126:6-a]~~ **5-C:12** on that child's birth certificate; or

10 Reference Changes. Amend RSA 170-B:18, I to read as follows:

I. Within 7 days after the final decree is filed, the register of probate shall send to the town clerk of the town where the adopted person was born, **the department of state, division of vital records administration**, and to the commissioner **of health and human services** by mail a report of the adoption. The ~~[bureau of vital records and health statistics]~~ **division of vital records administration**, department of ~~[health and human services]~~ **state**, shall provide suitable forms for such reports.

11 Reference Changes. Amend RSA 170-B:19, II to read as follows:

II. All papers and records, including birth certificates, pertaining to the adoption, whether part of the permanent record of the court or of a file in the division, in an agency or office of the town clerk or the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration** are subject to inspection only upon written consent of the court for good cause shown, except as otherwise provided in this section. Upon the request of an adoptee over 21 years of age, or a natural parent of an adoptee over 21 years of age, for information concerning the adoptee or natural parent, the court shall refer the adoptee or natural parent to the child-placing agency which completed the investigation required under RSA 170-B:14.

12 Reference Changes. Amend RSA 170-C:14, II to read as follows:

II. All papers and records, including birth certificates, pertaining to the termination, whether part of the permanent record of the court or of a file in the department, in an agency or office of the town clerk or the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration** are subject to inspection only upon written consent of the court for good cause shown.

13 Reference Changes. Amend RSA 215-A:32-a, I to read as follows:

I. The executive director shall report annually to the registrar of vital records ~~[and health statistics]~~ pursuant to RSA ~~[126:1]~~ **5-C:2** on any deaths or injuries occurring in the state related to the operation of OHRVs.

14 Reference Changes. Amend RSA 290:1 to read as follows:

290:1 Death Records. Whenever a person shall die, the physician attending at the last sickness shall complete and deliver to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration**, a death record, duly signed, setting forth, as far as may be, the facts required by rules of the department of ~~[health and human services]~~ **state, division of vital records administration** as provided in RSA ~~[126:2]~~ **5-C:8**. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, next-of-kin, or designated agent shall transmit electronically the record of death to the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration**.

15 Reference Changes. Amend RSA 290:1-b to read as follows:

290:1-b Pronouncement of Death by Registered Nurses. If an anticipated death occurs in a hospital, a nursing home, a private home served by a home health care provider licensed under RSA 151, or a hospice, the registered nurse attending at the last sickness may pronounce the person dead and release the body to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent after certifying the fact of death and completing the death record by hand or other approved electronic process. If a contagious disease is known to be present at the time of death, that fact shall be indicated on the death record in accordance with rules adopted by the ~~[commissioner of the department of health and human services]~~ **secretary of state** as provided in RSA ~~[126:2]~~ **5-C:8**.

16 Reference Changes. Amend RSA 290:3 to read as follows:

290:3 Burial Permits, Obtaining. It shall be the duty of the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 to add to the death record the date and place of burial, and having certified the same by hand or other approved electronic process, to forward it to the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration** or as otherwise directed by the ~~[state]~~ registrar **of vital records**, and to obtain a permit for burial from the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration** in accordance with rules adopted by the ~~[commissioner of the department of health and human services]~~ **secretary of state**, under RSA ~~[126:3]~~ **5-C:8**. In case of a contagious or infectious disease the record shall be completed and transmitted immediately.

17 Reference Changes. Amend RSA 290:3-b to read as follows:

290:3-b Emergency Burial Permit The ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration**, department of ~~[health and human services]~~ **state**, may issue an emergency burial permit in an emergency as defined by rules adopted by the ~~[commissioner of the]~~ department of ~~[health and human services]~~ **state** pursuant to RSA ~~[126:3]~~ **5-C:8**.

18 Reference Changes. Amend RSA 290:8 to read as follows:

290:8 Prerequisites. No such permit shall be issued until there has been delivered to the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration** a death record completed in accordance with RSA 290:1.

19 Reference Changes. Amend RSA 457:7 to read as follows:

457:7 Granting of Permission Such justice or judge shall at once hear the parties, and, if satisfied that special cause exists making such marriage desirable, shall grant permission therefor, which shall be filed with the court and shall be reported to the ~~[bureau]~~ **division** of vital records ~~[and health statistics]~~ **administration**. The ~~[bureau]~~ **division** shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.



