

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. Tuesday, March 18, 1997 No. 37

Contains: Hearings, Notices, Work Sessions, Reports for March 18 and 19 and Additional Amendments

HOUSE CALENDAR NOTICE

Members of the House:

Thank you for your cooperation Wednesday in acting expeditiously on a record 226 bills. Things go more smoothly when both sides of a debate can agree in advance on a number of speakers and a limit on questions. I would also encourage members who are removing bills from the consent calendar, offering amendments, or asking to speak to notify the clerk as far in advance as possible. It reduces confusion at the rostrum and saves time.

The House will meet on March 19th at 10:00 a.m. Future sessions are planned for March 26th and April 2nd.

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

There will be a Republican Caucus on Tuesday, March 18 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Tuesday, March 18 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

NOTICE

LEGISLATIVE FORUM

HOUSE CONTINUING EDUCATION

TOPIC: Parliamentary Procedure II

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

DATE: Thursday, March 20 (Rescheduled from March 13)

TIME: Noon to 1:00 p.m.

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

TUESDAY, MARCH 18

CONSENT CALENDAR

COMMERCE

HB 327, relative to pledges for loans, finance charge disclosure statements, and debt adjusters. OUGHT TO PASS WITH AMENDMENT

Rep. David T.Mittelman for Commerce: This bill as amended requires pawnbrokers who accept more than four motor vehicle titles to comply with Truth in Lending provisions. The bill also clarifies certain financial disclosure requirements and limits a nonprofit debt collection exemption to charitable entities. Vote 10-0.

HB 334, establishing guidelines for assessing the eligibility of certain providers for third party reimbursement. OUGHT TO PASS

Rep. Keith R. Herman for Commerce: This bill is the result of work done last session by members of the commerce committee. The intent of the legislation is to create some consistency in determining eligibility to receive third party reimbursement. The process to date has been extremely arbitrary. While these guidelines in no way mandate or guarantee third party reimbursement eligibility, it should allow future legislators to better judge the merits. Vote 10-0.

HB 370, updating and making technical corrections in certain banking laws. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill as amended primarily clarifies existing regulatory authority and updates certain citation references within the banking statutes. These technical changes reflect the modern needs and practices of both the industry and the Banking Department. Vote 16-0.

HB 376, relative to prescription drug copayments required by insurance companies and relative to filling prescription drug prescriptions. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have prohibited insurance companies from recovering the additional cost of brand name medication when many prescriptions are not available in generic equivalents, which is clearly unfair. Vote 11-0.

HB 404, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool.

OUGHT TO PASS

Rep. Anthony Syracuse for Commerce: The full commerce committee discussed this bill as a committee of the whole. No one spoke in opposition. The Commissioner of Health and Human Services and the NH Insurance Department are in support of the bill. The concept of a statewide catastrophic risk pool may provide an opportunity to keep rates down. Vote 9-2.

HB 409, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts. RE-REFER TO COMMITTEE

Rep. David T. Mittelman for Commerce: The committee addressed the subject matter of this bill in HB 161. Re-referral will allow study of lingering issues relative to charitable trusts. Vote 9-2.

HB 410, allowing mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: The committee has dealt with this issue many times over the past few years. Each time, it has denied the request for mental health counselors and marriage & family therapists from receiving third part reimbursement. The committee has received no new information regarding the merits of mandating reimbursement. This year the committee feels it is important to look into the process by which the legislators license health providers and grant third party reimbursement eligibility to those providers. Currently, two house committees deal with these issues separately. The intent of the committee is to look into this process over the summer. Vote 8-3.

HB 449, regulating the self storage industry INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce: The Uniform Commercial Code in our statutes already provides adequate remedy, as well as other sections of law referring to the rights of landlords and abandoned property. Vote 13-1.

HB 451, providing that health care providers shall determine the appropriate course of patient treatment RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: While the subcommittee did not feel that HB 451 should pass in its current form, it did recognize the growing concerns over how NH citizens are receiving medical care. This bill provides a mechanism in which practical and philosophical discussion can take place on the merits and problems of our current health care delivery mechanism. The committee unanimously feels that these issues need further work. Vote 13-0.

HB 453, relative to the bank commissioner's regulation of sales finance companies and retail sellers. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill as amended makes technical changes to laws relative to retail sellers (i.e., automobile dealers) and sales finance companies (i.e., automobile financiers). In essence, HB 453 prohibits certain fraudulent activities and provides the Banking Department with greater power and flexibility to enforce existing laws. Vote 14-1.

HB 483, relative to regulation of securities OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: The bill as amended makes certain technical changes to New Hampshire securities laws. Its more significant provisions include 1) a limited exemption for Canadian broker-dealers doing business with resident Canadian citizens, and 2) allowing the Bureau of Securities Regulation to deny, suspend, or revoke the license of any individual who has violated securities laws. Vote 13-0.

