

State of
New Hampshire

HOUSE RECORD

First Year of the 155th Session of the General Court Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Wednesday, March 12, 1997 No. 34

Contains: Hearings, Notices, Work Sessions, Reports for March 12 and Additional Amendments

HOUSE CALENDAR NOTICE

Members of the House:

We are now officially in "the crunch" part of the 1997 House session. Deadlines are fast approaching for committee and floor action. Members have been hard at work considering the merits of each proposal and making certain that the amendments which come out of committee are thoughtful and accurate.

I commend and thank all House members for their willingness to put in the time and effort to assure that we have the finest work product we can produce as lawmakers, and to the staff which supports our efforts. I want to convey special thanks to the House Clerk and her staff at a time when the demands on them are great and they are working so hard to get the job done.

Take one moment to reflect on the load of bills coming through your committee right now and the length of the calendar for floor action. The number of bills we file leads directly to the work load we face during the crunch. If we can remember this feeling when it is time to file bills next fall it may help us to keep down the amount of legislation which gets filed for the second year of the biennium.

The House will be in session at 10:00 a.m. on March 18 and 19.

Notice is hereby given that every Session Day shall be a Consent Calendar Day as set out in House Rule 51.

Donna Sytek, Speaker

NOTICE

LEGISLATIVE FORUM HOUSE CONTINUING EDUCATION

TOPIC: Parliamentary Procedure II

PRESENTER: Hon. Karen O. Wadsworth, Clerk of the House

DATE: Thursday, March 13

TIME: Noon to 1:00 p.m. or during the lunch break

PLACE: Room 100, State House

All members are encouraged to attend. For the members' convenience the cafeteria will sell sandwiches, snacks and sodas outside the room. Please mark your calendars for the next forum to be held on March 27th. Leon S. Kenison, Commissioner of the Department of Transportation will speak on the Department's Ten Year Highway Plan.

*Please note this session will NOT be a repeat of the Parliamentary Procedure Forum held on January 23rd,

Rep. Carol H. Holden

Legislative Continuing Education Coordinator

NOTICE

There will be a Republican Caucus on Wednesday, March 12 at 9:00 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, March 12 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

WEDNESDAY, MARCH 12

CONSENT CALENDAR-PART I

BILLS DUE OUT OF COMMITTEE MARCH 6, 1997

COMMERCE

HB 190, relative to interstate banking and branching. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce This bill is the result of a study committee on interstate banking and branching as established by 1996 Chapter Law 104. It simply grants the Banking Department additional provisions relative to the examination of out-of-state banks and bank holding companies. Vote 15-0.

HB 268-FN, relative to the powers of the Pease development authority. OUGHT TO PASS

Rep. Gregory G. Carson for Commerce: This bill establishes an oversight committee made up of House and Senate members and a designee of the state treasurer. In addition, it addresses the sharing of business inquiries with Department of Resources and Economic Development and land transfers. Vote 13-0.

HB 442, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy. OUGHT TO PASS WITH AMENDMENT

Rep. Toni M. Crosby for Commerce: The amended version of this bill reported out of committee with a unanimous vote deals with the issue of reconstructive surgery after a mastectomy to establish symmetry between the breasts. The committee is proud to join 13 other states n recognizing the importance of the option of reconstructive breast surgery to women's health. Vote 15-0.

HB 655-FN, requiring the department of agriculture, markets, and food to maintain records concerning commercial transactions of the bovine somatotropin growth hormone. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have required the Department of Agriculture, Markets and Food to maintain records concerning commercial transactions of the bovine somatotropin growth hormone. The sponsors requested that this bill be found inexpedient, so the committee concurred. Vote 13-3.

HB 806-FN-LOCAL, relative to the business finance authority OUGHT TO PASS

Rep. Gregory G. Carson for Commerce: This legislation makes the Business Finance Authority an independent entity instead of an agency of the state like the NH Housing Finance Authority, the Community Development Finance Authority, the Municipal Bond Bank and the Higher Education and Health Facilities Authority. In addition, RSA 162-A:4 is amended to make the state treasurer a voting ex officio member of the board. Vote 16-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 414, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee felt that this bill should be re-referred as the issue of late fees needs to be addressed. However, the efficiency and effectiveness of these programs are going to be looked at in HB 271 (re-referred) and we felt that they should be joined for study. Vote 13-0

HB 604-FN-L, relative to accessing information in delinquency cases. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee voted unanimously to re-refer this bill in order to combine it with other bills covering juveniles and juvenile delinquency Vote 12-0.

HB 605-FN-L, relative to procedures regarding delinquent children under RSA 169-B. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee voted unanimously to re-refer this bill in order to combine it with other bills covering juveniles and juvenile delinquency Vote 12-0.

HB 724-FN, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is the result of audit recommendations that programs for increasing the effectiveness of collection programs be implemented as well as increase the changes for the multiple DWI offender intervention detention center program in order to cover the actual costs. Vote 17-0.

EDUCATION

HB 436-FN-LOCAL, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Champagne for Education: This bill is a housekeeping matter requested by the State Dept. of Education. It clarifies certain aspects of current law and prevents possible double-dipping in school district building aid. Vote 15-0.

ELECTION LAW

HB 786-FN, relative to election filing fees and primary petitions. INEXPEDIENT TO LEGISLATE

Rep. David R. Boutin for Election Law: The committee studied this bill and came to the conclusion that as drafted it made gaining access to the ballot more difficult as well as making it more costly to run a political campaign. The committee voted unanimously to recommend "inexpedient to legislate." Vote 15-0.

ENVIRONMENT AND AGRICULTURE

HB 196-FN, providing for the regulation of horticultural growing media. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The committee supported this Department of Agriculture bill to regulate the labeling and sale of potting soil, and to collect fees to cover the cost. Vote 17-0.

HB 498-FN-A, establishing a New Hampshire farm museum and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Phinney for Environment and Agriculture: This bill recognizes the New Hampshire Farm Museum in Milton, New Hampshire as the first official State of New Hampshire Farm Museum. The amendment has removed the need for fiscal review. Vote 19-0.

HB 593-FN-LOCAL, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at Pease to the state water pollution control revolving fund priority projects. RE-REFER TO COMMITTEE

Rep. Richard T. Trelfa for Environment and Agriculture: The committee felt time did not permit analysis of financial impact source and availability of funds and impact on closure of existing unlined landfills. Re-referral will permit the time for necessary studies. Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 124-FN, relative to dental care insurance for state employees and retired state employees. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The request of this bill was to provide dental benefits, similar to state employee dental benefits, to retirees with the cost to come from the general fund. The committee worked with the providers of dental coverage and received written assurance that as of July 1, 1997, dental coverage would be offered to retired state employees, to be paid by the retired employee requesting such coverage. Delta Dental will provide the coverage and will handle individual billings to those selecting coverage. Therefore, no legislation is required Vote 20-0.

HB 457-FN, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on "WEBSTER" by January 1, 1998, and designating the state library as the official repository of public information. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew R. Peterson for Executive Departments and Administration: The bill, requiring that all agencies, departments, and commissions have a presence on the state information system (commonly known as "The Webster"), was viewed as an important first step in bringing the state into the electronic age and enhancing access to information by its citizens. The amendment was technical, designating the state library as the official repository of "state government" rather than "public" information and removed references to the Webster by name, as it is only a part of the New Hampshire automated information system Vote 13-0.

HB 465-FN, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would establish a committee to study what information the legislature should require when considering licensure of new entities. The committee asks that this bill be re-referred to the committee as the ED&A is presently using a lengthy questionnaire to develop this same information and we wish to see the effect of the voluntary action on the part of the their asking for licensure. Vote 17-0.

HB 519-FN, relative to regulating heating installers. INEXPEDIENT TO LEGISLATE

Rep. Kipp A. Cooper for Executive Departments and Administration: This bill would place the regulation of heating installers under the Plumbers Board. Testimony from the sponsor and a constituent related problems with the design and installation of a heating and cooling system. Many were opposed to the bill as the regulation of heating installers would conflict with current law, more uniform application of the "BOCA" code and training of inspectors would be a better approach. Licensure alone will not guarantee quality performance. The committee felt that this bill would not address the problems outlined by the sponsor and that other means of quality assurance should be sought. Vote 17-0.

HB 520, establishing the bureau of gaming enforcement within the division of state police. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: The sponsor, when presenting the bill, indicated it was not drafted exactly the way he intended. Currently, game statutes on the books are enforced by the Bingo and Lucky 7 inspectors. The state police have authority to investigate both legal and illegal gambling at the present time. The commissioner of safety could assign state police to do additional investigation if it is warranted. The committee vote indicated that it did not feel the bureau was needed at this time Vote 18-0.

HB 535, relative to the regulation of architects. RE-REFER TO COMMITTEE

Rep. Kipp A. Cooper for Executive Departments and Administration: The committee is asking for re-referral on this bill because of some of the complex problems that arose when we discussed the amendment that was proposed. The bill should have clarified the rule-making, granted board

authority to assess fines and conduct investigations, adjust fees to meet the required 125% rule for boards and allowed the board to adjust the way the examination is conducted to meet current methods of offering the exam. The bill had some opposition from licensed professional engineers as they were concerned they would not be able to continue to do design work. This concern was addressed in the amendment to the satisfaction of all parties. What concerned the committee was the apparent conflict between this bill dealing with the architects and the rules of conduct of the joint board of which the architects are a members. Most of the problems arose from a difference of opinion between the committee, the attorneys in the attorney general's office and the attorneys at legislative rules over the content of rules and statutes. This inconsistency must be addressed and can best be done by re-referral. There is one portion of the bill dealing with administration of the examination for licensure that may cause the board a problem but the committee hopes to find an interim remedy. Vote 14-0.

HB 572-FN, relative to town, city, and county treasurers and to the state treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill is a request from the department of the treasury to reflect changes that will improve the operation of the department and transfer certain activities to the agency that can better handle the details. The amendment, a request of the department of revenue administration, makes minor changes in the bill that more accurately reflect how they will carry out the functions related to distribution of railroad tax to the communities. The amendment was used because the bill had been completed before the department of revenue administration had a chance to give their input Vote 15-0.

HB 619-FN-A, establishing a sunset review process for state agencies and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The "sunset" process was used for several sessions during the 1980's with little effect and at great expense in both time and money. Furthermore, any member or committee can write "sunset" legislation for a specific state agency today without involving the whole of state government. Vote 16-0.

HB 630-FN-L, providing an additional service retirement option for group I teacher members of the retirement system. RE-REFER TO COMMITTEE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee and sponsor agree the bill will require further actuarial and committee study to ensure the proposed early retirement option is revenue neutral to the state retirement system. Vote 18-0.

HB 699-FN, relative to holiday pay for part-time state employees. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill would authorize holiday pay for part time personnel. In 1986-87, holiday pay was authorized by the legislature for direct care nurses but was not authorized for any other part time employee of the state. The Department of Transportation has paid holiday pay to toll takers in the past but this ended in 1996 as there was no authorization for back payment. The cost of paying holiday pay for nearly 4,000 part time employees that might work the holiday could be very high and could add an estimated \$1.4 million to the wage accounts of the state. The department, that presented testimony to the committee, indicated that there is no shortage of applicants for part time positions at this time. Given the availability of employees and the cost to the state, the committee voted this bill inexpedient to legislate Vote 18-0.

HB 733-FN, relative to the state government information dissemination and access act. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill already defines the goal of the state library and it's program of disseminating information electronically to the public. Unfortunately, the committee felt the mandates the bill creates were too many, too costly, and inappropriate at this time. With the passage of HB 457, the Webster bill, the State of New Hampshire departments, agencies and commissions are on their way toward information sharing to move too quickly would be unwise. Vote 15-0.

HB 737-FN-L, relative to redefining earnable compensation for the purpose of determining retirement system benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The original bill would have capped earnable compensation with no transition period. The amendment supported by the committee will establish a chapter study committee to make a comprehensive study of earnable compensation and the effects upon the funding percentages of the New Hampshire Retirement System. Vote 18-0.

HB 741-FN-A, relative to access to state telephone numbers. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would make all in-state telephone calls to state offices, agencies, boards and commissions toll-free. The cost of such toll calls would be appropriated from the existing funds of the department of administrative services. Many departments and agencies now have 800 numbers which are readily available. To implement this bill as written would be very expensive. The cost, along with the availability of 800 numbers, caused the committee to vote this bill inexpedient to legislate. Vote 16-0.

HB 751-FN-L, relative to spousal benefits for certain retired group II members of the New Hampshire retirement system. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: SB 78 of 1987 (Chapter 216 of the Laws of 1987) established a 50% spousal benefit for widows of retired members of group II of the retirement system. This bill was effective on April 1, 1987 and did not include those retired prior to that date. The bill under consideration would provide the same benefits to those retired prior to April 1, 1987. The way the bill is structured, it would double or triple the spousal benefits of those that had elected reduced benefits to provide a spousal benefit. This was not exactly what was intended and might be in violation of federal retirement rules and regulations. To answer these questions and draft an equitable bill, actuary information will be required and will require considerable study. For these reasons the committee is asking for re-referral. Vote 18-0.

HB 753-FN, relative to the board of auctioneers and the conduct of auctions. RE-REFER TO COMMITTEE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee asks that this bill be re-referred to the committee to observe the actions of the Auctioneers Board and the new rules. There are some problems in the field but elimination of licensure and transfer from the Auctioneers Board to the supervision of the Secretary of State will not correct the major complaints. Their new rules and possible assistance from the Secretary of State's office in handling hearings along with the new rules may correct the problems without legislation. Vote 18-0.

HB 762-FN, relative to the regulation of naturopathic medicine. RE-REFER TO COMMITTEE

Rep. Gerald O. Gosselin for Executive Departments and Administration: The purpose of this bill was to define and delineate the use of the term naturopathy and naturopathic doctor. The hearing produced a great deal of testimony on both sides. The bill also has corrections of dates in the original statute chapter. With re-referral, the committee will be able to deal with the dates and have sufficient time to thoroughly act on the testimony presented to the committee. Vote 18-0.

HB 790-FN, relative to the board of medicine. INEXPEDIENT TO LEGISLATE

Rep. Rep. Maurice E. Goulet for Executive Departments and Administration: This bill establishes the Board of Medicine as an independent stand alone board. The committee believes that this board and all other health boards should continue to be administratively attached to the Department of Health and Human Services. This is an appropriate linkage and no testimony was presented to refute that position. The bill also provides for the hiring of an executive director and two investigators for the board. Currently, the board has a very capable administrator and the board's investigations are being done by the attorney general's office. Continuing this policy means that investigation of complaints to the board will be done in a non-prejudicial manner. Finally, the committee on Health, Human Services & Elderly Affairs has just passed HB 537 which, if it becomes law, will remove a number of health professionals from the Board of Medicine. This should result in providing the Board of Medicine more opportunity to clearly focus on the core issues that they face in the regulation of physicians, podiatrists and physicians assistants. Vote 17-1.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 704, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill insures that manufacturers will only use water in their products that comes from a source which has been approved by the department of environmental services. It also permits the department of health and human services to issue a temporary license to a new beverage manufacturer. Vote 16-0.