20 Reference Changes. Amend RSA 457:22 to read as follows:

457:22 Completion of Marriage License Application. All persons proposing to be joined in marriage within the state shall complete a marriage license application with all facts required by rules of the department of ~~health and human services~~ **state, division of vital records administration** as provided in RSA ~~[126]~~ **5-C**, to be entered in any town clerk's office. The clerk shall record the application in a book to be kept for that purpose.

21 Reference Change. Amend RSA 457:38 to read as follows:

457:38 Certified Copy of Record. A copy of the record of a marriage, certified by a city or town clerk or by the registrar of vital records ~~[and health statistics]~~, shall be received in all courts and places as evidence of the fact of the marriage.

22 Reference Change. Amend RSA 458:15 to read as follows:

458:15 Clerks' Returns. The clerks of the superior court shall, in their respective counties at which divorces are granted, make monthly returns to the registrar of vital records ~~[and health statistics]~~.

23 Reference Change. Amend RSA 458:25 to read as follows:

458:25 Return of List. The clerk of the superior court for each county, at the end of each term of court, shall return to the registrar of vital records ~~[and health statistics]~~ a full and correct list of all changes of names that have been decreed hereunder by the court since the last return.

24 Reference Change. Amend RSA 458:30 to read as follows:

458:30 Returns. The clerk of the superior court shall make return of all such decrees of separation and declarations of the resumption of marital relations to the registrar of vital records ~~[and health statistics]~~ in the manner provided for the return of divorces.

25 New Subdivision; Bureau of Health Statistics and Data Management. Amend RSA 126 by inserting after section 24 the following new subdivision:

Bureau of Health Statistics and

Data Management and Institutional Review Board

126:24-a Definitions. In this chapter:

- I. "Board" means the institutional review board, established in RSA 126:24-e.
- II. "Commisioner" means the commisioner of the department of health and human services.
- III. "Department" means the department of health and human services.

126:24-b Intent. The bureau of health statistics and data management within the department is designated the health statistics center of New Hampshire in accordance with PL95-623 section V(c)(1). The bureau is authorized to coordinate and disseminate health-related information for the purposes of protecting public health while adhering to privacy requirements. In carrying out its duties, the department shall use the minimum amount of information that is reasonably necessary to protect the health of the public.

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 than a 24-hour, 7-day per week basis, 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.

126:24-d Disclosure of Information from Vital Records. All protected health information possessed by the department shall be considered confidential, except that the commissioner shall be authorized to provide vital record information to institutions and individuals both within and outside of the department who demonstrate a need for such information for the purpose of conducting health-related research. Any such release shall be conditioned upon the understanding that once the health-related research is complete that all information provided will be returned to the department or destroyed. All releases of information shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996 (public law 104-191 (HIPAA)) and



regulations promulgated thereunder by the United States Department of Health and Human Services (45 CFR Part 160 and Part 164). This shall include the requirement that all proposed releases of vital records information to institutions and individuals both within and outside the department for the purposes of health-related research be reviewed and approved by the institutional review board, under RSA 126:24-e, before the requested information is released.

126: 24-e Institutional Review Board.

I. There is hereby established an independent institutional review board administratively attached, pursuant to RSA 12-G:10, to the department to review requests for vital records information for the purposes of conducting health-related research. No vital records information requested for the purposes of conducting health-related research shall be released until the request has first been reviewed and approved by the board.

II. The board shall have 6 members, with varying backgrounds to promote complete and adequate review of health-related research activities. The commissioner shall appoint 3 of the members and the secretary of state shall appoint 3 members. The board shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members to promote respect for its advice and counsel in safeguarding the privacy and confidentiality of vital records information that is used for the purposes of health-related research. In addition to possessing the professional competence necessary to review specific health-related research activities, the board shall be able to ascertain the acceptability of proposed research in terms of applicable law, regulations, and standards of professional conduct and practice. The board shall therefore include persons knowledgeable in these areas.

III. The board shall include at least one member whose primary concerns are in the area of public health research activities and at least one member whose primary concerns are in nonpublic health areas.

IV. The board shall include at least 2 members who are not otherwise affiliated with either the department or the department of state and who are not part of the immediate family of a person who is affiliated with either the department or the department of state.

V. No member of the board shall participate in initial or continuing review of any health-related research project in which the member has a conflicting interest, except to provide information requested by the board.

VI. The board may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that possessed by the members of the board. These individuals may only offer advice and guidance and shall not participate in the decision as to whether or not to approve the release of vital records information for the purposes of health-related research.

126:24-f Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

I. With the exception of vital records, guidance and direction in the collection and accuracy of statistical and medical information by data collectors.