HB 487, relative to the distribution of tobacco products. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: This is another one in a series of smoking related bills. Although the committee recommends this bill ITL, the committee has committed to take up the issue of tobacco coupon distribution in one of the re-referred smoking bills. This recommendation had unanimous, bi-partisan support. Vote 12-0.

HB 492, relative to the refund of unused insurance premiums for insurance policies sold by motor vehicle dealers. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce: Under current law, the lien holder must return the unused portion of credit life and disability insurance within 30 days from date of notification. The problem that a constituent had is not at all common in the industry. The individual for whom this bill was proposed might well be advised to review his administrative procedures with the NH Insurance Department. Vote 14-0.

HB 505, revising provisions relative to smoking in indoor public places RE-REFER TO COMMITTEE

Rep. Richard H. Krueger for Commerce: This bill has brought up many valid new issues including changes upon existing statutes, and it is felt further investigation and study is warranted. In addition, there are issues on several other bills that the committee voted ITL which will be incorporated in our discussion of this bill. Vote 13-1.

HB 508, relative to mandatory automobile insurance INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce: New Hampshire consistently remained among the top five states with the lowest number of uninsured motorists. We have achieved this record without the increased cost of a bureaucracy which would be passed on to the consumer and not reduce the number of uninsured motorists on the road in any measurable way. A large percentage of uninsured motorists involved in accidents are from other states which have their own forms of mandatory insurance. There is a small segment within the uninsured who are the working poor for whom mandatory insurance would severely impact their ability to survive in the job market until they can improve their lot. That the number of uninsured motorists would be reduced is statistically doubtful, but that the cost of auto insurance will rise as it has in other states is a surety. Vote 13-1.

HB 511-FN-LOCAL, requiring health insurers to provide coverage for certain supplies and services necessary in the treatment of diabetes. OUGHT TO PASS WITH AMENDMENT

Rep. Toni M. Crosby for Commerce: This bill, as amended, provides coverage for diabetes supplies, services and education to aid in the diabetes self-treatment. Additionally, the committee wants to send a clear message to the insurance industry regarding coverage for those New Hampshire citizens with diabetes. It has long been recognized that training diabetics to correctly monitor the disease and providing them with the necessary supplies greatly reduces the costs of diabetes treatment. Vote 13-0.

HB 580-FN, requiring that loans for purposes of purchasing manufactured housing be considered mortgages OUGHT TO PASS WITH AMENDMENT

Rep. Dennis P. Vachon for Commerce: The bill is intended to provide local tax collectors with the information they need to properly lien and foreclose on tax liens when the real estate involves manufactured housing. The amended bill accomplishes this without unnecessarily interfering with current options available to financial institutions in securing loans with manufactured housing units. Vote 11-2.

HB 594-FN-LOCAL, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes. RE-REFER TO COMMITTEE

Rep. Tara G. Reardon for Commerce: The subcommittee felt that more time is necessary to consider the variations among timeshares, commercial and residential condominiums, overlapping of issues with HB 701 and a review of RSA 356-B requirements. Vote 13-0.

HB 611-FN, making state securities laws comply with the National Securities Market Improvement Act. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill as amended represents New Hampshire's response to the National Securities Markets Improvement Act (NSMIA), enacted by congress last October. Among its significant provisions, NSMIA pre-empted most state laws regulating investment companies (i.e., mutual funds) and investment company advisers (i.e., mutual fund managers). The goal of HB 611 is to conform New Hampshire's statutes to federal law where necessary and retain state oversight of the mutual fund industry where possible. In so doing, this bill not only protects New Hampshire investors from fraudulent activity, but is also protects the more than \$8,000,000 in revenue that flows to the New Hampshire general fund by way of licensing fees and penalty assessments. Vote 15-0.

HB 640, establishing a committee to examine the feasibility of establishing a state of the art meteorological center at the former Pease Air Force Base. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce: In view of the present financial restraints, the committee felt it was not the right time to study this problem. Vote 12-0.

HB 691, requiring large employers to offer their employees long-term care insurance. RE-REFER TO COMMITTEE

Rep. George Hurt for Commerce: The committee felt it would be prudent to study this piece of legislation and give serious consideration to long term care issues. Vote 12-2.

HB 713, establishing a penalty for failure to file certain financial statements and quarterly reports, relative to the names of foreign limited partnerships, and replacing an annual notice requirement for limited liability partnerships with an annual fee. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill eliminates an unnecessary requirement that limited liability partnerships (LLPs) file an annual

notice with Secretary of State's Corporate Division. The bill also allows foreign LLPs to contain the name of a limited partner, as is common practice elsewhere. The amendment removes a penalty provision that would be better dealt with in other legislation. Vote 15-0.

HB 772-FN-A, establishing the position of industrial, commercial, and tourism agent for Coos County and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: The committee re-referred this bill because the sponsor was unable to testify before the committee due to personal illness. Vote 16-0.