JUDICIARY AND FAMILY LAW

HB 234-FN-L, relative to disposition by counties of funds of deceased patients of county nursing homes. RE-REFER TO COMMITTEE

Rep. Janet G. Wall for Judiciary and Family Law: The bill would raise the limit a patient may have in a personal account in a nursing home from \$2,000 to \$2,500 to comply with federal regulations. The process of reporting the death of a patient and probating those funds needs further review. To make certain what changes, if any, need to be made in current procedures, the committee voted unanimously to re-refer this bill. Vote 15-0.

HB 250-FN-L, establishing a formal hearing process for board of tax and land appeals or court appeals limited to a review of the record for certain property tax abatement applications. INEXPEDIENT TO LEGISLATE

Rep. Janet G. Wall for Judiciary and Family Law: The committee found that the bill did not make it clear how the new process would be applied in New Hampshire's cities and failed to address the issue of uniform requirements throughout the state for those applying for abatements. The full burden of responsibility for providing complete and final information and for meeting deadlines would fall onto the taxpayers without municipal officials having equal obligations. The committee believes a better process can be worked out at local levels with taxpayers and officials sharing information and meeting deadlines. Vote 12-0.

HB 570-FN, establishing a procedure for appointment of independent counsel in New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: There was no evidence presented at the hearing that would require such an enlargement of the investigative capacity which cannot be accomplished by present legislative or executive functions. Vote 12-0.

HB 616-FN, relative to jury selection reforms. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: The principal purpose of this bill is to blend the voters' lists and driver's license list into a master jury list. Amendment strikes Section V from eligibility list. Vote 18-0.

HB 688-FN-A, establishing a committee to study all investigations of the late John C. Fairbanks, authorizing staff for the committee, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill extends the work of the original Fairbanks Committee to include the judicial conduct of Fairbanks as well as some remaining questions. In addition, the role of the committee is extended to include more recent cases that are similar to that of Fairbanks. Vote 16-1.

HB 727-FN, relative to rate-setting for certain services, placements, and programs for children by the department of health and human services. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Judiciary and Family Law: The bill was withdrawn at the request of the sponsor. The committee felt that the bill had merit, but passage was not recommended as the fiscal impact could not be determined. Vote 13-0.

HB 734-FN, requiring district courts to hold evening sessions. OUGHT TO PASS

Rep. Janet G. Wall for Judiciary and Family Law: This bill requires district courts to hold 2 evening sessions a month which may be in lieu of comparable daytime hours. With changes that have occurred in our economy, seeing many individuals being paid with hourly wages; and since many citizens along New Hampshire's borders work out of state, this bill will allow those workers to fulfill their obligations to the court without losing wages. Furthermore, police officers, who generally prosecute these cases, will be able to fulfill their professional duties, without interruption, which will benefit the areas they serve. In small towns this will also benefit many part-time police officers who, in order to appear in court, must take time off from their full-time day jobs. Vote 12-0.

HB 736-FN, increasing jurors' fees. RE-REFER TO COMMITTEE

Rep. Evelyn S. Letendre for Judiciary and Family Law: The committee felt some time was needed to study this bill along with other new issues addressed by the Judicial Council's report of 12/15/96 concerning jury reformation. Vote 12-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 667, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill allows the sharing of information between the Department of Revenue Administration and the Department of Employment Security (DES). The bill further clarifies when delinquent DES contributions are to be credited and further increases penalties from Misdemeanor to Class B or Class A Felony for failure to pay tax under RSA 282. Vote 15-0.

HB 769-FN, relative to unemployment compensation. OUGHT TO PASS

Rep. George D. Murch III for Labor, Industrial and Rehabilitative Services: This bill requires the Department of Employment Security to withhold and deduct unemployment compensation consistent with an individual's receipt of overissuance of food stamp coupons. It also recalculates the manner in which an employer's account is credited with timely administrative contributions. This legislation is needed to satisfy newly enacted federal welfare reform. Failure to pass could jeopardize \$160 million in federal welfare funds. Vote 15-0.

HB 807-FN, relative to the Littleton employment security district office. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: This bill would cause serious hardship on the citizens this office services. There would be no appreciable savings realized by the closure of the Littleton office. Vote 15-0.

LEGISLATIVE ADMINISTRATION

HB 629-FN, establishing a pilot program for the recording of committee proceedings of the general court **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for Legislative Administration: The committee felt that there was a more efficient way to experiment with the recording of legislative proceedings than that envisioned by this bill. The Speaker has agreed to implement the experimental use of recording equipment to record the proceedings of the committee on Science, Technology and Energy during this biennium. This experiment should help iron out any "bugs" which may exist in the recording procedures. In the end, this will help determine the true costs and feasibility of recording House committee proceedings. Vote 12-0.

HB 720-FN, relative to evening hours for sessions and hearings of the New Hampshire house of representatives **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Legislative Administration: The committee felt that the cost of this bill does not have a commensurate benefit. Vote 13-0.

HB 796-FN, relative to lobbyist registration **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Legislative Administration: This bill is very similar to legislation filed last session which was referred to interim study by this committee - HB 385 is the result of that study. The committee chose HB 385 as the mechanism to address lobby reform this session.. Vote 12-0.

PUBLIC WORKS AND HIGHWAYS

HB 507-A, relative to the expansion of veterans' home facilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Lou D'Allesandro for Public Works and Highways: There is in the Capital Budget an item for the Home. The committee believes that other alternatives should be explored in order to address this problem. These alternatives may include but not be limited to actions taken by the federal government in Manchester, New Hampshire, and White River Junction, Vermont. Further discussion of this bill will take place in the context of the Capital Budget. Vote 18-1.

HB 778-A, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Merle W. Schotanus for Public Works and Highways: This bill was introduced to seek funding help to control a seriously eroded area of the Connecticut River bank near New Hampshire Rt. 12 in North Walpole, New Hampshire. The committee concluded it is prudent to re-refer the bill to allow the governor's office, U.S. Army Corps of Engineers, our congressional delegation, and the New England Power Company to work out a solution to the problem before it becomes necessary to take legislative action. Vote 21-0.

RESOURCES, RECREATION AND DEVELOPMENT

HB 560-FN, relative to penalties for introduction of boats and seaplanes from waters infested with milfoil or zebra mussels into clean lakes or ponds. **RE-REFER TO COMMITTEE**

Rep. Peter O. Crowell for Resources, Recreation and Development: New Hampshire public inland waters are under attack from numerous foreign growths and organisms, i.e. milfoil and zebra mussels, that are infecting the quality of our beautiful lakes, ponds, and rivers. The committee feels that it needs more time to craft meaningful legislation dealing with the migration of these organisms into the state. Vote 15-0.

HB 561-FN, relative to certain marine patrol personnel. **RE-REFER TO COMMITTEE**

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill originally sought to make the auxiliary marine patrol a required part of the Division of Safety Services and further to set the number of auxiliaries in statute. Public, subcommittee, and committee discussions made it clear that the present organization of this department within the Department of Safety required an in depth review with future corrective legislation. Vote 17-0.

HB 581-FN, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. **RE-REFER TO COMMITTEE**

Rep. Michael W. Downing for Resources, Recreation and Development: The Department of Environmental Services is currently in the process of developing a set of rules that addresses these issues. The committee wishes to re-refer this bill in order to review the rules, and if necessary, develop legislation to clarify and define the emergency permitting process. Vote 16-0.

HB 677-FN, increasing the wetlands excavating and dredging permit fee for major and minor projects. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This bill was originally requested by the Department of Environmental Services to allow increased personnel to more adequately process excavating and dredging permits. While there may be rules changes in the future, this bill adequately funds the necessary personnel. Vote 16-0.

HB 687, establishing an Alan B. Shepard park commission. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: This bill establishes a commission to develop plans and make recommendations for a state or private park recognizing astronaut Alan B. Sheperd at the site of the Sheperd homestead in the town of Derry. Any future funding for implementation of this project which might involve state funds will be submitted to a future session of this legislature. Vote 17-0.

HB 698, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill will allow the oil fund disbursement board to request the Attorney General to issue subpoenas and request information. It will provide for eligibility for reimbursement from the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund and the motor oil discharge cleanup fund in a transfer of ownership. These changes were a request of the Attorney General's Office. Vote 12-0.

HB 744-FN, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. OUGHT TO PASS WITH AMENDMENT

Rep. Paul E. St. Hilaire for Resources, Recreation and Development: This bill better defines the legal status of local river management advisory committees. The bill also authorizes the attorney general to enjoin any youth camp, public swimming pool or spa, that operates without the approval of the Department of Environmental Services. This bill also sets the fee structure for water sampling. Vote 17-0.

SCIENCE , TECHNOLOGY AND ENERGY

HB 587-FN, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill discusses the system benefit charge which will be added to restructured electric bills to fund programs such as low-income assistance and energy efficiency. The committee believes that it may be appropriate in the future to give additional legislative direction to the Public Utilities Commission regarding the amount and distribution of this charge, but much more study is needed. The committee will continue to work on this bill. Vote 14-0.

HB 610-FN, relative to the regulation of small telephone companies by the public utilities commission. RE-REFER TO COMMITTEE

Reps. Jeb E. Bradley and Jeffrey MacGillivray for Science, Technology and Energy: Two issues were raised by this bill: the amount of time needed to get new telephone tariffs approved and the amount of time needed for rate case hearings for the small telephone companies. The committee is dealing with the tariff approval in HB 452. There was no consensus on the rate case issue. An amendment was proposed that would have eliminated rate regulation if the small telephone companies do not raise rates more than 5 percent in any calendar year. While the committee was sympathetic to the plight of the small telephone companies, this amendment was not perceived as the solution. With re-referral the committee will continue to look at this situation. Vote 13-1.

TRANSPORTATION

HB 335-FN-LOCAL, relative to motor vehicle license and registration suspensions. INEXPEDIENT TO LEGISLATE

Rep. John S. Langone for Transportation: Knowing how important it is to keep people from driving after their licenses have been suspended, the committee realized that this bill just did not do what the sponsor want it to do. Vote 16-0.

HB 412, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles. OUGHT TO PASS

Rep. Brenda L. Ferland for Transportation: When this bill first appeared before the committee, it was worded as to seem to be giving the commissioner too much authority to amend rules as he/she wanted to. Upon further study it was determined that the commissioner wants to amend rules as they come down from the federal government. In the New Hampshire statutes he/she has the right to adopt federal amendments. This bill has three amendments that were determined to be statutes no longer needed. In short, this bill is a continued action bill for the commissioner. Vote

16-0.

HB 589-FN, establishing livery plates and associated fees. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Transportation: After testimony was given, it was clear that creating a special plate was not necessary to correct the problem, which is that certain vehicles for hire were exempt from regulations. By removing that exemption in RSA 376:3 it will correct the problem the sponsors were concerned about. By doing this it changed the title but did not change the intent of the bill. Vote 17-0.

HB 626, requiring an inexperienced driver and a person 16-17 years of age to obtain a special learner's permit and examination permit prior to obtaining a driver's license. INEXPEDIENT TO LEGISLATE

Rep. Ralph L. Akins for Transportation: The committee decided to combine the subject matter in this bill with HB 459, which the committee voted to pass with amendment, and which addresses the same issues as this bill. Vote 11-0.

HB 637-FN, relative to license suspension and revocation. INEXPEDIENT TO LEGISLATE

Rep. John S. Langone for Transportation: The sponsor stated that this bill as drafted is not as he envisioned, and suggests that the bill be found inexpedient as it will be incorporated into HB 459, which the committee voted to pass with amendment and also addresses the same issues which are in this bill. Vote 11-0.

HB 740-FN-LOCAL, requiring the state to pay a witness fee and mileage payment for a local law enforcement officer called as a witness for a division of motor vehicles administrative hearing, to be funded by an increase in the motor vehicle uniform fine schedule. INEXPEDIENT TO LEGISLATE

Rep. Roland M. Turgeon for Transportation: The committee feels that there would be a costly fiscal impact especially on small towns which are operating with a small complement of officers, and also another fee on court costs. Vote 17-0.

HB 758-FN, raising the speed limit on all New Hampshire interstate highways from 65 to 75 miles per hour and from 55 to 65 in other locations. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: After receiving overwhelming testimony from both the private sector and various state agencies it was very obvious to this committee that this was a very serious safety concern for the motoring public in our state. The major issue facing our committee this year is the rise in teenage driving fatalities, and how to cope with it within the legislative process. We felt strongly that if this bill were to pass it would send the wrong message to our young drivers while putting our older citizens at risk. The committee vote of Inexpedient to Legislate, will send the correct message. Vote 16-0.

HB 760-FN, relative to OHRVs and OHRV registration fees. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This committee has heard four bills this year concerning the use of OHRVs Of those, two dealt directly with problems surrounding the use of these machines. It is clear to this committee that the Fish and Game department is being asked to do more to ensure our citizens and tourists with safe recreational opportunities 365 days a year, covering over 5,000 miles of trails, 970 lakes and 8,000 miles of highway, and these non-trail responsibilities have been the scene of many fatalities. This small increase, supported by its users, will help the state balance its books in providing that service. Vote 17-0.

HB 780-FN, establishing a cattle trailer license plate for agricultural use. INEXPEDIENT TO LEGISLATE

Rep. John S. Langone for Transportation: The committee felt that it was not necessary to create a separate plate for trailers hauling cattle. The sponsor stated that this would affect less than 200 trailers, and through testimony it seems that town clerks are not unified in their assessment of the fees charged for trailers. This bill will not correct this problem. The committee felt that there was existing RSA to handle this problem. Vote 16-0.

WILDLIFE AND MARINE RESOURCES

HB 747-FN-A, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund. RE-REFER TO COMMITTEE

Rep. Ronald J. Nowe for Health, Human Services and Elderly Affairs: The intent of this bill was to assess a \$3 additional fee to each hunting and fishing license sold. The moneys raised were intended to be placed in a special "Wildlife Habitat Fund" to be used by the department of fish and game for "the acquisition or care of lands or easements as wildlife habitats". However, the bill was only one page in length, and therefore, left a multitude of unanswered questions and technicalities which must be addressed. Vote 12-0.

WEDNESDAY, MARCH 12

REGULAR CALENDAR-PART I

BILLS DUE OUT OF COMMITTEE MARCH 6, 1997

COMMERCE

HB 340, relative to the real estate commission and its licensing and bonding requirements. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: This bill, as amended, establishes reciprocity for licensure for persons with certain credentials from other jurisdictions and requires that such persons sit only for the New Hampshire portion in the licensure examination. It also establishes requirements for licensees seeking inactive status and revises the bonding requirements with regard to active licensed real estate brokers. Language in the original bill requiring that the New Hampshire real estate commission provide an annual newsletter to all its licensees and that the commission be given the power to appoint the executive director as prosecutor for certain district court cases involving violation of the Real Estate Practice Act was found inappropriate to legislate. Newsletters are not the business of the legislature. If there are difficulties with prosecutions of violations to the Real Estate Practice Act, the commission should work with the Attorney General's office. Vote 15-0.

HB 548-FN, limiting access to certain business records RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: The committee is very concerned as to possible abuse of current interstate agreements. This issue is highly sensitive and should be considered carefully. The committee desires additional time to address this legislation. Vote 16-0.