II. Procedures, conditions, and criteria for release of information, under RSA 126:24-c.

126:24-g Advisory Committee on Quality of Vital Records Information.

I. There is established an advisory committee to assist the secretary of state in assuring and improving the quality of vital records electronic information. The committee shall meet annually or at the call of the chair. The members of the committee shall be appointed as follows:

- (a) A town or city clerk, appointed by the New Hampshire City and Town Clerks' Association.
- (b) A funeral director, appointed by the New Hampshire Funeral Directors' Association.
- (c) A physician licensed under RSA 329, appointed by the board of medicine.
- (d) One vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the commissioner.
- (e) The registrar of vital records, or designee.
- (f) A health information specialist, appointed by the New Hampshire Hospital Association.
- (g) The commissioner or designee.

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms.

126:24-h Penalty. Any person shall be guilty of a class B felony if he or she willfully and knowingly furnishes or disseminates vital records information in a manner inconsistent with the purposes for which it was released.

26 Repeals. The following are repealed:

I. RSA 126:1 through 126:24, relative to vital records and health statistics.

II. RSA 126:30-a through 126:32, relative to vital records and health statistics.

27 Contingency. This act shall take effect on the date upon which 2003, HB 1-A, an act making appropriations for the expenses of certain departments of state for the fiscal years ending June 30, 2004, and June 30, 2005, takes effect.

28 Effective Date.

I. Section 27 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 27 of this act.

**Amendment adopted.**

Senator Martel offered a floor amendment.

**Sen. Martel, Dist. 18**

**March 19, 2003**

**2003-0895s**

**01/09**

**Floor Amendment to SB 128-FN**

Amend RSA 5-C: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 shall nominate the director of vital records administration for appointment by the governor, with the consent of the council. 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.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 226-L**, increasing the homestead exemption. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Peterson for the committee.

**Senate Executive Departments and Administration**

**March 13, 2003**

**2003-0711s**

**08/10**

**Amendment to SB 226-LOCAL**

Amend the bill by replacing section 1 with the following:

1 Homesteads; Amount Increased. Amend RSA 480:1 to read as follows:

480:1 Amount. Every person is entitled to [~~\$50,000~~] **\$100,000** worth of his or her homestead, or of his or her interest therein, as a homestead. The homestead right created by this chapter shall exist in manufactured housing, as defined by RSA 674:31, which is owned and occupied as a dwelling by the same person but shall not exist in the land upon which the manufactured housing is situated if that land is not also owned by the owner of the manufactured housing.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 215-FN**, relative to the use of prerecorded telephone messages for political advocacy. Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Sapareto for the committee.

**Interstate Cooperation**

**March 13, 2003**

**2003-0699s**

**03/04**

**Amendment to SB 215-FN**

Amend RSA 664:14, IV(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Any political advertising in the form of a prerecorded message transmitted by telephone shall, within the first 60 seconds of the message, disclose the name and telephone number of the candidate, committee, or other person paying for the telephone call.

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

3 New Paragraph; Political Advertising; Signature, Identification, and Lack of Authorization. Amend RSA 664:14 by inserting after paragraph VI the following new paragraph:

VII. Any person who knowingly causes any communication that violates this section to be received within the state of New Hampshire shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

**2003-0699s**

**AMENDED ANALYSIS**

This bill requires that any political advertising in the form of a prerecorded telephone message disclose the name and telephone number of the candidate, committee, or other person paying for the telephone call. This bill also requires that violations of the political advertising identification law meet a knowing standard of conduct for criminal penalties to apply.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 20**, relative to the qualifications for the property tax exemption for the disabled. Public Affairs Committee. Re-refer to committee, Vote 4-0. Senator Barnes for the committee.

**Committee report of re-refer is adopted.**

**SB 92-FN**, regulating home improvement contractors. Public Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Morse for the committee.

**Committee report of inexpedient to legislate is adopted.**

**SB 192-FN**, relative to domicile for persons needing assistance. Public Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

**Committee report of inexpedient to legislate is adopted.**

**SB 228**, relative to the preservation of historic barns and similar historic agricultural structures by municipalities. Public Affairs Committee. Re-refer to committee, Vote 4-0. Senator Roberge for the committee.

**Committee report of re-refer is adopted.**

**SB 163-FN**, relative to the procedures of the health services planning and review board. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 4-1. Senator O'Hearn for the committee.