HB 798, relative to the bonding requirement for health clubs. RE-REFER TO COMMITTEE

Rep. David T. Mittelman for Commerce: Current law requires a health club to post a surety bond if it offers long-term memberships. While the intent of this provision was to protect consumers, the impact has been less than ideal. Many health clubs do not comply while others that do find the requirement financially prohibitive. The committee would like additional time to reexamine this law so as to make it less burdensome to small businesses without adversely affecting consumers. Vote 15-1.

HB 809, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire OUGHT TO PASS

Rep. George Hurt for Commerce: The majority of the committee felt this legislation is appropriate and worthy in working towards attracting the New England Patriots to New Hampshire. Vote 14-2.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 118-FN, relative to penalties for marijuana possession. INEXPEDIENT TO LEGISLATE

Rep. Yvonne Coulombe for Criminal Justice and Public Safety: This bill would reduce the penalties for possession of 1 1/2 ounces of marijuana from a class A misdemeanor to a violation. Our legislature has enacted a strong controlled drug law over the past 10 years. The committee feels that this proposal would be contrary to our clear public policy against the use of unlawful drugs by minimizing the penalties for possessing a substantial amount of marijuana. Vote 17-0.

HB 202, relative to the sale of air guns to minors and the use of air guns by minors. OUGHT TO PASS WITH AMENDMENT

Rep. Leo P. Pepino for Criminal Justice and Public Safety: This bill as amended defines air guns and restricts minors under the age of 17 from purchasing, possessing, and using an air gun without adult supervision. Vote 17-0.

HB 204-FN-L, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners. RE-REFER TO COMMITTEE

Rep. Leo P. Pepino for Criminal Justice and Public Safety: This bill provides that once an arrestee, detained defendant or prisoner has arrived at a superior or district court house, the state through bailiffs and court security personnel is responsible for the conduct and control of such arrestee, detained defendant or prisoner as part of its responsibility for public security in the court house. Due to the very complex issues involved in this bill and the concerns of some members of the Hillsborough County delegation the committee will need more time to study this bill. Vote 18-0.

HB 236, to include a person who is being stalked in the definition of "family household member" for purposes of the domestic violence law. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: There is no current mechanism for a person being stalked to obtain a restraining order. This legislation allows such person to apply to the courts for a restraining order in the same manner as a victim of domestic violence. Vote 18-0.

HB 458-FN, relative to the elements of simple assault and relative to certain persons with prior convictions for first degree, second degree, or simple assault. INEXPEDIENT TO LEGISLATE

Rep. Stephen J. Adams for Criminal Justice and Public Safety: The subject matter in this bill will be discussed in HB 480 which was recommended as "re-referred" by our committee. Vote 16-0.

HB 467-FN, relative to felonious activities relating to wireless telephone cloning. RE-REFER TO COMMITTEE

Rep. Stephen J. Adams for Criminal Justice and Public Safety: The committee feels this bill addresses an existing problem with theft of wireless phone service, but needs further information from the industry representatives. There are also problems with penalties conflicting with existing

statutes. Vote 18-0.

HB 480, revising the law relative to protection of persons from domestic violence. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee felt that rather extensive revisions and additions are needed to make this bill acceptable. Vote 18-0.

HB 532-FN, relative to the transportation of alcoholic beverages by a minor. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was amended by the committee making two changes to the current law. First, it makes illegal transportation a violation as it was not before and second, it says that the court may require attendance and successful completion of the impaired driver intervention program before restoration of the license. Vote 15-2.

HB 559-FN, relative to crimes against persons under 13 years of age. RE-REFER TO COMMITTEE

Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill would make negligently causing the death of a child under the age of 13 a class A felony under the negligent homicide statute. The penalty for a class A felony is 7 to 15 years incarceration. The committee agrees with the motives but would like to study the penalty and possible fiscal impact on the state. Vote 17-0.

HB 565-FN, relative to penalties for joy-riding and car theft across state lines. RE-REFER TO COMMITTEE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: While the committee agreed that there is a need for some type of legislation, this particular bill needs considerable revision to be sure the offense classification is correct. Vote 18-0.

HB 573-FN, repealing administrative suspension of driver's licenses for driving while intoxicated. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: Driving while intoxicated is such a serious public offense that those testifying and the committee felt that this law should stay as it is. Vote 19-0.

HB 583-FN-LOCAL, relative to felonious disarming of a law enforcement officer. RE-REFER TO COMMITTEE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill would make an individual who takes a firearm from a law enforcement officer guilty of a class A felony. Currently, a person who uses force to escape from a law enforcement officer is guilty of a class A felony. The committee voted to further study to determine if such a new class of felony is needed. Vote 18-0.

HB 614-FN, making any person who, while operating a motor vehicle, fails to yield in certain circumstances guilty of a class B misdemeanor if such failure results in an accident or an injury. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill creates a class "B" misdemeanor for failure to yield, with an accident or injury resulting. The committee has read RSA 265:30, I, II, & III and does not believe sufficient evidence was presented to make a criminal penalty for failure to yield. Vote 18-0.