HB 599-FN, relative to youth access to tobacco products MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory G Carson for the Majority of Commerce: The committee unanimously supports the limiting of youth access to tobacco products-without exception. The vote by the committee hinged on a single issue, the use of vending machines to sell tobacco products. The vote was not a partisan issue. The majority of the committee felt the strict limitations posed by this legislation eliminates vending machines as a source of tobacco products to New Hampshire youth. On passage of this legislation into law, all vending machines used to sell tobacco products will be required to have lock out devices, which, by design, cannot be left in an unlocked position and dispenses a single pack per activator. Further, the machines must be in full view of the person activating the machine and violations of this section carry the same penalties for violating any other section of this law. Lastly, this bill allows those vendors, who have already taken the proactive step and purchased the lockout equipped machines, to continue their use in accordance with New Hampshire law. Vote 8-7.

Rep. Martha Fuller Clark for the Minority of Commerce: The entire committee supports in a non-partisan manner the overall intent of this legislation which is to deny youth access to all tobacco products because of the risk of addiction, disability and death from the use of such products. However, the minority felt that a vital piece of this legislation was to ban all cigarette vending machines, a position supported by the Department of Health and Human Services.

HB 742-FN, establishing half-price greens fees for active military and retired military personnel at the golf course at the former Pease Air Force Base INEXPEDIENT TO LEGISLATE

Rep. Elsa M. Luker for Commerce: The issue is who owns the course and who sets fees. The Pease Development Authority leases the property and pays upkeep; this decision is one that the P.D.A. should make and currently does. Vote 12-1.

EDUCATION

HB 275-A, establishing the equipment grant program, and making an appropriation therefor. OUGHT TO PASS

Rep. Susan B. Durham for Education: The interim study committee that met over the summer found that schools are in dire need of up to date equipment for science and vocational programs. State bonding for such equipment is a legitimate way for the state and local schools to work together in 50-50 matches to relieve this circumstance. This bill appropriates \$16,000,000 over four years using state bonding authority. Vote 11-9.

HB 525, relative to Braille instruction for functionally blind pupils. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill provides for Braille instruction for the functionally blind student under special education I.E.P.'s for whom other methods are insufficient for them to become literate and to therefore become gainfully employed. Vote 14-2.

HB 538, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for

receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense. RE-REFER TO COMMITTEE

Rep. Bernard J. Luebker for Education: The majority of the committee strongly support the intent of this bill, but saw several defects which would need to be fixed in order for it to be effective. The intent is to send an unambiguous message of disapproval to New Hampshire Scholarship funded students concerning violations of the state's drug and alcohol laws. Vote 13-4.

HB 577-FN-A-LOCAL, relative to funding statewide kindergarten and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: The committee vote is not against kindergarten, rather turning down this bill is a way to bring order to debate. The Governor's kindergarten bill HB 50-FN-A-LOCAL should have the debate. A subcommittee has been appointed which will consider all ideas about achieving kindergarten for all 5 year olds in New Hampshire, incorporating useful ideas from HB 577-FN-A-LOCAL into HB 50-FN-A-LOCAL. Vote 16-1.

HB 601-FN-A, to develop a statewide technology program for educational institutions and establishing a 5 percent tax on video rentals to fund the program. INEXPEDIENT TO LEGISLATE

Rep. Michael Marcinkowski for Education: Although the intent is laudable, the bill introduces a new and discriminatory tax against one segment of the entertainment industry, video rentals, and not the entertainment industry in general. It also taxes the segments of the population least able to bear additional surcharges, the low and middle income families who look to video rentals as a means of entertaining their families. Additionally it would in fact not raise sufficient funds for its stated purpose. Vote 14-5.

HB 612-FN, requiring the state board of education and the department of education to establish a suitable test of academic knowledge to be administered as a prerequisite for certification of new teachers in New Hampshire. RE-REFER TO COMMITTEE

Rep. Jane O'Hearn for Education: The committee's vote to re-refer recognized that it is the responsibility of the State Board of Education to adopt rules pursuant to the certification of teachers. Therefor, the committee can request, by a majority vote, to be put on the agenda for a meeting with the State Board of Education asking that this issue of testing for certification be addressed by the state board. A motion was introduced and passed by the committee for the purpose of addressing the State Board of Education, to achieve a suitable test of academic knowledge for New Hampshire's public school teachers. Vote 13-7.

HB 613-FN-A, establishing a flat county property tax to fund basic education. INEXPEDIENT TO LEGISLATE

Rep. Phil A. Weber for Education: The House Finance Committee will be studying alternative forms of funding public education. Bills establishing new taxes in any form are issues best left to the Finance Committee. Vote 17-3.

HB 656, repealing the provision which requires the state board to approve schools before a district is qualified to receive state aid to education. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles, Sr. for Education: It is believed that the state approval of schools is a very necessary step in maintaining the state's minimum education standards. Despite school district financial hardship, removing minimum standards moves New Hampshire in the wrong direction in achieving an adequate education for all New Hampshire pupils. Vote 17-3.

HB 661-FN-LOCAL, allowing high school pupils to attend the public secondary school of their choice. INEXPEDIENT TO LEGISLATE

Rep. Jane O'Hearn for Education: This bill deals with open enrollment which is presently addressed in RSA 194-B:2. This bill would make open enrollment mandatory and causes concerns with funding from sending districts to receiving districts, violation of AREA agreements, and raises questions of continuous enrollment in a receiving school. Vote 14-3.

HB 700-FN, relative to the renovation of regional vocational education centers. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley Searles for Education: A number of New Hampshire's twenty Vocational High Schools are in need of renovation and/or construction. The cost in today's technical society is more than the local communities can bear. This bill offers the opportunity to keep the State's original investment in a proper state. This bill increases an existing non-lapsing appropriation by \$24,000,000. Vote 15-6.

HB 779-FN, proclaiming 1999 as the "year of public education" in New Hampshire and establishing the 350th anniversary of public education celebration commission. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Luebker for Education: The majority of the committee, while recognizing the prominent role of public education to societal advancements in the United States, were concerned with several aspects of this bill such as: New Hampshire was part of Massachusetts at the time of the formation of the Hampton Public School in 1649; historical start of "Public Schools" may have been during the 1800's; and that such

celebration would be another distraction from the pursuit of contemporary education. Vote 13-5.

HB 784-FN-LOCAL, changing the age requirements for providing public education, including special education. RE-REFER TO COMMITTEE

Rep. Phil A. Weber for Education: Special Education has become the paramount issue in public education. The committee wants to earnestly and comprehensively study all aspects of Special Education and this bill affords us such an opportunity. Vote 14-1.

ENVIRONMENT AND AGRICULTURE

HB 187-FN-A, relative to groundwater monitoring for pesticides and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill makes provision to prevent groundwater pollution before it becomes significant. Vote 18-0.

HB 191, reducing the number of categories of pesticides from 3 to one. OUGHT TO PASS

Rep. David J Babson Jr. for Environment and Agriculture: The committee felt that a return to a single category of pesticide registration was the simplest and least expensive program to operate for the state. Further, the committee felt there was no need to separate "commercial" and "general use" pesticides for the purpose of registration. Vote 13-5.

HB 207-FN-A, relative to pesticide registration fees and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: The subject matter of this bill is dealt with in HB 191. The committee wishes to retain this bill for future consideration. Vote 13-6.

HB 638-FN, requiring random on-site inspection and testing of certain sludge and biosolid samples. OUGHT TO PASS WITH AMENDMENT

Rep. Peter R. Leishman for Environment and Agriculture: The committee received much testimony regarding random on-site inspection of sludge or biosolids, and agree with the thrust of the bill that the department of environmental services is the appropriate state agency to oversee and to conduct random test before land application of sludge or biosolids. **Vote 18-0.**

HB 731-FN-A-LOCAL, relative to the taxation of sand, gravel, loam, and other similar substances. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Donald R. Philbrick for the Majority of Environment and Agriculture: The committee felt that although there was a shortness of time to deal with this bill, it was important to keep this bill going forward. This bill has been studied for two summers, a law was suspended to accommodate this process, and there is a great need to resolve the issues contained in this bill. This committee dealt with the policy issues and now the bill needs to go to the appropriate committee to deal with the fiscal issues. Vote 14-5.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: This bill replaces local tax assessing powers with regard to sand and gravel with an excavation and an activity tax. The committee did not have time to study the environmental impact. The taxes will change incentives and disincentives to remove sand and gravel from our towns. The bill should also be reviewed by the Local and Regulated Revenue Committee. Only after both committees have had adequate time to recommend policy and the house concurs should the bill go to the Finance Committee.

HB 771-FN-LOCAL, exempting remediation waste from the hazardous waste generator fee, increasing grant awards made pursuant to the used oil collection center program and relative to the hazardous waste disposal facility siting board. OUGHT TO PASS WITH AMENDMENT

Rep. M Kathryn Aranda for Environment and Agriculture: This bill, as amended, recognizes the need for both retrospective and future increases in funding for used oil collection centers and lowers the automotive oil fee to \$.02 per/gallon. This lower fee level will not deter the department's operations in this area. Vote 19-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 588-FN, relative to certification of operators of solid waste plants, water treatment plants and wastewater treatment plants, and adding late renewal fees. OUGHT TO PASS WITH AMENDMENT

Rep. James P. Pilliod for Executive Departments and Administration: This bill amends RSA 149.M:6 XIII to make certification of solid waste operators to be renewed annually and would require a late fee if not renewed in a timely fashion. RSA 332.E:4,II-V would be amended to increase certification fees for water treatment operators and provide for a late renewal penalty. Wastewater treatment operators would also have a late renewal fee imposed Vote 18-0.

HB 725-FN, relative to the certification of dietitians. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Executive Departments and Administration: The committee heard from 23 witnesses over a morning long hearing on this bill, which has been considered in various forms and rejected by the legislature thrice since 1987 (most recently in the form of a licensure bill in 1995). This bill required certification (as opposed to licensure) and yet contains many of the exclusionary (monopoly) aspects which were previously found problematic. The dietitians could not show any documented evidence of harm to public health and safety. The present system allow for voluntary certification by the American Dietetic Association. The ADA grants the title, RD, (Registered Dietitian) upon fulfilling certain education and clinical requirements. The title, which can be withdrawn by the ADA for cause, represents a level of professional standing analogous to the status of a CPA vis-à-vis a public accountant. The committee felt that nutritionists, who are also certified by a national organization, were due greater consideration in any measure upgrading the status of food health professionals, if, in fact, one is necessary at all. The bill affords dietitians the exclusive right to use the term "N.H. Certified Nutritionist". This would create a potentially confusing situation with regard to the certified nutritionists that are currently in practice. It would legislate, in the opinion of the committee, undue official recognition towards one group of professionals over another operating in the same field.. Vote 11-2.

HB 756-FN, relative to the registration of alternative providers of mental health services. OUGHT TO PASS WITH AMENDMENT

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill is one result of the committee's study of HB 357 from the prior session. "Alternative provider" is broadly defined under RSA 330-A, the Mental Health Practice Act. Such providers who are non-licensed and non-certified are to register with the Department of Health and Human Services, Office of Program Support, Licensing & Regulations which will oversee rulemaking and disciplinary action. The amendment deletes a requirement for "disclosure of information", an issue currently under consideration in other mental health provider bills. Vote 11-3.

HB 775-FN-A, relative to the regulation of ophthalmic dispensing and making an appropriation therefor. WITHOUT RECOMMENDATION

Reps. Merton S Dyer, Nancy C. Stickney, Andrew R. Peterson, Myron S. Steere, III, Kipp A. Cooper, Ray F. Langer, John P. Beaulieu, Howard C. Dickinson, Jr., Maurice E. Goulet and Robert S. Mercer for Executive Departments and Administration: This bill is being reported out without a recommendation as the committee had 2 tie votes, re-refer and ought to pass, with very little indication that further votes would resolve the issue for a positive report. This bill has been before the committee in the past and an attempt was made to work out a viable compromise between the various parties. The present bill is not in proper form to pass, but with the time remaining, it was impossible to go back to the drawing board. Among the problems that some members of the committee see in the bill are that one member of the board of ophthalmic dispensing will come from the New Hampshire Society of Independent Opticians. This organization is not registered with the secretary of state and little is known about it. The bill grandfathered those who have practiced for at least two years prior to January 1, 1998, but what happens to those that made a large financial investment after January 1, 1996 but will not be able to practice their chosen trade? A larger issue: will certification with continuing education produce better quality control and will there be an increased cost to the consumer or a restriction of services because of these changes Vote 10-10.

Reps. Miriam D. Dunn, Sylvia A. Holley, Robert K. Dodge, James P. Pilliod, Robert P. Asselin, Timothy N. Robertson, Robert E. Murphy, Gerald O. Gosselin, Theresa A. Drabinowicz and Mary Stuart Gile for Executive Departments and Administration: Ophthalmic dispensers (opticians) are now registered by the department of health and human services with an advisory council to the commissioner. There are no requirements for education or training for the filling of eye glass prescriptions issued by ophthalmologists and optometrists. This bill requires certification with, for the first time, education, job-training and an examination. Certification is supported by New Hampshire independent opticians, by the New Hampshire Medical Society, by the Opticians Association of America, by over 100 consumer signed petitions - as well as by 8 sponsors, bi-partisan, from the house and senate. It is opposed once again by the large chains. The public deserves qualified opticians.

HB 785-FN, relative to alcohol and drug abuse professionals. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill upgrades the certified alcohol and other drug abuse professionals and establishes a board of licensure. The amendment administratively attaches the board to the office of the commissioner of the department of health and human services. It also addresses other areas of a technical nature: 1) the confidentiality issues by inserting "unless otherwise required by law", 2) provides in statute protection that applies to child abuse laws, and 3) clarifies the counselor/client sexual relations issue to agree with other statutes in the mental health services. Vote 11-7.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret Case for Health, Human Services and Elderly Affairs: The bill includes very specific criteria in the definition of involuntary admission into the mental health service system. This would add one additional category. The intention of the bill is to alleviate the danger to the patient and to the community at large. Safeguards against potential abuse are already present in current statute. Vote 16-3.

HB 537-FN, relative to the practice of allied health professionals. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiller for Health, Human Services and Elderly Affairs: This bill finally brings five health groups under one executive directive for administrative activities. Consolidation of board and commission has been an on-going process since 1979 and hopefully will reach fruition this year. It also replaces and modifies certain laws governing the practice of athletic training, occupational therapy, respiratory care, physical therapy, and speech-language pathology. The bill establishes governing boards for each of these areas of practice and a board of directors consisting of the chairpersons of each of the governing boards. It imposes certain duties and gives certain authority to the governing boards and the board of directors, respectively, for the purposes of regulating these professions.