**Question is on the committee report of ought to pass.**

**A roll call was requested by Senator Flanders.**

**Seconded by Senator Green.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Below, Green, Flanders, Odell, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, D'Allesandro, Morse, Cohen.**

**The following Senators voted No: Boyce, Roberge, Sapareto.**

**Yeas: 18 - Nays: 3**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 202-FN-A**, relative to funding for kidney dialysis patients and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 4-1. Senator Martel for the committee.

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 216-FN-A**, relative to the developmental services priority waiting list and making an appropriation therefor. Public Institutions, Health and Human Services Committee.

Ought to pass with amendment, Vote 3-2. Senator Martel for the committee.

**Public Institutions, Health and Human Services**

**March 12, 2003**

**2003-0657s**

**05/03**

**Amendment to SB 216-FN-A**

Amend the bill by replacing section 1 with the following:

1 Appropriation; Funding Developmental Services Priority Waiting List. The sum of \$2,650,000 for fiscal year ending June 30, 2004, and \$2,650,000 for fiscal year ending June 30, 2005, is hereby appropriated to the department of health and human services, division of developmental services, to fund the waiting list for services for individuals with developmental disabilities who are identified as priority level one, as defined in section 2. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**Amendment adopted.**

Senator O'Hearn offered a floor amendment.

**Sen. O'Hearn, Dist. 12**

**Sen. Below, Dist. 5**

**March 20, 2003**

**2003-0906s**

**05/10**

**Floor Amendment to SB 216-FN-A**

Amend the bill by replacing section 1 with the following:

1 Appropriation; Funding Developmental Services Priority Waiting List. There is hereby appropriated to the department of health and human services for the purposes of providing services for individuals with developmental disabilities who are identified as priority level one, as defined in section 2, the sum of \$3,600,000, of which \$1,800,000 shall be from general funds and \$1,800,000 shall be from federal funds, for the fiscal year ending June 30, 2004; and the sum of \$8,000,000 of which \$4,000,000 shall be from general funds and \$4,000,000 shall be from federal funds, for the fiscal year ending June 30, 2005. Such funds shall be in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**A roll call was requested by Senator Sapareto.**

**Seconded by Senator Flanders.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Below, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Morse, Cohen.**

**The following Senators voted No: None.**

**Yeas: 21 - Nays: 0**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 142-FN**, relative to advertisements on utility poles and highway signs. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Below for the committee.

**Senate Transportation**

**March 12, 2003**

**2003-0675s**

**06/09**

**Amendment to SB 142-FN**

Amend the bill by replacing section 1 with the following:

1 Advertisements Prohibited. RSA 236:75 is repealed and reenacted to read as follows:

236:75 Advertisements Upon Certain Objects Prohibited.

I. In this section:

(a) "Advertisement" shall mean any advertisement or sign, including but not limited to leaflets and flyers.

(b) "Object owner" shall mean the owner or joint owners of any object.

(c) "Advertisement owner" shall mean the owner of any advertisement and shall also include any person who places any advertisement on an object in violation of this section.

(d) "Object" shall mean any object of nature, utility pole, street light, telephone booth, traffic control device, highway sign, or highway appurtenance.

II. Notwithstanding any provisions of the law to the contrary, it shall be unlawful to affix, attach, or display any advertisement upon any object, directly in such a manner that the object is utilized as an integral part of the sign's support as distinguished from being only incidentally a support to the sign, such as the earth or ground upon which a sign is affixed. This prohibition shall extend to all primary and secondary highways and roads of and within the state without exception for any type of advertising. This prohibition shall not extend to the placement of advertisements when such placement has been specifically approved by the object owner. The owner of any object upon which an advertisement is placed in violation of this section shall be entitled to remove and destroy the advertisement, at the expense of the advertisement owner, without prior notice to the advertisement owner, and the advertisement owner shall not be entitled to damages or compensation therefor. The object owner shall be entitled to payment by the advertisement owner for the costs associated with removal and destruction of the advertisement by that object owner or the object owner's agents or employees. Any municipality may remove and dispose of any advertisement placed on an object within a municipality's public right of way in violation of this section, without prior notice to the advertisement owner.

III. Whoever violates this section shall be guilty of a misdemeanor if a natural person or a felony if any other person.

**2003-0675s**

**AMENDED ANALYSIS**

This bill prohibits advertisements, leaflets, or flyers, on natural objects, utility poles, street lights, telephone booths, traffic lights, highway appurtenances, or highway signs without the approval of the object's owner and increases the penalty for violations. It also allows municipalities to remove advertisements in the public right of way without notice to the advertisement owner.

**Amendment adopted.**

Senator Kenney offered a floor amendment.