HB 665-FN, establishing the crime of felony murder. RE-REFER TO COMMITTEE

Rep. Lori Cardin for Criminal Justice and Public Safety: This bill would essentially establish a new Class A felony that makes a person guilty of second degree murder if the foreseeable death of another occurs as a result of committing a felony. This bill was prompted as a result of the Hudson armored car heist where two guards were murdered in the normal course of their employment while other actors were committing a felony. This is a good bill and the committee would like to take the time to study the merits of it. Vote 16-0.

HB 669-FN, enhancing penalties for violations of laws regulating underground storage facilities. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: The committee feels that this legislation is not needed at this time. The Department of Environmental Services seeks to increase penalties to the level of Class B felony for knowingly violating any provision of RSA 146-C, the underground storage tank statutes or any rule pertaining to such tanks. There have so far only been two cases where this penalty would have been considered out of a potential 6,000 underground storage tanks. In 1990, there were 10,000 such tanks. Currently only 2,500 tanks need to be upgraded or removed before December 1998. Vote 18-0.

HB 672-FN-Local, relative to lowering the allowable alcohol concentration for persons under 21 operating OHRVs. OUGHT TO PASS

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill lowers the allowable alcohol concentration for persons under 21 operating

OHRVs, and conforms with penalties that pertain to under 21 motor vehicle violations. Vote 19-0.

HB 673-FN, establishing a penalty for committing certain offenses while aboard an aircraft which lands in this state and relative to the jurisdiction of law enforcement officers and the courts over persons committing offenses in an aircraft landing in this state. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill would establish that any offenses committed during the flight of any passenger aircraft within the jurisdiction of the United States shall be deemed to continue through the time that such aircraft lands in the state of New Hampshire. If the offense actually happened in air space over New York, it is a stretch to prosecute in New Hampshire for crimes committed outside the state. The problems outweighed the solutions. Vote 19-0.

HB 682-FN-Local, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill needs an amendment to make it comply with requirements for obtaining federal funds. In addition, more work is needed to insure that the list of organizations to be notified is complete. Vote 17-0.

HB 684-FN, relative to drivers who purposely neglect to stop when under pursuit by a law enforcement officer. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Presently, if you fail to stop for a police officer RSA 265:4 makes it a violation under most circumstances. However, if any person other than the driver of the pursued vehicle sustains personal injury in a collision resulting from the driving of a vehicle which is evading pursuit by a law enforcement officer, the driver of such pursued vehicle shall be guilty of a class B felony. The committee felt these punishments were appropriate as is. Vote 18-0.

HB 685-FN, relative to the assault of a law enforcement officer acting in the line of duty. INEXPEDIENT TO LEGISLATE

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The committee felt that the concerns expressed in this bill were in fact closely associated with those concerns that were addressed in HB 583 which was voted re-referred to committee for further study of these complex issues and to come back with a recommendation on that bill in the next session. Vote 18-0.

HB 692, relative to the use of court, case, and police records of delinquent children in sentencing for conviction of certain crimes as adults. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill called for courts sentencing adults convicted of certain crimes to consider certain juvenile court, case and police records of such adult to determine the sentence to be imposed. Since this same material is covered in re-referred HB 604, the committee voted this bill as inexpedient to legislate. Vote 18-0.

HB 694, allowing law enforcement officers to make a video recording of certain communications without notification. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The sponsor requested that we find the bill inexpedient to legislate since audio recording by the police without notification is unlawful and video recording is already covered in current law. Vote 16-0.

HB 730-FN, relative to penalties for sexual misconduct by mental health counselors. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is intended to make a mental health counselor who engages in certain acts with a mental health client guilty of aggravated felonious sexual assault. Since a senate bill covering similar situations is forthcoming (SB 191), the committee voted to re-refer this bill to either be included in the senate bill or to replace it, if necessary. Vote 16-0.

HB 735-FN, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This legislation enables charges of aggravated felonious sexual assault or felonious sexual assault to be brought against corrections officers or probation and parole officers who use their supervisory authority over a victim to coerce them to submit to a sexual act. We believe that people with mandated supervisory authority should be held to a higher standard. Vote 16-0.

HB 752, relative to the commission of robbery or burglary while armed with a deadly weapon, culpability for capital murder, and the potential death sentence for first degree murder. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill does three things. It makes robbery or burglary while armed with a deadly weapon when death results a capital crime. It adds to the list of conduct which constitutes capital murder and adds the death penalty as a

potential sentence for first degree murder. The majority of the committee saw no need to expand the death penalty statute as it has not been used since 1939. Also, there is a huge potential cost to litigating appeals with regard to death sentences. Vote 14-2.

HB 764-FN, relative to a person subject to a domestic violence petition applying to purchase a handgun. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen J. Adams for Criminal Justice and Public Safety: This bill would make an attempt to purchase a firearm while subject to protective order or restraining order a punishable offense. Also, included would be same day cancellation notification when a protective or restraining order is lifted. Vote 14-2.