The bill also gives the board of directors the authority to hire an unclassified executive **director**. **Vote 16-0.**

HB 557-FN-L, establishing a welfare reserve fund and relative to a city or town's liability for general assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The committee overwhelmingly voted this bill Inexpedient to Legislate. We are aware that welfare reform is only four weeks old, that any so called "surplus" money may need to be accessed now in order to be used for childcare and transportation costs in order to support getting people off welfare, and that this bill is simply too restrictive at this time. **Vote 16-2.**

HB 567-FN-LOCAL, relative to administration of vital records. **OUGHT TO PASS**

Rep. Marion Copenhaver for Health, Human Services and Elderly Affairs: The committee heard very compelling testimony that the Bureau of Vital Statistics join in the electronic age in the administration of their vital records. All the testimony was favorable and had the support of town clerks. **Vote 17-2.**

HB 592-FN-A, establishing a brain and spinal cord injury trust fund and an advisory council on brain and spinal cord injuries and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This bill was amended to remove the establishment of a trust fund which would jeopardize the creation of an advisory council on brain and spinal cord injuries, thus enabling them to apply for and receive any grants available. **Vote 16-0.**

HB 646-FN-A, relative to eligibility for child day care services for persons receiving public assistance and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The committee felt strongly that the appropriation in this bill will greatly aid poor families to afford quality day care. Since we are attempting to get and keep people off welfare, (stipulating that this happens within two years), families who now spend up to 25% of their incomes for day care would be helped to a certain extent enabling them to keep their jobs. This bill appropriates \$500,000 in FY 1998 and \$500,000 in FY 1999. **Vote 14-1.**

HB 686-FN-A, relative to financing of child day care facilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: This bill encourages the expansion of child care facilities. In order to assure the successful transition from welfare to workfare and thus eventually reducing state and local expenditure, it is fiscally sound to encourage the growth of child care facilities necessary to make workfare work. This bill makes a bonded appropriation of \$1,200,000 for fiscal year 1998. **Vote 19-0.**

HB 690, establishing a long-term care institute. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter Batula for Health, Human Services and Elderly Affairs: This bill establishes a long term care institute whose purpose is to educate and encourage the public to address the need for long term care at an earlier age. The effects of this bill may also have a tendency to lower insurance coverage rates simply by the increased number of participants who prepare for this need. This bill requires no state funds, relying on grants. **Vote 12-6.**

HB 697-FN-A-L, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax, and making an appropriation to the fund for fiscal year 1998-1999. **RE-REFER TO COMMITTEE**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The majority felt that the bill as presented had serious fiscal problems and should be studied to address these. The committee does not have this fiscal expertise, but is supportive of the basic policy addressing the homeless. **Vote 18-0.**

HB 718, changing that which constitutes the practice of medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The majority of the committee felt that this bill, which limits the use of laser

surgery to those doctors who are trained to provide this type of treatment, is very important. At present, anyone can gain access to lasers which are very dangerous if misused. Vote 17-2.

HB 765-FN, establishing an osteoporosis prevention, education, and treatment program. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill would address the 1.5 million fractures that occur annually at an estimated cost of \$10 billion or \$27 million each day in the United States. With this legislation the first step towards this goal is realized. Vote 13-6.

HB 792-FN-LOCAL, prohibiting trusts, annuities, and other legal devices from being used to shelter wealth for the purposes of medicaid eligibility. OUGHT TO PASS WITH AMENDMENT

Rep. Charles Ferguson for Health, Human Services and Elderly Affairs: The amendment removes the term "annuities" that had been added to the trust provision passed in 1995 in HB 32 (Chapter 310, Laws of 1995). It removes the sunset provision and corrects some of the previous language and makes the trust provision permanent law. Vote 16-0.

JUDICIARY AND FAMILY LAW

HB 515-FN, establishing the New Hampshire commission on the status of fatherhood. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: The committee shares the sponsor's concern about issues relating to responsible fatherhood. However, the committee concluded that the Commission on the Status of the Family is the appropriate place where these issues could be addressed. Two members of the Judiciary and Family Law Committee serve on the Commission and have committed to bring these concerns about fathers to the Commission. Vote 11-7.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: The absence of fathers in our children's lives is at a chronic and inexcusable low. The average child can expect to live a significant portion of his or her life in a home without a father. A recent study indicates 52% of divorced families had not seen their fathers in the past year. This bill establishes a Commission to: secure appropriate recognition for fathers' contribution toward parenting and its value to children; support efforts to encourage responsible and effective fatherhood; increase public awareness about the importance of fatherhood through public education campaigns and effective use of the "bully pulpit"; and help turn the hearts of fathers back to their children. This bill was encouraged by the Council of Governor's Policy Advisors, and recommended by the New Hampshire Dept. of Health & Human Services and the UNH Family Research Lab.

HB 530-FN-A, establishing civil action filing fee surcharges to fund civil legal assistance to low-income persons and continually appropriating a special fund. OUGHT TO PASS

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill creates a non-lapsing and continually appropriated fund to be used by New Hampshire Legal Assistance to provide civil legal representation to New Hampshire's poor. The funds will come from surcharges, ranging from \$2 to \$10, which will be collected by the clerk of court in civil actions filed in district, superior and probate courts. New Hampshire Legal Assistance (NHLA) has been providing free legal assistance in civil actions to low income New Hampshire residents since 1971. Because of unprecedented Congressional budget cuts, NHLA was forced to close two of its five offices and eliminate many positions. There is now no legal assistance office in the north of the state. The majority, committed to the principle that the poor should not be denied access to the legal system, concluded that this funding mechanism provides an opportunity to generate about \$185,000 next year to meet these urgent legal needs of New Hampshire's poor. Vote 11-7.

HB 606-FN-L, relative to procedures regarding children in need of services under RSA 169-D. OUGHT TO PASS WITH AMENDMENT

Rep. David C. Allison for Judiciary and Family Law: A key purpose of this bill revises certain procedures relative to cases involving children in need of services which will require parents and children to become more accountable, more responsible. The committee worked collaboratively with the state's juvenile justice system and the Division of Children, Youth and Families in crafting this legislation. The bill will facilitate preventive and early intervention in court diversion programs. Vote 10-3.

HB 609-FN-L, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Sandra B. Keans for the Majority of Judiciary and Family Law: The committee understands the importance of getting this legislation on the books in order to be in compliance with the new Uniform Interstate Family Support Act which deals with the establishment of paternity and the establishment and enforcement of child support obligations. If New Hampshire does not comply many millions of dollars can potentially be lost. However, the original 34-page bill was heard Thursday, Feb. 27, 1997. Since then the committee has been presented with three re-writes. The last arrived Thursday, March 6, 1997 at the executive session. The majority believes we must study this further to make sure that all confidential

information handled by the department will remain secure. Further, some committee members believe that the federal deadline for New Hampshire to pass this legislation (the first day of the next quarter after the end of the legislative session) is at least not until January 1998 - maybe January 1999 - because New Hampshire is on a two-year budget. The committee believes this bill deserves fair, thorough consideration and is fully committed to do just that. Vote 11-3.

Rep. Carol H. Holden for the Minority of Judiciary and Family Law: The purpose of this bill is to enact the Uniform Interstate Family Support Act (UIFSA) and to improve procedures and processes related to the establishment of paternity and the establishment and enforcement of child support obligations. It will increase the income available to households with children and enable families to become self-sufficient and leave public assistance. The amendment addresses all of the concerns raised at the public hearing by the public and by committee members. While we did not have a great deal of time, there was sufficient time to make sure this was a good bill.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 521-LOCAL, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law. RE-REFER TO COMMITTEE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: During deliberation we found numerous concerns about the process used in collective bargaining between public employees and government entities. Since RSA 273 is the controlling statute, we feel this is an excellent vehicle to study the aforementioned concerns. Vote 15-0.

HB 579-FN-LOCAL, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. RE-REFER TO COMMITTEE

Rep. Joseph D. Kenney for Labor, Industrial and Rehabilitative Services: This bill provided that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse shall not be denied unemployment. Because of the social impact of this bill and the responsibility of who will administer it, the committee felt the need to do comprehensive research and work with state departments to develop logical policy. Vote 15-0.

LEGISLATIVE ADMINISTRATION

HB 440-FN, changing the legislative mileage formula. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee Lozeau for Legislative Administration: In 1991, the IRS advised the State that legislative mileage reimbursement payments must be reported as income. Its conclusion was based in part on the rate paid for this reimbursement. This bill would provide each member of the legislature with the option of receiving reimbursement at the federally approved rate. In creating this option, the committee hopes that members may again have the opportunity to have their mileage treated as reimbursement. The amendment clarifies that this option will take effect beginning with those members of the general court elected in the 1998 state general election. Vote 11-0.

HJR 6, requiring the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert R. Cushing for the Majority Legislative Administration: This resolution requires a portrait of Marilla Marks Ricker be displayed in the State House. Marilla Ricker was the first woman to attempt to vote in the United States, the first woman admitted to the New Hampshire bar, and the first woman to run for governor of New Hampshire. A lifelong Republican, she attempted to vote each year for thirty years, only to be denied the right to vote on account of her sex. With vision and the courage to persevere in the face of enormous odds, unjust law, and unpopular opinion, she lived a life that changed the course of history in New Hampshire for all people. Everyone who testified on HJR6 supported the resolution. A petition in support from Exeter students pointed out that at present over 200 portraits of men hang in the State House, but there are only four portraits of women. The majority believes that with the passage of this measure, at long last, Marilla Marks Ricker would enter the State House to be honored as a pioneer of justice. Vote 7-6.

Reps. Warren C. Henderson, Gregory G. Carson, Loren Jean and Ronald Nowe for the Minority of Legislative Administration: The minority of the committee believes that this well-intended resolution would set several bad precedents. For decades, the Joint Legislative Historical committee has worked directly with groups interested in honoring historical figures with portraits hung in the State House. The subjects of these portraits were chosen by their admirers, funds were privately raised and the portraits were ceremoniously hung in conjunction with the Historical Committee. This bill would replace that traditional process with a single subject selection by legislative mandate at taxpayer expense without established criteria for selection. Converting the creation of historical portraits into another government function ill-serves our heritage. The legislature may properly recognize the great courage and commitment of citizens such as Marilla Ricker, but it should not preempt the proper roles of the Historical Committee and the general public.

LOCAL AND REGULATED REVENUES

HB 566-FN-A-L, preserving a municipality's authority to tax an electric generation plant as real estate when the plant is unregulated and increasing the franchise tax. OUGHT TO PASS WITH AMENDMENT

Rep. Stephanie Eaton for Local and Regulated Revenues: A strong majority of the committee supported the creation of a level playing field among competing electric generating plants in the current environment of utility deregulation. This bill will allow municipalities to tax electrical generating plants whether or not they're owned by regulated utilities, and closes a loophole in the current law. This bill is the result of an effort to compromise the interest of three competing groups, i.e., New Hampshire municipalities, PSNH and the independent power producers. Vote 13-2.

HB 668-FN, licensing, regulating, and taxing video gambling machine use. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill addresses an important issue in New Hampshire, the licensing, regulating and taxing of video gambling machines. However, both the sponsor and a majority of the committee feel this bill is badly drawn and will not accomplish the purpose for which it is intended. It is internally contradictory and not enough time is available to correct the flaws in the bill. There will be other bills on video gambling next session, if not next year. Vote 8-4.

HB 781-FN, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. OUGHT TO PASS WITH AMENDMENT

Rep. Betsy McKinney for Local and Regulated Revenues: This bill as amended was a request of the Sweepstakes Commission to address concerns of a recent audit. The bill does the following: (1) Redefines "charitable organization" to comply with the definition of exempt organizations under IRS Code Sec. 501.C., (2) Requires that the charitable purpose be carried out at the same location as the charity, but allows bingo games and the sale of Lucky 7's to take place in another location; (3) Expands licensing of bingo suppliers and manufacturers the same way Lucky 7 distributors are currently licensed, and requires licensing for any out-of-state suppliers, distributors and manufacturers. Vote 13-2.

RESOURCES, RECREATION AND DEVELOPMENT

HB 536, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit and clarifying the process for issuing orders for dam repair. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: The majority of the committee strongly supports This bill which addresses problems highlighted by the recent dam breach in Alton and seeks to improve the overall safety of the dams in our state by requiring emergency action plans for dams found to be a menace to public safety. The amendment resolves the conflict with Part 2, Article 28a of the NH Constitution by requiring the local legislative body to vote to approve funding to develop an emergency action plan for those municipally-owned dams. Vote 13-4.

TRANSPORTATION

HB 459-FN, establishing a graduated driver's license and related penalties for persons under 18 years of age. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill was the result of many hours of work from both the public sector and the legislative process. It is also the fruit of the combination of many bills presented to the committee during this session. This committee feels that this bill is a step in the right direction to create a safer driving environment for all of our citizens, and an effort to curb the rise in teenage driving fatalities in New Hampshire. Vote 13-1.

WILDLIFE AND MARINE RESOURCES

HB 671-A, establishing a committee to study the organization, structure, and administration of the department of fish and game, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill establishes a committee consisting of 5 senators appointed by president of the senate, 5 house members appointed by the speaker (one of whom shall be from house finance and two of whom shall be from the wildlife committee) to study the organizational structure of the fish and game department including its costs of operation as well as commission membership and appointment procedures. All aspects of the department operations will be addressed. The appropriation is intended to be used to hire expert consultants in the field of fish and game administration, if necessary. The committee felt the input of such experts would lend credence to their recommendations and legislative proposals. Suggested legislative initiatives are to be submitted by November 1, 1997. The amendments increased the wildlife committee membership from one to two members, reduced the appropriation from \$25,000 to \$10,000, and changes the effective date to "upon passage". Vote 12-1.

WEDNESDAY, MARCH 12

CONSENT CALENDAR-PART II

BILLS DUE OUT OF COMMITTEE MARCH 13, 1997

COMMERCE

HB 301, relative to real estate broker's and agent's representation of buyers. INEXPEDIENT TO LEGISLATE

Rep. Martha Fuller Clark for Commerce: SB 611, Chapter 196 became effective in August 1996. It was the first revision to the Real Estate Practice Act in 25 years. It defines the relationship between real estate agents and the client. SB 611 gives consumers a choice in structuring their real estate agreements and should be allowed to work without change at this time. Additionally, administrative rules is developing rules on implementing Chapter 196 which should take care of the concerns raised in this bill. Vote 14-0.

HB 435-FN-LOCAL, relative to liens placed on property by towns and cities for money spent on assisted persons. INEXPEDIENT TO LEGISLATE

Rep. William Tsiros for Commerce: Existing laws are adequate and provide the power to towns to place liens. Any change on priority of liens will upset the mortgage industry. Also, it will make it more attractive to ask for local welfare, rather than go for a second mortgage. Vote 14-0.

HB 526, clarifying that no other business entity may assume a name which is the same as or deceptively similar to the registered name of a New Hampshire real estate trust. INEXPEDIENT TO LEGISLATE

Rep. Dennis P. Vachon for Commerce: This bill would require the registration of all trade names used by real estate trusts. New Hampshire law disfavors real estate trusts, as evidenced by recent law changes requiring title to real estate owned by such trusts to be held in the name of a person or entity as trustee of the trust. The committee found no large scale problem justifying a further change in the law. Real estate trusts are free under current law to register their trade name if concerned that others will use it. Vote 15-0.

HB 541, relative to long term care insurance RE-REFER TO COMMITTEE

Rep. George Hurt for Commerce: Long term care insurance is a unique form of insurance coverage and not everyone is able to afford this type of insurance protection. Testimony indicated that long term care was not available until age 40, where most premiums were affordable. However, further evidence was given to support the majority of purchases is usually between ages 60-70, but with substantial premium increase, more restrictive coverage's and fewer options. Due to the vicissitudes and the complexity of this type of insurance coverage, the committee felt this legislation deserved to be studied in depth. Vote 14-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 136, establishing a committee to study the authority, functions, duties and responsibilities of the fire standards and training commission. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill amends RSA 21-P:12-a which establishes the Division of Fire Standards and Training, the duties of the director of the fire academy and defines the role of the Fire Standards and Training Commission. During 1996, the curriculum for the fire academy was presented to the firefighting community and a controversy between the career firefighters and volunteer firefighters called attention to the need for a system of hearings to allow volunteers to become informed and to have input into matters of concern to them. All parties, the Department of Safety, the Fire Standards and Training Commission, the career and volunteer firefighters have agreed to a rewriting of the statutes to guarantee an open process for establishing curriculum and training guidelines for certification of New Hampshire firefighters. The original bill called for a study committee. On March 4, 1997, a second public hearing on the amendment was held and attended by representatives from the commission, Department of Safety and firefighting community. All parties agreed to this amendment. Vote 18-0.