**Sen. Kenney, Dist. 3**  
**March 20, 2003**  
**2003-0905s**  
**06/10**

**Floor Amendment to SB 142-FN**

Amend RSA 236:75, I and II as inserted by section 1 of the bill by replacing it with the following:

I. In this section:

(a) "Advertisement" shall mean any advertisement or sign, including but not limited to leaflets and flyers.

(b) "Object owner" shall mean the owner or joint owners of any object of nature, utility pole, telephone booth, or highway sign.

(c) "Advertisement owner" shall mean any person who places any advertisement on an object in violation of this section.

(d) "Object" shall mean any object of nature, utility pole, telephone booth, or highway sign.

II. Notwithstanding any provisions of the law to the contrary, no person shall affix, attach, or display any advertisement upon any object, directly in such a manner that the object is utilized as an integral part of the sign's support as distinguished from being only incidentally a support to the sign, such as the earth or ground upon which a sign is affixed. This prohibition shall extend to all primary and secondary highways and roads of and within the state without exception for any type of advertising. This prohibition shall not extend to the placement of advertisements when such placement has been specifically approved by the object owner. The owner of any object upon which an advertisement is placed in violation of this section shall be entitled to remove and destroy the advertisement, at the expense of the advertisement owner and the advertisement owner shall not be entitled to damages or compensation therefor. The object owner shall be entitled to payment by the advertisement owner for the costs associated with removal and destruction of the advertisement by that object owner or the object owner's agents or employees. Any municipality may remove and dispose of any advertisement placed on an object within a public right-of-way within the municipality in violation of this section, without prior notice to the advertisement owner.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 182**, relative to releasing information from motor vehicle records. Transportation Committee. Inexpedient to Legislate, Vote 4-1. Senator Martel for the committee.

**Committee report of inexpedient to legislate is adopted.**

**SB 196**, establishing a committee to study the inspection and fees for sanitary transportation of seafood. Transportation Committee. Inexpedient to Legislate, Vote 5-0. Senator Morse for the committee.

**Committee report of inexpedient to legislate is adopted.**

**SB 102-FN**, relative to the computation of tax on certain telecommunications services under the communications services tax. Ways and Means Committee. Ought to pass with amendment, Vote 3-2. Senator D'Allesandro for the committee.

**Senate Ways and Means**  
**March 13, 2003**  
**2003-0715s**  
**09/10**

**Amendment to SB 102-FN**

Amend RSA 82-A:2, V(e) as inserted by section 2 of the bill by replacing it with the following:



(e) Charges for services which are not subject to tax under RSA 82-A to the extent that the charges for such services are disaggregated and separately identified from other charges on the customer's bill, or in instances where the provider does not separately list charges for taxable and non-taxable communication services, such charges shall be subject to the taxes imposed by this chapter, unless the provider can reasonably identify charges not subject to such tax from its books and records kept in the ordinary course of business. A taxpayer may not rely upon the non-taxability of charges for telecommunications services unless the taxpayer's provider separately states the charges for non-taxable telecommunications services from taxable charges or the provider elects, after receiving written notice from the taxpayer in the form required by the provider, to provide verifiable data based upon the provider's books and records that are kept in the regular course of business that reasonably identify the non-taxable charges;

Amend the bill by replacing section 4 with the following:

4 Communications Services Tax; Definition; Place of Primary Use. RSA 82-A:2, XXI is repealed and reenacted to read as follows:

XXI. "Place of primary use" means the street address representative of where the taxpayer's use of the telecommunications service primarily occurs, which must be:

- (a) Either the residential street address or the primary business street address of the taxpayer; and
- (b) In the case of mobile telecommunications services, within the licensed service area of the home service provider.

Amend the bill by replacing section 8 with the following:

8 Applicability. This act shall apply to bills issued on or after January 1, 2004; provided, however, in the case of private communications services, if information on mileage is not available, the department of revenue administration may allow the application of the apportionment rules in RSA 82-A:2, XIII to prior periods and provided further, in the case of a post-paid calling service, the carrier shall be allowed a transition period from January 1, 2004 through June 30, 2004 in which to change its tax systems to conform with the provisions of this act.

#### MOTION TO TABLE

Senator Green moved to have **SB 102** laid on the table.

**A division vote was requested.**

**YEAS: 11 - NAYS: 9**

**Adopted.**

#### LAID ON THE TABLE

**SB 102-FN**, relative to the computation of tax on certain telecommunications services under the communications services tax.