HB 770-FN, relative to blood testing in the instance of motor vehicle fatalities and other instances. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Only one person testified on this bill and that testimony was in strong support of the changes in the bill. The bill makes technical changes to the Fish and Game, Motor Vehicle and Boating Laws relative to the definition of alcohol. It updates the references to medical technicians and technologists instead of lab technicians, the admissibility of the external standard reference check to show that the instrument was properly calibrated, and the rules for preliminary breath test devices. The committee felt these changes served a very useful and needed purpose. Vote 16-0.

HB 777-FN, prohibiting a fish and game officer who makes an arrest for a fish and game violation from also being the prosecuting officer. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The testimony provided by witnesses indicated that of the approximately 200 trials annually that are prosecuted by the arresting officer, only one appears to have been controversial. Based on this and the increased cost to the state of approximately \$100,000 per year to have an independent prosecutor, the committee voted this bill inexpedient to legislate. Vote 17-0.

HB 795-FN, enhancing the penalties for DWI and driving after revocation and suspension and eliminating certain driver intervention programs. INEXPEDIENT TO LEGISLATE

Rep. Stephen J. Adams for Criminal Justice and Public Safety: The committee will be studying the effectiveness of the multiple DWI intervention program in HB 271 and will also consider other penalties for violators that may be more effective. Vote 17-0.

ELECTION LAW

HB 328, requiring certain proof of identification to register to vote on election day and relative to hour limitations on voting. OUGHT TO PASS WITH AMENDMENT

Rep. Natalie S. Flanagan for Election Law: The amendment is now the bill. It allows persons who are waiting to register at the closing of the polls to register and vote. Vote 14-0.

HB 377, relative to primary election petitions. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Election Law: This bill has been taken care of by House Bill 276. Vote 17-0.

ENVIRONMENT AND AGRICULTURE

HB 291, relative to the use of the terms "native," "local," and "our own" when referring to farm products. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson Jr. for Environment and Agriculture: This bill defines the terms "native", "local", "locally grown" and others as related to agricultural produce. This is an effort on the part of the committee to support and promote the fine work of the Department of Agriculture, Markets and Food, and the farm community. Vote 13-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 283, establishing a study committee to examine the parity of salary scales between state troopers and other law enforcement officers. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would form a study committee to investigate the parity of troopers salary scales. This is a subject that the troopers should study and bring to the negotiating table for resolution. The legislature should not interfere with the collective bargaining process. Vote 18-0

HB 346, relative to the effect of federal law on any reorganization of the executive branch. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill adds the term "constitutional" to RSA 21-8:16. Addition of this term in the statute on reorganization would have the effect of requiring all statutes and rules promulgated by the federal government to be proven constitutional before the state agencies would have to comply with federal requirements. This is not an acceptable means of interaction between the state and federal governments. Vote 17-0.

HB 540, establishing a committee to study the possibility of requiring government agencies to provide a training and development policy instead of the current method of policing, penalizing, and fining business owners for infractions of the law. OUGHT TO PASS WITH AMENDMENT

Rep. Kipp A. Cooper for Executive Departments and Administration: The committee felt that the goals of this bill were laudable and that the establishment of the committee was appropriate to study ways by which state agencies may provide training and policies which will serve as incentives for small businesses to adhere to laws and rules rather than solely relying on punitive measures. This would serve to reduce the adverse impact and chilling effect that state interventions often have on small business activity. Vote 17-0.

HB 545, making the term of the attorney general coterminous with that of the governor. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: Presently, the term of attorney general runs from March 31 to March 31 for 4 years. On March 5, 1997, the house passed CACR I which changes the term of the governor to 4 years. In light of this, the committee decided to leave the 4 year term of the attorney general as it now stands. Vote 17-0.

HB 745-FN, relative to the compensation of the members of the workers' compensation appeals board. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill would change the compensation to members of the workers' compensation appeals board from \$150 per diem to an hourly rate as determined by the commissioner of labor. The committee heard testimony from legislative audit, commissioner of labor, and members of the board. As a result of the hearing, the committee did not believe the change was necessary. Vote 18-0.

HB 749-FN, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: Present statutes require a group I employee member of the NHRS to be incapacitated for further performance of duty before receiving accidental disability retirement. This bill would change the definition of any gainful employment. This would mean that employees injured on the job and not able to continue in their present position might be employed in another position. This portion of the statute applies only to employee members of the NHRS, both state and local employees and does not affect teachers, police, or fire personnel. The full information on the number of employees, the type of injuries and the effect of workman's compensation was not available at the time this bill had to be reported, therefore, the committee is requesting re-referral of this bill to properly study the question. Vote 18-0.

JUDICIARY AND FAMILY LAW

HB 290, relative to electronic signatures. RE-REFER TO COMMITTEE

Rep. Carol H. Holden for Judiciary and Family Law: Under the provisions of this bill electronic signatures are given the same force and effect as written signatures. Electronic commerce will be the new way of doing business. The secretary of state would have the authority to issue certificates to verify the digital signatures. The heads of the state agencies would be required to implement the control processes and procedures. The committee wants the opportunity to see how this process could be implemented in New Hampshire. Vote 12-0.