HB 151-FN-Local, establishing comprehensive medical, physical and psychological standards for law enforcement officers. OUGHT TO PASS WITH AMENDMENT

Corrected Statement: Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill recommends psychological screening of final applicants for police positions beginning in 1999. It also recommends the same medical examination and physical fitness requirements for hiring part time police officers as currently exist for full-time officers beginning next year, and recommends that all police officers hired after January 1, 2001, have medical examination and physical fitness tests at three-year intervals during their careers. The bill grandfathers existing officers and will not result in any present officer losing their job because of this new requirement. The amendment requires the Police Standards and Training Council to notify local and county law enforcement agencies of any additional standards recommended by the council and states that those

standards only take effect when the political subdivision approves them. Vote 17-0.

HB 209, relative to information required when applying for a New Hampshire driver's license. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The bill, as introduced, required all new residents applying for a driver's license to reply to questions relative to an applicants possible criminal background in sex related crimes. The committee was concerned with the appearance of these questions on the driver's license application form and the fact that they maybe offensive to many people new to New Hampshire. The Department of Safety has agreed to supply posters of our sexual offender registration laws to the town and city clerks and the motor vehicle office in Concord and its substations. Vote 13-0.

HB 271, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This program was audited by the Legislative Budget Assistant and found to be over two million dollars in the red. We felt it would be better to re-refer this and study it ourselves along with at least one other bill that has similar content to decide whether we need to make a policy change or change the program funding or both. Vote 13-0.

HB 367-FN-L, requiring notification to parents when a minor violates the tobacco laws. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The original bill required law enforcement officers to notify parents or guardians in writing when their child or children under 18 years of age violate RSA 78:12-c,V. The existing RSA 78:12-c makes it a violation for such minor children to possess and/or misrepresent their age to purchase or possess tobacco products. The amendment requires parents to be notified, but not in writing. Vote 13-0.

HB 386, removing personal liability of employees of licensing entities for failure to comply with state laws regarding licenses to carry pistols and revolvers. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill removed a provision of law enacted just last year and which became effective on January 1, 1997. That provision made employees of licensing entities personally liable for the failure to comply with laws regarding the issuance of licenses to carry pistols and revolvers. The committee feels that we should allow this to work for awhile to see if it actually does need to be changed. The committee amendment eliminated the original bill and defines what a "suitable" person should be. The applicant should be a person who is not prohibited by law from possession of a handgun. Currently in New Hampshire law, there is no requirement for a criminal record check before a concealed weapons permit is issued. The amendment makes that record check a requirement and the licensing authority, the chief of police in most towns, will now be enabled to define whether or not an applicant for a concealed weapon permit is a law-abiding citizen, and therefore, suitable for issuance of the license. A second public hearing on HB 386 was held on February 25, 1997, by the committee. All testimony was in favor of the amendment Vote 16-0.

HB 416, relative to sentencing for juvenile delinquents. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill authorizes the court to commit a delinquent minor to the custody of the department of youth development services for the remainder of minority. The bill also expands such commitment , without limiting it, to placement in a facility certified for the commitment of minors, administrative release to parole, or administrative release consistent with the cap on youth development center population. This bill also requires that the commissioner of the department of youth development services notify the court, within 5 business days, of any commitment and of any subsequent changes in placement made within 60 days of the original placement which will help provide positive information as to the immediate location of the youth. Vote 12-0..

HB 420, relative to administrative review of suspended or revoked motor vehicle licenses. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill attempts to amend the administrative license suspension (ALS) process by making 3 changes which were approved two years ago by this house. These three changes are designed to make the review hearing a more reasonable and responsive process. However, we felt we should re-refer this bill because a superior court recently ruled that the ALS hearing process is flawed. We believe this decision will be appealed to the supreme court and therefore we should wait for an answer before we further amend his statute. Vote 17-0.

HB 462-FN, relative to acknowledgment of DWI laws by persons under 21 years of age. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee amended the bill to inform all motor vehicle license applicants under 21 years of age of certain alcohol related laws and their penalties. We also added notification of illegal transportation and illegal possession laws. We also removed the signed acknowledgment portion of the bill as this is where the fiscal impact was. The Department of Safety said it could accomplish the notification within its budget. Vote 13-0.

HB 514-FN, relative to penalties for driving while intoxicated or under the influence of drugs for persons under 21 years of age. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill has the effect of weakening the DWI laws for offenders under 21, the legal drinking age. At the discretion of the court, a judge could suspend a portion of the minimum mandatory fine if the blood alcohol count was more than 0.02 , but less than 0.08. There was testimony on both sides of this issue but in the end, the committee recommended inexpedient to legislate as we felt we should not weaken any of the D.W.I. laws. Vote 13-0.

HB 767-FN, relative to violation of court orders regarding child custody. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The testimony that the committee heard indicated that the intent of the bill was sound, but that it needed additional work to be satisfactory. Consequently, the committee voted unanimously to re-refer the bill. Vote 17-0.

EDUCATION

HB 703-FN-LOCAL, relative to criminal history checks for school personnel. INEXPEDIENT TO LEGISLATE

Rep. Arthur Pelletier for Education: The sponsor recommended that the committee find the bill inexpedient as the subject matter was adequately addressed in HB 102. Vote 19-0.

HB 808, changing the optional term of the school district clerk, moderator and treasurer. OUGHT TO PASS

Rep. Richard L. Hill for Education: This bill allows all school districts to vote for either a one year, two year or a three year term for school district clerk, moderator and treasurer. This is a change from present RSA 671:6-a III from either one year term or a three year term. Vote 13-0.

ELECTION LAW

HB 372, relative to age and domicile requirements for candidacy for public office. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph A. Foster for Election Law: This bill will assist certain cities and towns which have found it difficult to staff the polls on election day by permitting anyone 17 years of age or older who is otherwise qualified to work at the polls. Current law requires individuals to be at least 18 years old. This bill also repeals a law that relates to obsolete voting machines. Vote 14-0.

HB 430, relative to registration of political committees. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Election Law: This bill requires political committees to have either a treasurer or agent who is a citizen of New Hampshire upon whom service may be made. It also eliminates certain laws related to advertising which are unenforceable due to recent supreme court decisions. It further modifies registration and reporting requirements for political committees. The committee determined that each of these changes is beneficial. Vote 17-0.

HB 441, relative to the ballot law commission. INEXPEDIENT TO LEGISLATE

Rep. Susan W. Almy for Election Law: This bill has two parts, to set term limits for the Ballot Law Commission and to require Commission meetings to be held in person rather than by telecommunication. The first part was considered inadvisable and the second is an issue that should be considered by the Executive Departments and Administration Committee rather than Election Law. Vote 14-0.

HB 443, relative to push-polling. RE-REFER TO COMMITTEE

Rep. Joseph A. Foster for Election Law: The bill would place several restrictions on the practice of "push-polling." Though the committee agrees that the practice of push-polling raises serious concerns, it was unsure of the bill's constitutionality in light of the United States Supreme Court's decision in *McIntyre v. Ohio Elections Commission*. In addition, the term "push-polling" as defined in the bill may encompass legitimate practices traditionally used by campaigns. For this reason, the Committee recommends that the bill be re-referred so that it can be studied further with other bills previously re-referred to the Committee which raised similar constitutional questions. Vote 16-0.

HB 481, relative to financial reporting requirements for political candidates. OUGHT TO PASS WITH AMENDMENT

Rep. C. Donald Stritch for Election Law: The committee felt that this bill closed important loopholes in the election fund raising/expenditure process and also enhances public confidence in our reporting procedures. Vote 16-1.

HB 484, relative to registration of certain voters who vote by absentee ballot. RE-REFER TO COMMITTEE

Rep. David R. Boutin for Election Law: The committee heard testimony supporting the intent of the bill. However, there are some outstanding issues that need further consideration so as not to minimize the intent of other state statutes regarding handicapped access to polling areas. The sponsor of the bill requested that the bill be re-referred, and the committee concurred unanimously. Vote 17-0.

HB 596-FN, repealing the law prohibiting the bribing or intimidating of voters. OUGHT TO PASS WITH AMENDMENT

Rep. Nick Hart for Election Law: This bill repeals some obsolete provisions and eliminates duplicate jurisdictions between the county attorneys and the Attorney General. Vote 13-0.

HB 634-Local, relative to removal from office of certain municipal officials by voters. INEXPEDIENT TO LEGISLATE

Rep. Jackie K. Weatherspoon for Election Law: The committee believes this bill is flawed in a number of areas. For example, the committee did not feel they could make judgments on a person's physical appearance as grounds for removal from office. The committee also believes there is legislation in place that could address removal from office. Therefore, the committee voted Inexpedient to Legislate. Vote 16-0.

HB 659, modifying restrictions on televised political advertising. RE-REFER TO COMMITTEE

Rep. Nick Hart for Election Law: The committee felt this bill was in a new area of campaigning. Exploring all aspects of this bill and its constitutionality will be possible in a study committee. Vote 15-1.

HB 782, exempting the lists of recipients of official absentee ballots from certain public inspection access requirements. INEXPEDIENT TO LEGISLATE

Rep. Raymond C. Buckley for Election Law: This bill does not solve the problem as intended by the sponsor. After weighing an individual's right to privacy in regards to absentee voting versus the public's right to know, the committee chose to continue the current practice of disclosing the list of absentee voters. Vote 18-0.

ENVIRONMENT AND AGRICULTURE

HB 396-LOCAL, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification. RE-REFER TO COMMITTEE

Rep. Richard T. Trelfa for Environment and Agriculture: The committee strongly recommends that because of the numerous issues that should be studied further concerning current use taxation, this bill should be re-referred, allowing time to adequately address these concerns. Vote 14-0.

HB 803-FN-LOCAL, relative to property valuation for purposes of payment of tax on a change of use under the current use laws. INEXPEDIENT TO LEGISLATE

Rep. William R. Phinney for Environment and Agriculture: HB 396 has been re-referred back to committee. The issues included in HB 803-FN-LOCAL will be considered in the study resulting from HB 396. Vote 18-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 14, relating to pensions for the governor, commissioners of state departments, and judges. Providing that no governor, commissioner of a state department, or judge shall receive a pension from public funds. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: The prime sponsor testified in opposition to this CACR. He said this was a sledge hammer approach and he will consider another approach in future legislation. There was some support for the CACR, but this will not answer their concerns. Vote 18-0.

HB 447, eliminating the grandfather clause for licensure of professional engineers. OUGHT TO PASS WITH AMENDMENT

Rep. Kipp A. Cooper for Executive Departments and Administration: It was the committee's belief that the elimination of the grandfather clause would exclude certain individuals with partial education and experience from sitting for the professional engineer's examination. The amendment keeps the grandfathering clause intact and adds the requirement that anyone applying for licensure under this section must also pass the professional engineer's examination.. Vote 13-0.

HB 500, relative to membership on the retirement system board of trustees. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as amended by the sponsor would have changed the method of

selecting firefighter members for the Board of Trustees of the New Hampshire Retirement System by allowing the Professional Firefighters of New Hampshire and the New Hampshire Permanent Firemen's Association to submit a list of names to the governor of appointment. The committee heard from members of both organizations on this bill. Inasmuch as there is a great deal of dual membership in these organizations, the committee felt that this was a situation that they should resolve among themselves and the legislature should not be involved. Vote 14-0.

FINANCE

HB 113-FN-A, reducing the rate of the communications services tax. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: The committee was not provided evidence that the increase in economic growth in communication services would offset the loss of \$6.5 million of state revenues over the biennium. Vote 19-2.

HB 516-FN, increasing the fuel oil discharge cleanup fund fee. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill, as amended, increases the import fee to \$.005 per gallon of fuel oil to provide more adequate funds to pay incoming applications of fuel oil contamination as a backlog now exists. Also, it provides for transfer of \$1,000,000 from the Oil Pollution Control Fund to the Fuel Oil Disbursement Fund to provide funds to eliminate the backlog, and 50% of fees collected shall be returned to the Oil Pollution Control Fund until the Oil Pollution Control Fund reaches \$2,000,000. Further, this amended bill provides that each facility making claim from the Fuel Oil Disbursement Fund shall pay the first \$500 as is similar to policies in all disbursement funds. Vote 19-0.

HB 563-FN-A, relative to a tax on telecommunications easements. RE-REFER TO COMMITTEE

Rep. Rep. Kenneth L. Weyler for Finance: A complication developed in review of this bill. The easements are mostly on state-owned land that are abandoned railroad rights-of-way. The commissioner of transportation is gathering information on this property and has asked for more time. Vote 21-0.

HB 569-FN-A-L, creating a New Hampshire securities transfer excise tax and a continually appropriated fund. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The proposal would impose a tax on the sale of stocks, bonds, futures, and other financial securities and return the proceeds to property tax payers on the basis of household income. The committee believes that the imposition of this tax and the distribution of its proceeds could likely be considered unconstitutional due to the requirement that revenues be distributed according to certain "brackets" of household income. Additionally, it was also feared that the proposal could have a significantly negative impact on the decision by various mutual fund companies which have decided to, or are in the process of, relocating their operations to New Hampshire. Vote 21-0.

HB 645-FN, requiring the commissioner of health and human services to produce certain quarterly reports. RE-REFER TO COMMITTEE

Rep. W. Gordon Allen for Finance: The Committee agreed with the intent of the bill to get the legislature information on what the Department of Health and Human Services owes its vendors, so budgets can be more realistic and accurate. However, because of reassurances from the Department that they will provide the payables at year end, the Committee decided on re-referral pending the receipt of the numbers. Vote 20-0.

HB 689-FN, relative to a certain portion of registration fees of a nonprofit corporation. RE-REFER TO COMMITTEE

Rep. Earle W. Chandler for Finance: The bill proposes a funding mechanism for a private non-profit education foundation. There has been no review by the education committee or the education department. For those reasons, and the unique method of funding, the committee would like further study. Vote 20-1.

HB 705, relative to the confidentiality of the records of the department of revenue administration. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: The Department of Revenue Administration needs to work with other states when auditing companies for BPT if they do business in those states as well as in New Hampshire. The Department also needs to work with other states when auditing for interest and dividends tax which could not be done if states did not share information with each other. Vote 20-0.

HB 714, repealing certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill was requested by the Secretary of State as a "housekeeping measure." It repeals provisions requiring the State Treasurer's insurance bond to be kept by the Secretary of State and requiring the Secretary of State to keep accounts of state bonds. The amendment reinstates the requirement that the State Treasurer provide a \$200,000 bond before entering into the duties of the office, which was inadvertently repealed in the original bill. Vote 20-0.