#### MOTION OF RECONSIDERATION

Senator Below, having voted with the prevailing side, moved reconsideration on **SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers, whereby we ordered it to third reading.

**Adopted.**

**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.

Senator Below offered a floor amendment.

**Sen. Below, Dist. 5**

**March 20, 2003**

**2003-0908s**

**10/05**

#### Floor Amendment to SB 212

Amend RSA 541-A:22, III(h) as inserted by section 2 of the bill by replacing it with the following:

(h) Require a submission of a social security number unless mandated by state or federal law.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**TAKEN OFF THE TABLE**

Senator Sapareto moved to have **SB 154** taken off the table.

**Adopted.**

**SB 154**, relative to landlord access to rental properties.

**Question is on the adoption of the floor amendment (0622).**

**Senator Larsen withdrew her floor amendment.**

Senator Larsen offered a floor amendment.

**Sen. Larsen, Dist. 15**

**March 13, 2003**

**2003-0693s**

**08/01**

**Floor Amendment to SB 154**

Amend the bill by replacing section 1 with the following:

1 Landlord and Tenants; Prohibited Practices. Amend RSA 540-A:3, V to read as follows:

V. No tenant shall willfully refuse the landlord access to the premises to make necessary repairs, *for the purposes of health and safety inspections, code compliance review, insurance appraisal, and real estate rental and sales requirements* at a reasonable time after notice which is adequate under the circumstances.

**2003-0693s**

**AMENDED ANALYSIS**

This bill grants a landlord access to rental property for certain reasons.

**Question is on the adoption of the floor amendment.**

**A division vote was requested.**

**Yeas: 4 - Nays: 16**

**Floor amendment failed.**

Senator Sapareto offered a floor amendment.

**Sen. Sapareto, Dist. 19**

**March 20, 2003**

**2003-0917s**

**08/03**

**Floor Amendment to SB 154**

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

1 Landlord and Tenants; Prohibited Practices. Amend RSA 540-A:3, V to read as follows:

V. No tenant shall willfully refuse the landlord access to the premises to make necessary repairs, *or to perform other reasonable and lawful functions commonly associated with the ownership of rental property*, at a reasonable time after notice which is adequate under the circumstances.

2 Effective Date. This act shall take effect January 1, 2004.

**2003-0917s****AMENDED ANALYSIS**

This bill grants a landlord access to rental property to make repairs and for any other reasonable and lawful purpose.

**Floor amendment adopted.****Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.****RESOLUTION**

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills ordered to third reading be by this resolution read a third time and all titles be the same as adopted, and that they be passed at the present time.

**Adopted.****LATE SESSION****Third Reading and Final Passage****SB 154**, relative to landlord access to rental properties.**SB 166**, establishing a committee to study methods for the state to create incentives for school districts to provide mentoring for beginning teachers.**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.**SB 215-FN**, relative to the use of prerecorded telephone messages for political advocacy.**ANNOUNCEMENTS**

**SENATOR BELOW (RULE #44):** Thank you Mr. President. I would like to make a brief statement pursuant to Rule #44 before we break. Thank you. Today, I think, is a very somber day in our nation and the world's history. I believe that we are all in compliance in our support and our desire to honor the brave men and women of our enforcement's whose lives are on the line today. I am sorry that I had to walk out on SR 3. I left while the majority was caucusing under the impression that I could prepare and offer an amendment to SR 3 that would correct what I believe was a factual error in the Resolution. The Resolution refers to the United Nations Resolution as finding "as finding Iraq in material breach of its obligation". The point of fact is that the Resolution made no such finding. I simply wanted to offer to substitute the words recognizing that resolution as "deploying the fact that Iraq has failed to comply with certain commitments and obligations" as in fact the Resolution did. I walked out on the vote because I did not want to diminish what should be a strong nonpartisan statement of support for our troops; however, in good conscience, I did not feel that I could vote for something that I believed to be untrue. An element that was untrue. Personal integrity is a very important value to me. It was taught to me in particular by my father who served in the United States Navy for 30 years in World War II, in Korea, and for a full year with the Marines at the height of conflict in Vietnam. He died, shortly after I was elected to office, in a V. A. Nursing Home as a result of a disability suffered in Vietnam. Today, I simply wanted to honor his memory and the memories of all servicemen who put their lives on the line for this nation. Thank you Mr. President.

**RESOLUTION**

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, receiving House Messages, and receiving Enrolled Bill Reports and Amendments, and that when we adjourn, we adjourn to the Call of the Chair.

**Adopted.****In recess to the Call of the Chair.**