HB 326, requiring that parties filing for divorce attempt a mutually agreeable divorce settlement through mediation prior to proceeding with the adversarial process. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: The committee is very supportive of the concept of alternative dispute resolution (ADR). Divorce mediation is a form of ADR that the committee seeks to encourage. However, this bill seeks to do too much. This bill would make it mandatory for all couples seeking divorce to undertake mediation before the couple could proceed in a court of law. This requirement would be imposed on all couples whether the couple wanted to use such a service or not. There may not be a sufficient number of qualified, affordable, and accessible mediators around the state to allow such a requirement to be met. Mediation is most successful when the process is approached by the parties on a voluntary basis and not when it is forced upon them. There was significant opposition to the bill. Couples are free to attempt mediation before commencing divorce proceedings. The rules of the superior court already include provisions that allow for suspension of proceedings whenever a couple seeks to attempt mediation. No need for this legislation was evident. Mandatory mediation was not found to be good policy. Vote 12-0.

HB 329, repealing the fireman's rule. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: The original bill was a repeal of the fireman's rule. The committee could not support that because we believe the legislation agreed to in 1993 among all parties still makes good public policy. We believe that the amendment better clarifies just what that agreement was and tries to incorporate the committee report of SB 109 from 1993. Vote 13-0.

HB 369, relative to the admission to practice and bar association membership for attorneys. INEXPEDIENT TO LEGISLATE

Rep. Cynthia A. McGovern for Judiciary and Family Law: There was no public testimony in support of this bill. While some committee members agreed with the sponsor, with respect to a required or mandated professional association, there was no strong argument for changing it. Vote 12-0.

HB 395, repealing the exemption for teacher certification records from the right-to-know law. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: No one but the sponsor testified for this bill. The Department of Education testified that on a periodic basis they publish the list of names of people whose certification has been revoked. Most of the information the sponsor wants is available. However, some information is not kept in Concord; such as which out of state college a person graduated from, only in-state vs out-of-state. We must remember the decision on who to hire is made at the local school district. Vote 12-0.

HB 439-FN, establishing a procedure for reporting on abortions. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The Center for Disease Control has regularly collected information on abortions which is published in CDC Surveillance Summaries, Morbidity and Mortality Weekly Report, and includes by state, number, ratio, rate, age, race, weeks of gestation, type and procedure, ethnic background, marital status, previous number of pregnancies and abortions, and fatalities. The report includes additional detailed information on teenagers. In addition, the New Hampshire Department of Health and Human Services has authority under RSA 120:25 II to collect such information and intends to do so. There is no need for this bill. Vote 12-0.

HB 444, extending the reporting date for the house committee to study the state investigation of the late John C. Fairbanks. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: The concerns of this bill are incorporated into HB 688-FN-A. Vote 12-0.

HB 512-FN, requiring mediation in domestic cases involving minor children. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill will make divorce mediation mandatory for all couples seeking divorce if they have minor children. This bill is different from HB 326 because the requirement for mediation is imposed only upon couples who have minor children. Again, the committee believes that mediation may be advisable, especially in cases where there are minor children who would be affected by the divorce. However, the bill would impose the mediation process upon couples who may not want or need to undertake that process. Mediation is most successful when it is approached by the parties on a voluntary basis and not when it is imposed upon them. There was limited support for the bill and mixed opposition. The accessibility and affordability of qualified mediators is limited. A pilot program is in effect in the superior court that does require that couples with minor children attend information seminars which address the effect of divorce on children. This court program better serves the need this bill seeks to address because, while it is a required course, it has a low limited cost and does not force the parties into mediation where the circumstances of the parties make mediation unnecessary or inappropriate. While some other states apparently make mediation mandatory, it is not good policy for New Hampshire. Vote 11-2.

HB 518-FN, requiring administrative agents to obtain warrants based upon probable cause to perform searches or inspections. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor did not appear. The committee heard testimony from representatives from three departments, each of whom spoke in opposition because such a law would make it impossible to enforce existing regulation protecting the public in areas as diverse as food service and preparation, communicable diseases, and liquor enforcement. Vote 13-0.

HB 549, relative to service-connected military or coast guard disability compensation in the determination of alimony or separate maintenance. INEXPEDIENT TO LEGISLATE

Rep. Deborah L. Woods for Judiciary and Family Law: Federal law adequately provides the prohibition of service-connected disability payments from being garnished for an alimony award. This bill would create havoc in the courts with the onslaught of divorce cases which might possibly be re-opened by a simple request from someone who believes they fall under this law. There is also the question of how appropriate it is to single out one specific federal anti-garnishment provision and how many others would be brought forward. Vote 12-0.