HB 732-FN, making revisions relative to parental reimbursement for children's services to the department of health and human services.
INEXPEDIENT TO LEGISLATE

Rep. Frances L. Riley for Finance: Testimony indicated that the system of parental reimbursement to the department for services rendered to their children is working efficiently. Passage of this bill would have proved discriminating and confusing, and would result in additional staff and equipment costs. With the approval of the sponsor, the committee voted the bill Inexpedient to Legislate. Vote 19-0.

HB 746-FN, relative to fees collected by the insurance department. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill eliminates the dedicated funds provision in RSA 402 for the Insurance Department's company and producer licensing fees. The bill ensures that all Insurance Department revenues become unrestricted general funds, which is the department's current practice. The amendment provides that certain expenses associated with insurance company liquidation expenses will be paid out of the assets of the liquidated company as administrative expense. Vote 20-0.

HB 804, relative to the definition of "communication services" for purposes of the communications services tax. RE-REFER TO COMMITTEE

Rep. David J. Alukonis for Finance: The committee concurred with the sponsor who suggested that the bill be re-referred in order to await and evaluate changes in federal statutes and the federal tax code regarding certain communication services. Vote 20-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 426, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities.
OUGHT TO PASS WITH AMENDMENT

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: This bill establishes two committees to investigate and recommend the most effective and least restrictive methods for the administration of medication and the licensing of assistant personnel in long-term care facilities. Vote 16-0.

HB 472, establishing the council for children and adolescents with chronic health conditions. OUGHT TO PASS WITH AMENDMENT

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee unanimously supports the establishment of this council by statute. There are 17,000 chronically ill children in New Hampshire whose special needs will be represented by this council. Both the Department of Health and Human Services and the Department of Education will develop policies affecting this population. The council is needed to assist schools, Department of Health and Human Services and the Departments of Education and Insurance by researching and securing grants outside the state and federal venue. Vote 15-0.

HB 476, establishing the New Hampshire council on drug abuse prevention. INEXPEDIENT TO LEGISLATE

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: The committee felt that there is no need to mandate cooperation when different agencies can and should do the same thing voluntarily. Vote 14-3.

HB 490, relative to the confidentiality of medical records. RE-REFER TO COMMITTEE

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The committee felt that confidentiality of medical records in this age of computers is a very important concern, but requires more study. The many concerns brought up in the hearing can then be addressed. Vote 16-0.

HB 621, exempting wilderness/back country rescuers from RSA 151-B. RE-REFER TO COMMITTEE

Rep. Robert Foster for Health, Human Services and Elderly Affairs: This is a well intended bill that would exempt wilderness/backcountry rescuers from the provisions of RSA 151-B relative to emergency medical service. However, after much testimony and meeting with interested parties, it was voted that more work was needed to make this bill more comprehensive. Vote 15-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 298, permitting legislators to take time off from their regular employment to fulfill public responsibilities. INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The ability to come to an agreement with an employer already exists. Those who run for legislative office know the time requirements and, therefore, should make an agreement with the employer for time off. Vote 14-1.

HB 794-FN-LOCAL, requiring employers who require certain employees to be armed to provide body armor to the employees. INEXPEDIENT TO LEGISLATE

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill requires that employers who require employees to carry firearms as a condition of employment provide body armor to the employee at no cost to the employee. The committee felt the cost incurred by this bill to all employers, including the state and its political subdivisions, would be excessive, considering that it would be a mandate imposed under the NH Constitution Part First, art. 28-a. Many of the employers are currently doing this. In all reality this should be a local management decision. Vote 15-0.

LEGISLATIVE ADMINISTRATION

CACR 2, relating to reimbursement for travel expenses for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable travel expenses incurred for legislative business with certain limitations. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: The issues in this CACR were resolved by HB 440-FN. The committee felt this issue is better addressed by statute and not constitutional amendment. Vote 13-0.

LOCAL AND REGULATED REVENUES

HB 351-L, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: This bill clarifies how municipalities calculate the amount of taxes which can be deferred under RSA 72:38-a. It also affirms that the deferral process shall not prohibit any abatement pursuant to RSA 72:16. Vote 18-0.

HB 399-L, changing the name and qualifications for the optional property tax exemption for the totally and permanently disabled. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: This bill, as amended, refers to the language contained in Sections II and XVI of the federal Social Security Act to designate eligibility relative to a disability related property tax exemption. The exemption itself and the amount of the exemption remains a local option. Vote 18-0.

HB 620, allowing a municipality to adopt plans to delay reassessments on businesses which expand in central business districts and on historic buildings listed with the National Register of Historic Places. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill is a laudable attempt to halt the erosion of downtown areas. However, the committee feels that many safeguards are missing in the bill, such as limits on the length of time the deferral may remain in place and a recapture provision for taxes deferred. Without recapture, it is possible that the bill is unconstitutional. Vote 16-2.

HB 636-L, relative to municipal authority to grant tax abatements for the purpose of facilitating the transfer of contaminated property acquired by a municipality through tax deed to a buyer participating in the brownfields program. OUGHT TO PASS WITH AMENDMENT

Rep. Lauren Carney for Local and Regulated Revenues: This bill clarifies a municipality's ability to acquire environmentally contaminated property, without liability for the contamination, in order to convey the property to an eligible person in the brownfields program. It also allows municipalities to grant tax abatements under more relaxed rules to facilitate the transfer of the property. Vote 12-1.

HB 648-L, relative to a local option fee for local or regional transportation infrastructure improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Carol T. Burney for Local and Regulated Revenues: This bill allows municipalities to implement a local option fee to fund a capital reserve fund to be used only for transportation improvements at the local or regional level. This is enabling legislation only and provides a very useful tool to towns and municipalities who choose to adopt it. Vote 17-1.

HB 707-L, relative to municipal taxation of utility property. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had two bills dealing with the deregulation issues of electrical power rates, HB 707-L and HB 566-FN-A-L. **HB 566** was amended and voted OTP/A by the committee to take care of the most pressing issues. There are far more questions to be asked on this complicated issue and the committee wants the time to look at all aspects of deregulation. Therefore, we would ask your support on re-referral. Vote 14-0.

HB 801-FN-L, changing the interest rate on delinquent property taxes and subsequent taxes. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: While the committee understands why the sponsor wanted to reduce the rates on delinquent property taxes, it was pointed out that it is the rest of the taxpayers in the municipality that end up footing the bill. The cost of collection of past due taxes is 60% of the total cost of collecting all taxes. The committee overwhelmingly supports leaving the rates as they are, hence the ITL vote. Vote 16-1.

MUNICIPAL AND COUNTY GOVERNMENT

HB 244, allowing a municipality to prohibit sexually oriented businesses. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee abides by the previous Supreme Court rulings that laws of this type are unconstitutional. The committee also feels that municipalities can control activities of this sort through their zoning ordinances. Vote 13-1.

HB 380-LOCAL, relative to the sale of town-owned property. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: The bill will allow towns with 10,000 or more inhabitants to have the authority not only to sell land, but land and building or both, as long as such authority has been given to the governing body by the legislative body. Provisions are made for public hearings as well as a petitioned request of 50 registered voters prior to the governing body's vote. Furthermore the proposed sale shall be inserted in the warrant for the town meeting. Vote 16-0.

HB 468-LOCAL, eliminating a requirement that registers of deeds keep original copies of officers' returns of attachments and writs of execution on file permanently. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill allows registers of deeds to utilize modern technology in the in the maintenance of their records. It also eliminates the necessity for them to maintain unwieldy and unnecessary files and file cabinets. Vote 18-0.

HB 543-LOCAL, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes. RE-REFER TO COMMITTEE

Rep. Thomas E P Rice Jr. for Municipal and County Government: We wish this bill re-referred so that we may get input from the legislative Aviation group which has shown willingness to study this matter with us. Vote 18-0.

HB 641, relative to property tax bills for land parcels having multiple owners. RE-REFER TO COMMITTEE

Rep. Marilyn A. Fraser for Municipal and County Government: This bill as stated would establish property tax billing procedures for land parcels which have multiple owners. All members felt that the implications and ramifications of this bill needs further analysis. Vote 14-0.

HB 642, requiring that all property taxes be paid prior to approval of a subdivision plat. RE-REFER TO COMMITTEE

Rep. Paul A. McGuirk for Municipal and County Government: This bill is a property tax issue that the committee wishes to study in conjunction with three or four other tax issues that have come before our committee this session. One sub-committee will study all tax issues to develop good policy. Vote 13-3.

HB 676-FN-LOCAL, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. RE-REFER TO COMMITTEE

Rep. Kathleen N. Taylor for Municipal and County Government: This bill establishes procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. The committee wishes to study this bill further to develop fair and equitable policies. Vote 14-0.

HB 708, extending the reporting date for the committee studying the issues surrounding the definition of "facility" for the purposes of eligibility for certain property tax exemptions. OUGHT TO PASS

Rep. Paul A. McGuirk for Municipal and County Government: The study committee formed during the previous session needs more time to consider the complex issues involving "facility" definition for taxation purposes of certain pollution devices and/or equipment. The committee is agreeable to this request to extend the report date to November 1, 1997. Vote 18-0.

HB 715-LOCAL, placing time limits on covenants that have been placed on deeds by developers. INEXPEDIENT TO LEGISLATE

Rep. Thomas E P Rice Jr. for Municipal and County Government: Time limits would raise havoc with things like maintaining open space, density, and preservation of desirable futures. Also it would frustrate the best intentions of the grantor and those who bought property because of the existing covenants. Vote 18-0.

PUBLIC WORKS AND HIGHWAYS

HB 534, establishing a committee to study the New Hampshire highway and bridge infrastructure. OUGHT TO PASS WITH AMENDMENT

Rep. Gerald P. Merrill for Public Works and Highways: This bill establishes a committee to study the New Hampshire highway and bridge infrastructure. The amendment sets up the membership as six senators and six representatives, four of whom shall be members of the Public Works & Highways Committee. Vote 16-0.

RESOURCES, RECREATION AND DEVELOPMENT

HB 181, prohibiting the sale or distribution of exotic aquatic weeds. OUGHT TO PASS WITH AMENDMENT

Rep. Peter O. Crowell for Resources, Recreation and Development: The state lakes and ponds are under attack by many exotic plants. This legislation enables the Department of Environmental Services to continue their eradication program at a faster rate. The program will be funded with an increase of \$1.50 in the boat registration fee. Exotic aquatic plants are banned from purchase, sale, or transportation within the State of New Hampshire. Vote 17-0.

HB 350, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements. RE-REFER TO COMMITTEE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This bill was requested by the Department of Environmental Services and refers to permits by rule and permits by notification. Since DES is undergoing a major change in their rules, it seemed proper to re-refer this bill until the rules are in place. Vote 16-0.

HB 710-FN, requiring boating safety education. RE-REFER TO COMMITTEE

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill once again visits the pressing need for increased awareness of boating safety issues. The testimony received was unanimous in support of the concepts, however, the committee opinion was to re-refer the bill in order to present the house with a more comprehensive plan to improve boater safety through a workable and cooperative public/private education program. Vote 17-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 257, offering priority to qualified veterans for participation in training programs funded by the state or federal government. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: This bill offers priority to qualified veterans for participation in training programs funded by the state or federal government. The committee felt that it was important to give veterans a priority in state and federal training programs. Vote 16-0.

TRANSPORTATION

HB 212, removing the provision allowing a motor vehicle operator to produce a license within 48 hours of demand by a police officer. INEXPEDIENT TO LEGISLATE

Rep. John S. Langone for Transportation: The committee feels this bill is unnecessary. With regard to the paragraph giving police officers the authority to take drivers into custody who cannot display photographic identification, existing law already grants such authority. Pursuant to RSA 594:10 a police officer has the authority to arrest a driver charged with a motor vehicle violation, provided the violation is committed in his or her presence. If the driver cannot produce a driver's license upon a valid request, and the police officer observed the driver driving the motor vehicle, all the elements of an offense under RSA 263:2 have been committed in his or her presence. Additionally, the removal of the 48 hour exception to the law does not interfere with the police officer's discretion in administering motor vehicle laws. Thus, a police officer maintains the discretion to take no action until the driver can produce a valid driver's license. Vote 18-0.

HB 415, establishing speed limits for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg. OUGHT TO PASS WITH AMENDMENT

Rep. John S. Langone for Transportation: The committee feels this bill will help solve the problem of excessive night speeds of OHRVs on Back Lake. The sponsor and supervisor of the New Hampshire Department of Transportation are all in favor of the bill as amended. Vote 17-0.

HB 586, changing the expiration date of OHRV registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: Testimony for this bill showed that there is no negative impact to the users of OHRV's in this legislation. It does, however, provide a tool by which the Department of Resources and Economic Development can get hard numbers rather than estimates to calculate the grant-in-aid funds for the next season. Vote 16-0.

HB 598-FN, relative to liens on aircraft for nonpayment of aircraft registration fees. OUGHT TO PASS

Rep. Robert H. Milligan for Transportation: After notification is made to an aircraft owner of non-registration and no compliance is acted upon by the owner, then a lien may be imposed on such aircraft. When payment is received such lien shall be released. Vote 16-0.

HB 695, establishing a committee to study the educational requirements of student drivers. OUGHT TO PASS

Rep. Peter R. Cote for Transportation: This bill sets up a study committee for the purposes of reviewing the driver training program with an eye toward avoiding the continued tragedies and injury to teenage and new drivers on the highways due to automobile accidents involving such new drivers. Vote 15-1.

HB 797, requiring emergency vehicles to stop for school buses, and requiring the use of both audible and visual emergency signals, in certain circumstances. OUGHT TO PASS

Rep. Ralph L. Akins for Transportation: A representative from the New Hampshire Professional Fire Fighters Association along with a New Hampshire police chief testified in favor of this bill. Their testimony indicated that this procedure was currently an accepted common practice and common sense. This bill would formally make this procedure a standard safety policy. Vote 14-0.

WEDNESDAY, MARCH 12

REGULAR CALENDAR-PART II

BILLS DUE OUT OF COMMITTEE MARCH 13, 1997

COMMERCE

HB 241, relative to genetic testing. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: Genetic testing is a subject of great concern and caution for the committee. Access to affordable long-term care insurance is essential to the economic well being of New Hampshire families and the state as a whole. We should encourage, whenever possible, the purchase of insurance. A genetic mutation does not guarantee a medical problem. The use of genetic testing for long-term care insurance will only limit access to those who may need insurance. The amendment to this bill prohibits the use of genetic testing for long term care. Vote 12-2.

EDUCATION

HB 102, relative to criminal history checks for all school employees and applicants. OUGHT TO PASS WITH AMENDMENT

Rep. Michael Marcinkowski for Education: The committee spent considerable time discussing the implications of this bill and the majority concluded that pupil safety was paramount. In addition it identifies the responsibility for a criminal history check to be best handled at the point of employment. The amendment included charter schools, and a provision to allow the current yearly criminal history check for contracted school bus drivers. Vote 17-2.

HB 501, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution. OUGHT TO PASS

Rep. Susan B. Durham for Education: There are two components to the bill. The first concerns the Alternative Dispute Resolution Process, instead of the expense of a formal hearing to adjudicate the appropriateness of an I.E.P. (Individualized Education Plan). A study has shown that special education disputes are more likely to be settled without a formal hearing when the administrative officer assigned to the case is a lawyer. The second component, including blindness in the definition for special education, is for clarity in the visually impaired definition. Vote 14-6.