HB 550, relative to certain social security disability compensation in the determination of alimony or separate maintenance. INEXPEDIENT TO

LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: Since 1975, the Social Security Act has authorized the use of payments for alimony and support. New Hampshire would be in conflict with federal law if we passed this. There is currently nothing that prevents spouses from returning to court in order to get a modification of support payments when circumstances change. Vote 12-0.

HB 554, relative to damages in suits brought by administrators of an estate. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: This bill allows the surviving spouse of a victim of a wrongful death to recover damages for loss of consortium. Current law allows for such recovery in cases involving personal injury, but not death. Loss of consortium involves the loss of comfort, society, and companionship of the spouse who was killed by someone's negligence. This bill passed the House last year on a voice vote. The committee agreed with the testimony we heard that this was a fairness issue. Vote 12-0.

HB 555, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. RE-REFER TO COMMITTEE

Rep. Sandra B. Keans for Judiciary and Family Law: The committee agrees with the sponsor that the area of pensions needs to be studied, but time constraints do not allow us to do a good job. The committee needs time to be thorough. The sponsor supports re-refer. Vote 13-0.

HB 568-FN, relative to the oath of office for attorneys and the penalty for failure to fulfill the oath. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: The committee finds that the oath of office, as the amended version would read, will add only confusion, rather than clarity, to the true purpose of the oath. Vote 12-1.

HB 595-FN, protecting consumers from the unlicensed practice of law. RE-REFER TO COMMITTEE

Rep. Carol H. Holden for Judiciary and Family Law: After hearing considerable testimony, the committee determined that there were many questions that needed to be addressed on the proposed remedies and civil penalties on the unlicensed practice of law. Vote 12-0.

HB 608-FN, providing that a district court shall not require the department of health and human services to certify a particular provider of children's services. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: The committee studied this bill carefully. A great deal of information was presented pro and con at the public hearing. Ongoing litigation over the language of the existing statute was reviewed. The Department of Health and Human Services already has the right to use its discretion as to whether or not a particular provider of services will or will not be certified. The number of out-of-state placements for troubled youth has been reduced from 174 in 1994 to 68 in 1996. The trend continues to decline. The department has developed more in-state programs for the specialized treatment required by some troubled youth. The district court does not have a blank check or the power to order the department to certify particular providers. It was considered important not to diminish the role of the district court as the final arbiter of what services a child may need and the best option for treatment. To the extent that a problem existed in this area, it has been effectively addressed within the existing statutory framework. Vote 17-0.

HB 623, allowing a landlord or housing owner under the housing finance authority to terminate a tenancy to allow a family member to occupy the premises. INEXPEDIENT TO LEGISLATE

Rep. Susan J. Clay for Judiciary and Family Law: This bill is not needed for the following reasons: there is already in the landlord/tenant laws the ability to remove tenants at will. There is also reasonable protection for landlords to remove tenants who have leases. Vote 14-0.

HB 624, subjecting certain payments made to public employees upon resignation, discharge, or retirement to the right-to-know law. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: The committee agreed with the sponsor that when a public employee is terminated, the financial payment should be public information available under the right-to-know law. This bill does not in any way provide for disclosure of personnel issues. Vote 16-0.

HB 635, relative to a limitation on liability for emergency medical care providers. RE-REFER TO COMMITTEE

Rep. David A. Bickford for Judiciary and Family Law: This bill requires further study, along with another limited liability bill which was heard by the Judiciary Committee and also recommended for HB 793. Vote 16-0.

HB 711, relative to post-termination commissions. OUGHT TO PASS

Rep. Paul M. Mirski for Judiciary and Family Law: At present, unscrupulous manufacturers may withhold commissions due manufacturers representatives for services rendered, knowing that the cost to manufacturers representatives to pursue justice in the courts may well exceed sums due. This bill will introduce an element of fairness into the relationship between the two parties as far as payment of commissions are concerned. Vote 16-0.

HB 773-FN, relative to intentional interference with child custody and visitation. OUGHT TO PASS

Rep. Deborah L. Woods for Judiciary and Family Law: This bill addresses a real problem in many domestic cases involving child custody and visitation issues. It carries real consequences for those who, on a recurring basis, intentionally violate court-ordered custody visitation. This legislation adds additional remedies for those parents who are hurt by the actions of the other parent and kept from their children. Vote 16-0.

HB 774-FN, relative to child support, custodial rights, and visitation. RE-REFER TO COMMITTEE

Rep. Deborah L. Woods for Judiciary and Family Law: The public hearing on this bill was not held until 3/10/97. It is good legislation that needs a few changes. The committee is also mindful that Senate Bill 192 will be before the committee this session. That bill is very similar to HB 774-FN and may very well be a good vehicle to make corrections. Vote 17-0.

HB 787-FN, requiring the executive council to hold public hearings on judicial appointments. OUGHT TO PASS

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill establishes the requirement that the Executive Council shall hold a public hearing prior to confirmation of nominees for judges in the courts of New Hampshire. Vote 14-0.