ELECTION LAW

HB 314, relative to spending caps for state political candidates. INEXPEDIENT TO LEGISLATE

Rep. C. Donald Stritch for Election Law: The committee felt that the present penalties were sufficient at this time and do not need adjustment. Vote

13-2.

HB 354, repealing the exemption for social activities from political expenditure and contribution reporting requirements. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. C. Donald Stritch for the Majority of Election Law: The committee felt that the present exemptions for certain political activities could better be addressed under a subcommittee study included in HB 356. Vote 8-7.

Rep. Raymond C. Buckley for the Minority of Election Law: The Minority believes no credible argument can be made for this blatant election law loophole. This bill repeals the loophole allowing candidates to hide the names of contributors by claiming the cost of the event was equal to the ticket price. This loophole needs to be closed. The public deserves full disclosure.

HB 355, relative to prohibited political contributions. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. C. Donald Stritch for the Majority of Election Law: This bill reduces that amount of contribution that may be made in behalf of a person's own candidacy. This is another bill the committee feels should be fully examined via the re-referral under HB 356. Vote 8-7.

Rep. Jane A. Clemons for the Minority of Election Law: The Minority feels this bill brings us in compliance with the U.S. congressional allowance for political contributions to a candidate by decreasing the \$5,000 amount to \$1,000. The Minority also feels this bill is a step toward credibility with the New Hampshire citizens, as we continue to promise political campaign reforms and have so far accomplished nothing.

HB 356, relative to reporting requirements for political candidates and political committees. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

Rep. C. Donald Stritch for Election Law: The committee felt that the \$500 level for political reporting was sufficient but felt that the subject should be further studied by the committee. There are some issues regarding financing, fund raising, and expenditures that need further thought. The committee would like to peruse the contents of HB 355 and HB 356. Vote 8-7.

Rep. Raymond C. Buckley for the Minority of Election Law: The Minority supports passage of **HB 356** which increases disclosure of campaign contributions. It lowers the initial reporting requirement from \$500 to \$250. It also requires disclosure of all contributions of \$10 or more, down from the current \$25. HB 356 would increase disclosure and should be passed now.

HB 374-FN-LOCAL, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: The majority of the committee found that although individual districts are a desirable goal, this particular bill encouraged collusion between/among entrenched incumbents which would result in a) incumbents "never" opposing one another, and b) newcomer aspirants would "always" face an incumbent. Vote 10-5.

Rep. Raymond C. Buckley for the Minority of Election Law: This bill would establish 400 one-on-one house races without changing the actual borders of any legislative district. Simply, HB 374 would require each house candidate to choose which singular race they wish to run in--same voters, same physical district--the only difference would be ballot placement creating one on one races. The minority believes that this bill would make each house candidate and legislator more accountable to the public.

HB 379-FN, relative to reporting of contributions to candidates for speaker of the house and senate president. OUGHT TO PASS WITH AMENDMENT

Rep. Lynn C. Horton for Election Law: The committee believes that the time has come for the contributions for Speaker of the House and President of the Senate to be reported and to become public record. Vote 15-0.

HB 417, relative to ballot certification for political parties. OUGHT TO PASS WITH AMENDMENT

Rep. Raymond C. Buckley for Election Law: This bill expands the definition of the term "party" for purposes of elections, including what is required for ballot certification. This bill also provides for choosing party candidates for election by caucus or convention rather than state primary election for parties with membership of less than 3 percent of the total voter registration. Vote 12-2.

HB 503-FN-Local, relative to direct recall elections. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Lynn C. Horton for the Majority of Election Law: Direct recall elections have some merit. However, this bill includes members of congress which we have no authority to do. Most towns have their own recall procedures which takes care of local officials. The committee felt that this

complicated bill is not needed at this time. Vote 13-2.

Rep. Raymond C. Buckley for the Minority of Election Law: This bill is an important tool for citizens to utilize to ensure public accountability by their elected officials. This reform bill has been crafted to allow voters to recall local, county, state, and congressional elected officials in a reasonable and responsible manner. No one appeared in opposition to this, and the minority believes the public deserves to have the right to recall.

HB 546, relative to the form of the presidential primary election ballots. OUGHT TO PASS

Rep. Nick Hart for Election Law: The secretary of state indicated that this bill will save the state approximately \$30,000 for each presidential primary. It also will be much easier for the voters to find their choice of candidate on a list of 50 or 60 candidates. Vote 10-5.

HB 576, relative to anonymous political campaign literature or communications. INEXPEDIENT TO LEGISLATE

Rep. Dana S. Hilliard for Election Law: This bill would rescind the requirement that the author (individual, candidate, PAC, etc.) of political flyers and advertisements be disclosed on the literature. The committee concurs that the Supreme Court's decision in McIntyre v. Ohio Elections Commission requires a critical review of certain laws relative to campaign literature. However, the scope of the bill may go beyond constitutional requirements. The bill as drafted would not only apply to citizens desiring to distribute anonymous political handbills but would also apply to political candidates who publish ads attacking their opponents. Further, the bill purports to grant immunity from prosecution of libel claims if they arise from anonymous political literature. Based on these and other concerns the committee voted unanimously that the bill is inexpedient to legislate. However, the committee notes that the issues raised by McIntyre will be studied in connection with HB 333 which was referred. Vote 13-0.

HB 766-FN, forbidding the acceptance of anything of value by state officials, appointed officials, and legislative employees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: The committee agreed that the goals expressed by the sponsor are beneficial but found that the legislation, as proposed, would not achieve those goals. The legislation would have the potential for making individuals subject to a jail term for accepting "anything of value." The committee feels this opportunity for mischief cannot be risked. Vote 9-5.

Rep. Raymond C. Buckley for the Minority of Election Law: The minority believes this bill deserves further study. The issue of public officials receiving gifts and holding testimonials without reporting the expenditures of such proceeds is deeply troubling. The minority believes that while the committee studies the larger issues of campaign finance reform we should also study this important issue.

ENVIRONMENT AND AGRICULTURE

HB 428-FN-LOCAL, known as the Maggie Boyle Terninko Act, repealing RSA 430:49, the law preempting local regulation of pesticides. INEXPEDIENT TO LEGISLATE

Rep. Karen K. McRae for Environment and Agriculture: The Committee voted inexpedient to legislate because the current programs, already in place, working and a comprehensive, cohesive statewide policy affords owners, applicators and citizens a reasonable solution to their problems. Vote 17-2.

HB 463-FN, relative to aerial spraying of herbicides. INEXPEDIENT TO LEGISLATE

Rep. David J. Babson Jr. for Environment and Agriculture: The committee felt this bill was too restrictive, requiring those who wish to aerial spray to hold a public hearing on projects which may not go forward. It also required notification of projects 180 days in advance to allow time for public hearings. The committee felt the current 60 day requirement was adequate. Vote 16-2.

HB 575, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements. OUGHT TO PASS WITH AMENDMENT

Rep. Peter R. Leishman for Environment and Agriculture: This bill, as amended, allows the commissioner of Department of Environmental Services to accept ISO 14000 certification if and when it is judged to ensure compliance with existing state standards. It also allows the department to research becoming an ISO registrar. Vote 18-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 18, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This concurrent constitutional amendment, if approved by the legislature and 2/3 of those voting on the amendment, will make references to the governor gender neutral in the constitution. The committee heard from those who would make all references in the constitution gender neutral. That would be a major undertaking while this change applies only to the governor and it is appropriate to make this change at this time. Vote 17-0.

FINANCE

HB 562-FN-A, imposing a tax on gambling winnings over \$5 to fund kindergarten and continually appropriating a special fund. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: The sweepstakes commission already contributes more than \$53 million to education. The commission did not support further taxes as it would alter the odds in payouts. Much of the gambling revenues are from people who gamble regularly. This group is very sensitive to the odds, and reductions in payouts could lead to a decline in their participation and in revenue. The 12-9 vote reflects the desire of some members of the committee to re-refer this bill as a vehicle for some other revenue enhancements. The committee felt that, if necessary, other means were available. Vote 12-9.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 470, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. OUGHT TO PASS

Rep. Patricia O'Keefe for Health, Human Services and Elderly Affairs: This bill would remove the prescription requirement to purchase syringes and it decriminalizes the possession of syringes. The Center for Disease Control (CDC) considers access to sterile syringes critical in the slowing of the spread of the HIV virus. New Hampshire is one of only 9 states that require such a prescription. This bill is supported by the Dept. of Health and Human Services, the New Hampshire Medical society, and former U.S. Surgeon General C. Everette Koop. Vote 12-5.

HB 584-LOCAL, relative to the duties of school nurses. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill provides school districts with the ability to hire licensed practical nurses and certified nursing assistants to work under the direct supervision of a registered nurse. It requires the Board of Nursing in consultation with the Department of Education to establish standards for currently licensed registered and practical nurses and certified nursing assistants' education and scope of practice in primary and secondary school settings. It also allows, with parental authorization, the possession and administration of epinephrine for the emergency treatment of anaphylaxis by licensed practical nurses employed or contracted by public school systems. Vote 17-0.

HB 723-FN-A, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. OUGHT TO PASS

Rep. Robert Foster for Health, Human Services and Elderly Affairs: This bill establishes a health care access corporation modeled after the successful Healthy Kids Corporation and allows Healthy Kids Corporation to cover adults. This bill creates a non-profit entity which offers subsidized health insurance coverage on a buy-in basis under Medicaid waiver to allow coverage to low and moderate income adults which are previously without health insurance. If medical waiver is approved, the Health Care Finance Administration will match individual premium payments for eligible persons. The bill will also allow for expanded coverage for children. Vote 16-0.

LEGISLATIVE ADMINISTRATION

HB 385, relative to reporting and registration requirements for lobbyists and employees of lobbyists. OUGHT TO PASS WITH AMENDMENT

Rep. Amanda A. Merrill for Legislative Administration: This bill clarifies the requirements of the lobbyist reporting law and adds reporting requirements for employers of lobbyists. The bill is the result of work begun last session and continued through an interim study subcommittee. Vote 13-0.

LOCAL AND REGULATED REVENUES

HB 504-L, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations. RE-REFER TO COMMITTEE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The majority of the committee felt we should review this bill further as it deals with the issue of affordable housing. Vote 9-8.

HB 556-L, authorizing municipalities to refund a portion of fees for municipal registration permits. INEXPEDIENT TO LEGISLATE

Rep. Betsy McKinney for Local and Regulated Revenues: While the purpose of this bill is laudable, the sponsors acknowledged and the committee agreed that the sums of money that would be refunded if this bill became law were relatively small while the record-keeping required of town and city clerks would create an unnecessary and far greater administrative burden on local communities. The committee also believed this bill could create a problem with commercial registrations, and could be abused. Vote 10-3.

RESOURCES, RECREATION AND DEVELOPMENT

HR 17, relative to certain historical theaters in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: This house resolution urges the state of New Hampshire, through the historical resources council in conjunction with the division of historical resources, to recognize the important cultural and economic significance of certain historic theaters through letters of commendation to the owners of such restored theaters. Vote 11-4.

TRANSPORTATION

HB 238-FN, requiring certain vehicles to travel only in the right-hand lanes on highways. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Leonard for Transportation: The committee feels that this is a safety concern issue. There are only 35 miles of three lane split highways in New Hampshire, and of those, there are many left turn exits. This creates a dangerous circumstance for merging vehicles. Vote 15-2.

HB 239, requiring a child under 13 years of age to wear protective headgear when riding a bicycle. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The committee feels strongly about safety and supports the concept of children's use of bicycle helmets. However, we also recognized that this bill is ill-conceived for several reasons: (1) Most children are already wearing them; (2) It is not enforceable, are we going to have the police confiscate bicycles? (3) The majority of the committee believes that this is a government intrusion into the personal lives of parents. Therefore, we believe that this bill is Inexpedient to Legislate. Vote 13-4.

LAID ON TABLE

HR 19, affirming unrestricted revenue estimates for fiscal years 1998 and 1999. (Pending question is ordering to third reading.)

COMMITTEE HEARINGS

WEDNESDAY, MARCH 12

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

8:30 a.m. Executive session on pending legislation, also following the House session

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session on the budget and other pending legislation, immediately following the House session.

FINANCE - (DIVISION II), ROOM 209, LOB

Work and executive session on the budget and other pending legislation, immediately following the House session

FINANCE - (DIVISION III), ROOM 210-211, LOB

Work and executive session on the budget and other pending legislation, immediately following the House session.

JUDICIARY AND FAMILY LAW, Room 208, LOB

Executive session on pending legislation, immediately after the House session.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

8:30 a.m. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Executive session on *HB 25-A*, making appropriations for capital improvements, immediately following the house session.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

Executive session immediately following the House session.

SCIENCE , TECHNOLOGY AND ENERGY, Room 304, LOB

Executive session immediately following the House session.

THURSDAY, MARCH 13

COMMERCE, Room 302, LOB

10:00 a.m. Executive session on pending legislation, if necessary.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on pending legislation, if needed.

EDUCATION, Representatives Hall

9:00 a.m. *HB 50-FN-A-LOCAL*, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ELECTION LAW, Room 308, LOB

9:00 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Representatives of Region I Environmental Protection Agency, NH Office will brief the committee on pending issues.

ETHICS COMMITTEE (RSA 14-B:2), Room 105, State House (Please note room change.)

3:30 p.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Executive session on pending legislation, if needed.

FINANCE, Rooms 210-211, LOB

9:00 a.m. *HB 51-FN-A*, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999.

Executive session on pending legislation to follow.

Representatives Hall

1:00-5:00 p.m. ***HB 1-A***, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

Representatives Hall

7:00-10:00 p.m. ***HB 1-A***, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session on the budget and the following bills:

10:30 a.m. ***HB 144-FN***, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets.(A)

11:15 a.m. ***HB 186-FN***, relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.(A)

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION III), ROOM 210-211, LOB

10:00 a.m. Work and executive session on the budget and other pending legislation.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

9:30 a.m. ***SB 103***, establishing a committee to study issues relating to the licensing of child day care centers.

10:15 a.m. ***SB 4***, relative to patient information.

1:00 p.m. ***SB 134***, establishing a committee to study the certificate of need board and RSA 151-C.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

HOUSE FACILITIES (RSA 17-E:2), Room 103, State House

1:30 p.m. Regular meeting.

LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

2:00 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Executive session on ***HB 25-A***, making appropriations for capital improvements.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. Executive session on pending legislation.

SCIENCE , TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Executive session on pending legislation.

FRIDAY, MARCH 14

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session on the budget and the following bills:

9:30 a.m. **HB 531-FN**, increasing the amount superior court bailiffs are paid per day.

10:15 a.m. **HB 658-FN**, ensuring that the division of safety services, department of safety receives its ½ share of unrefunded tolls for boat motor fuels as required by law, and establishing a special fund therefor.

10:45 a.m. **HB 674-FN-L**, relative to dam registration and filing fees.

11:15 a.m. **HB 533-FN**, making technical corrections in the liquor laws.

1:00 p.m. **HB 413**, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports.(A)

1:30 p.m. **HB 402**, relative to the use of revenues of the fish and game department.

FINANCE - (DIVISION III), ROOM 210-211, LOB

10:00 a.m. **HB 582-FN**, relative to medicaid rate setting.

11:00 a.m. **HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families.

1:00 p.m. **HB 225-FN**, requiring the commissioner of health and human services to establish a needle exchange pilot program.(A)

Executive sessions may be held throughout the day.

MONDAY, MARCH 17

FINANCE - (DIVISION I), Room 212, LOB

10:00 a.m. Work and executive session on the budget and **HB 755-FN**, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature.

FINANCE - (DIVISION II), ROOM 209, LOB

Work and executive session on the budget and the following bills:

10:00 a.m. **HB 748-FN**, clarifying the school building aid law relative to kindergarten programs.(A)

11:00 a.m. **HB 783-FN-A-L**, relative to funding vocational student organizations and making an appropriation therefor.(A)

FINANCE - (DIVISION III), ROOM 210-211, LOB

10:00 a.m. Work and executive session on the budget and other pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Executive session on **HB 25-A**, making appropriations for capital improvements.

TUESDAY, MARCH 18

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **SB 29**, establishing a pet overpopulation trust.

10:30 a.m. **SB 31**, relative to rabies certificates.

11:00 a.m. ***SB 145-LOCAL***, *relative to the definition of "open space land" for purposes of current use taxation.*

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Executive session on ***HB 25-A***, making appropriations for capital improvements, immediately following the House session..

WEDNESDAY, MARCH 19

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Executive session on ***HB 25-A***, making appropriations for capital improvements, immediately following the House session..

THURSDAY, MARCH 20

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

9:30 a.m. ***SB 24***, relative to prescriptions for certain controlled drugs.

10:30 a.m. ***SB 133***, relative to the task force on perinatal chemical dependency.

1:00 p.m. ***SB 35***, including "accessibility lift" within the definition of "elevator".

1:30 p.m. ***SB 163***, relative to the Uniform Anatomical Gift Act.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Executive session on ***HB 25-A***, making appropriations for capital improvements.

NUCLEAR DECOMMISSIONING FINANCE COMMITTEE (RSA 162-F:15), Seabrook Town Hall, 99 Lafayette Road, Seabrook

7:00 p.m. Regular meeting.

TRANSPORTATION, Room 203, LOB

9:00 a.m. ***SB 86-FN***, requiring the division of motor vehicles to report those in default to a consumer reporting agency.

10:00 a.m. ***SB 153***, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license.

10:30 a.m. ***SB 63-FN***, relative to access to motor vehicle records.

FRIDAY, MARCH 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

MONDAY, MARCH 24

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

9:00 a.m. Hearing and regular meeting.

10:00 a.m. Rules hearing.

TUESDAY, MARCH 25

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. ***SB 49-FN***, clarifying certain procedures under the lead paint law.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Rescheduled public hearing on ***SB 182-FN***, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery.

10:30 a.m. Rescheduled public hearing on ***SB 64-FN-A***, exempting motor fuel used for automobile racing from road toll taxation.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

11:15 a.m. Rescheduled public hearing on ***SB 175***, establishing a committee on the feasibility of installing rumble strips before toll booths.

1:30 p.m. Rescheduled public hearing on ***SB 158-FN-A***, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE , TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Department of Environmental Services, Air Resources Division will present Diesel Emissions Study to committee.

FRIDAY, MARCH 28

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

9:30 a.m. Rescheduled regular meeting.

TUESDAY, APRIL 1

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Rescheduled public hearing on ***SB 29***, establishing a pet overpopulation trust.

10:30 a.m. Rescheduled public hearing on ***SB 31***, relative to rabies certificates.

11:00 a.m. Rescheduled public hearing on ***SB 145-LOCAL***, relative to the definition of "open space land" for purposes of current use taxation.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MONDAY, APRIL 7

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

9:30 a.m. Audits.

Department of State and related boards and commissions for the ten months ended April 30, 1996 and New Hampshire Retirement System management letter for the year ended June 30, 1996.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Coos County Delegation will meet Saturday, March 15 at the County Nursing Home in West Stewartstown at 10:00 a.m. This is to finalize the county budget.

Rep. Lynn C. Horton, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

The Executive Committee of the Merrimack County Delegation will meet Thursday, March 13 at 6:00 p.m. in Rooms 305-307, LOB to review the proposed 1997 county budget and any other business that may appropriately come before them.

Rep. Robert A. Lockwood, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

There will be a public hearing on the 1997 operating budget before the Merrimack County Delegation at 7:00 p.m. on Thursday, March 13 in Rooms 305-307, LOB. The Delegation will meet immediately following the public hearing to review and adopt the Executive Committee's proposed 1997 operating budget and any other business that may appropriately come before them.

Rep. David W. Hess, Chairman

Merrimack County Delegation

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet Friday, April 18 at 9:30 a.m. in the Hilton Auditorium, Rockingham County Nursing Home.

Rep. Sherman A. Packard, Chairman

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

Strafford County Executive Committee will meet Friday, March 14 at 9:00 a.m. to review the proposed 1997 budget. The full County Delegation will meet Saturday, March 22 at 9:00 a.m. to review and vote on the 1997 budget. Both meetings will be held at the Strafford County Administration Building.

Rep. Deborah F. Merritt, Chairman

Strafford County Delegation

UPDATE ON THE LATE DELIVERY OF HOUSE CALENDARS:

We are still working with the US Postal representative in Bedford to determine the problem and improve delivery time. At the Postal representative's suggestion, we are stamping all of the envelopes *FIRST CLASS* and bundling them by zip codes with a marker for *DIRECT DELIVERY*. Please continue to help us track the problem by saving your envelope when it does arrive.; write on it the date of receipt and bring the envelope to the Clerk's Office. We will continue to work at solving the problem. Thank you for your cooperation.

Karen O. Wadsworth, Clerk of the House

During House sessions, members that wish to keep book bags, briefcases etc. with them please place them under seats and not in the aisles in front of seats. This is asked as a courtesy to fellow colleagues and for safety and emergency evacuation purposes. Thank you.

Rob Johnson, House Sergeant-at-Arms

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 50, 120, 186, 225, 340; 378, 557, 559, 560, 562, 564, 567; 569, 570; 573, 577, 578; 587, 588, 589; 591, 595;596, 598, 602; 603; 604, 605; 607; 610; 615; 617; 618; 619;625; 626, 627; 637, 638; 643; 644,645; 649; 661; 663, 686; 689, 702, 716; 719; 720, 723, 724, 725, 726, 727, 729, 731, 733, 734, 739, 740, 741, 742, 743, 745, 747, 748, 749, 750, 751, 760, 761, 762, 763. 764, 765,766, 767, 768, 769, 770, 771, 773, 774, 780, 781, 783, 784, 785, 786, 788, 791, 792, 794, 795 and 796.

Leo J. Callahan, Assistant Clerk

When the House Clerk is aware of House Members who are hospitalized or homebound by serious illness, it will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

Charles H. Felch, Sr., PO Box 22, Seabrook, New Hampshire 03874-0022

Beverly A. Gage, 75 South Policy Street Lot 31, Salem, New Hampshire 03079-2919

Lawrence J. Guay, 404 Main Street, Gorham, New Hampshire 03581-1123

Francis C. Vincent, 14 Central Street, Somersworth, New Hampshire 03878-2402

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

Members of the NH Senate and House are encouraged to utilize the complimentary ski privileges afforded them. Upon presentation of proper credentials at the ticket window, NH Senators and Representatives may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials, unless prior arrangement is made with Commissioner Thomson. (Lift tickets are to be picked up at Guest Services at Sunapee; and at Guest Services or the Ticket Window at Cannon.)

Donna Sytek, Speaker

Improve your mind, and recycle! Bring a book - Buy a book is located outside the cafeteria. It is sponsored by the OWLs. All moneys go to the scholarship fund.

Rep. Betsy McKinney

Members interested in kindergarten are invited to visit with their constituents during the session lunch break on March 12, when the Children's Alliance and the General Federation of Women's Clubs - NH will hold Kindergarten Campaign Day in the Executive Council Chambers.

Rep. Raymond C. Buckley

The Order of Women legislators will meet at noon on March 12 in Rooms 306-308, LOB. The guest speaker will be Linda Murphy of Murphy Self Defense Studios. Boxed luncheon from the State House Cafeteria will be available at a nominal fee. All members of the House are invited to attend.

Rep. M. Virginia Burke

All are welcome to the 5th Annual St. Patrick's Day celebration, sponsored by the Merrimack County Democrats on Tuesday, March 18 from 5:30 p.m. to 8:00 p.m. at the Eagle's Nest at Eagle Square in Concord. A \$20 donation is appreciated and RSVP.

Rep. Miriam D. Dunn

All legislators and staff are invited to a reception by the NH/VT Direct Marketing Association on Wednesday, March 12 at the Holiday Inn from 3:00 to 7:00 p.m. (or immediately following the House Session). Hors d'oeuvres and refreshments will be served.

Rep. Lawrence A. Emerton, Sr.

The 5th Annual Breakfast sponsored by the NH School Food Service Association will be held March 13th from 8:00 to 10:00 a.m. in the State House Cafeteria. All legislators are invited to attend.

Rep. Ken W. Malcolm

All legislators and staff are invited to Children's Lobby Day 1997, sponsored by Child and Family Services on Tuesday, March 18 from 11:45 a.m. to 1:00 p.m. in the Executive Council Chambers. There will be remarks from Governor Jeanne Shaheen and leading child advocates. A complimentary lunch will be served.

Rep. Julie M. Brown

All legislators and staff are invited to attend the annual Spring Legislative reception sponsored by the Retail Merchants Association of NH, Make plans to attend this event on Wednesday, March 19 at the Holiday Inn, 172 North Main Street, Concord from 4:30 to 6:00 p.m.

Rep. Toni Crosby

The Legislative Tourism Caucus is holding its second meeting from 3:00 to 5:00 p.m. (or upon adjournment of the House session) in the Function Room at Forefathers Taverne (across from the State House) on Wednesday, March 19th.

The topic is BEYOND LOON MOUNTAIN: Balancing recreational Interests with Environmental Protection. Richard Ober, Senior Director of Communications with the Society of the Protection of New Hampshire Forests, will discuss the fine art of balancing tourism interests with environmental interests. Alice Pearce, Executive Director of Ski New Hampshire, will also discuss balancing multiple uses of the White Mountain National Forest that provides for recreational opportunities, including skiing. Ms. Pearce will also discuss the economic impact that the ski industry has on the state's economy. Wine, cheese and other refreshments will be available courtesy of the New Hampshire Lodging and Restaurant Association. All legislators are cordially invited.

Rep. Stephen G. Avery, Chairman

Legislative Tourism Caucus

The Teamsters Union, Local 633, is hosting a reception for all legislators and staff on Wednesday, March 26 at the Szechuan Garden on Fisherville Road from 4:30 p.m. to 7:00 p.m. Refreshments and hors d'oeuvres will be served.

Reps. Peter Hoe Burling and Robert L. Wheeler

The New Hampshire Order of Women Legislators Installation Banquet will be held Wednesday, April 2 at the Holiday Inn, Concord. Cocktails 5:30 p.m. Dinner 6:30 p.m. Tickets \$25 are available from Reps. Karen McRae (497-2186) or Anne Grassie (332-8562).

Reps. Karen K. McRae and Anne C. Grassie

The Department of Transportation will hold the following meetings:

Mar 18 Seabrook Elementary School Gymnasium, 257 Walton Road, Seabrook, 7:00 p.m. Public hearing , Seabrook, US Route 1.

Mar 25 Kennett High School Gymnasium, 176 Main Street, Conway, 7:00 p.m. Public hearing, Conway, NH Route 16 and West Side Road.

Mar 26 Community Room, Municipal Library, 26 Railroad Street, Charlestown, 7:00 p.m. Public hearing, Charlestown, NH Route 12A.

Apr 8 Town Office Meeting Room, Main Street, New Hampton, 7:00 p.m. Public Informational/Public Officials meeting, New Hampton, Dana Hill Road/NH Railroad.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

WEDNESDAY, MARCH 12

ADDITIONAL AMENDMENTS

(Listed in numerical order.)

1997-0691h

Floor Amendment to HB 151-FN-LOCAL

Proposed by Rep. Hansen

Amend the bill by replacing section 4 with the following:

4 Applicability. On or before July 1, 1998, the police standards and training council shall notify each affected local and county law enforcement agency as to those provisions of RSA 188F:27, III-a through III-l, that assign additional standards. Such additional standards shall take effect in

those localities only if they are approved for funding by the political subdivision.

1997-0664h

Floor Amendment to HB 241

Proposed by Rep. Vachon

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

1 Amount of Benefits Added. Amend RSA 141-H:3, V to read as follows:

V. This section shall not prohibit or limit genetic testing for evidence of insurability with respect to ~~[life,]~~ disability income~~;~~ or long-term care insurance under the terms of an employee benefit plan. ***This section shall not prohibit or limit genetic testing for evidence of insurability with respect to life insurance if the cumulative potential benefits payable under any such policies issued to any one individual exceed \$250,000 and such policies are not a part of a group benefit or group policy.***

2 Long-term Care Insurance Coverage. Amend RSA 141-H:4 and RSA 141-H:5 to read as follows:

141-H:4 Use of Genetic Testing in Health Insurance ***and Long-term Care Insurance.*** ~~[A health]~~ ***An*** insurer in connection with providing health insurance ***or long-term care insurance*** shall not:

- I. Require or request directly or indirectly any individual or a member of the individual's family to undergo genetic testing.
- II. Require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.
- III. Condition the provision of health insurance coverage, ***long-term care insurance coverage***, or health care benefits on whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.
- IV. Consider in the determination of rates or any other aspect of health insurance coverage, ***long-term care insurance coverage***, or health care benefits provided to an individual whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

141-H:5 Use of Genetic Testing in Life~~;~~ ***and*** Disability Income~~;~~ ~~and Long-term Care~~ Insurance

- I. Except as provided in paragraph II of this section, ***when the cumulative potential benefits payable under one or more life insurance policies issued to one individual exceed \$250,000 and such policies are not a part of a group benefit or group policy***, the provisions of this chapter shall not apply to the provision of life insurance~~;~~ ***or*** disability income insurance~~;~~ ~~or long-term care insurance~~.
- II. A person in the business of providing ~~[life,]~~ disability income~~;~~ ~~or long-term care~~ insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing a type of insurance coverage other than ~~[life,]~~ disability income~~;~~ ~~or long-term care~~ insurance. ***A person in the business of providing life insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing any type of insurance coverage except for life insurance when the cumulative potential benefits payable under policies issued to one individual exceed \$250,000 and such policy is not a part of a group benefit or group policy.***

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

AMENDED ANALYSIS

This bill provides that an insurer providing long-term care insurance shall not require persons to undergo genetic testing unless under the terms of an employee benefit plan.

This bill also states that the law prohibiting genetic testing for life insurance purposes does not apply when the cumulative potential benefits of such a policy issued to one individual exceeds \$250,000 and such policy is not a part of a group benefit or group policy.

1997-0678h

Floor Amendment to HB 734-FN

Proposed by Reps. Wall, Letendre, I. Pratt, Richardson and Keans

Amend RSA 502-A:1-b as inserted by section 1 of the bill by replacing it with the following:

502-A:1-b Evening Sessions Required. Each district court shall hold at least 2 regular evening sessions per month. Such evening sessions may be in lieu of 2 one-half day sessions per month. The sessions shall commence no earlier than 5:00 p.m. and shall be scheduled by the clerk of court for such length of time as justice may require.