HB 793, limiting the civil liability of persons engaged in equine activities. RE-REFER TO COMMITTEE

Rep. Carol H. Holden for Judiciary and Family Law: The committee recommends that this bill be re-referred to committee. Testimony indicated that horse shows, county fairs, dog shows and other similar events need study. Litigation, due to presumed liabilities, in these other events will be considered along with those presented by the equine industry. Vote 11-4.

HB 802, relative to judgments on past due rent and judgments for eviction. RE-REFER TO COMMITTEE

Rep. Sandra B. Keans for Judiciary and Family Law: The committee has re-referred several tenant/landlord bills this session and would like this issue to be a part of the study. Vote 14-0.

HB 805, relative to homestead rights and revocable trusts. OUGHT TO PASS WITH AMENDMENT

Rep. Wayne T. Moynihan for Judiciary and Family Law: The bill protects citizens from the inadvertent loss of their homestead right when they transfer property to irrevocable trusts as a part of an estate planning or other process. An amendment was adopted to place the language of the bill within the homestead title of the statute, and to insure the applicability of the changes to as many existing trusts as possible. A need was demonstrated and the bill solved the problem. Vote 12-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 429, establishing a committee to study unemployment compensation as it relates to the contingent work force and to women workers. OUGHT TO PASS WITH AMENDMENT

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: This bill charges the Unemployment Compensation Advisory Council with the responsibility to study unemployment compensation as it relates to the contingent work force and low wage workers. The act will take effect upon passage to allow the council to prepare its report and recommendations by the November 1, 1997, deadline. Vote 15-0.

HB 478, requiring certain notices to be posted at certain job sites for purposes of workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph D. Kenney for Labor, Industrial and Rehabilitative Services: This bill requires contractors, subcontractors, and independent contractors engaged in the nonresidential building or construction industry to provide a workers' compensation compliance statement, upon request. No contractor, subcontractor, or independent contractor, however, would be required to deliver to the commissioner a requested workers' compensation compliance statement more than twice in one calendar year. The committee felt this bill provides a better legal playing field to offset any misrepresentation of workers' compensation payment in the building industry. Vote 14-0.

HB 615-FN, allowing group accounts for certain employers under the unemployment compensation laws. INEXPEDIENT TO LEGISLATE

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: After considerable deliberation and review of the issue, it was determined by the sponsor and the committee that the current law addresses the concerns. Vote 14-0.

LOCAL AND REGULATED REVENUES

HB 198-L, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had many questions on this piece of legislation, including the constitutionality of the bill. The committee would like to ask the House to send questions concerning certain provisions of this bill to the supreme court for an advisory opinion and then address the issues later this session. The Chairman of the committee will offer a motion to table this bill and address the House Resolution which would request an Opinion of the Justices. Vote 15-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 381, relative to public recreation and park areas in municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: This bill as amended is meant to overcome obstacles to combining municipal recreation departments with other departments/commissions. This will improve the relevant statute and make the statute dealing with parks and recreation more effective. Vote 16-0.

HB 502-LOCAL, placing limitations on warrant articles at special meetings. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill defines the term "emergency" for the purpose of special town and school district meetings. It incorporates as a minimum the factors described in recent decisions of the NH Supreme Court. Vote 14-2.

HB 552-LOCAL, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. RE-REFER TO COMMITTEE

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill addresses issues concerning subdivisions which border on adjoining municipalities. The committee felt it needed an opportunity to further examine this complex matter. Vote 16-0.

HB 679-FN-LOCAL, repealing the limitation on zoning ordinance protest petitions. RE-REFER TO COMMITTEE

Rep. Paul A. McGuirk for Municipal and County Government: The particular repeal of a portion of RSA 675:5 as requested by HB 679 is attempting to clarify protest petitions submitted to amend or repeal zoning ordinances. The committee wishes to spend more time on this request. Zoning questions can be, at times, controversial. Vote 17-0.

HB 701-LOCAL, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: This bill allows a municipality to refuse to accept a tax deed/tax lien for more than just environmental reasons. For example, if the property includes a multi-family residence and the municipality does not want to be a landlord, the governing body does not have to accept that tax deed/tax lien. Also if the property is a condominium and the fees owed to the owners' association exceeds the amount of taxes due, the governing body does not have to accept the tax deed/tax lien. The bill also clarifies what does happen when the governing body refuses a tax deed/tax lien. There is a new section included which allows the governing body to dispose of the property "as justice may require" which includes being able to convey the property to a former owner or to a third party for the benefit of the former owner. Vote 17-1.

RESOURCES, RECREATION AND DEVELOPMENT

HB 272, relative to boat docking facilities. RE-REFER TO COMMITTEE

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill would regulate the location and design of boat docking facilities on public waters. Presently, the Department of Environmental Services is in the process of drafting proposed rules relating to shoreline structures. The committee believes it is best to re-refer this bill as well as HB 547 until a complete review of the rules takes place. Vote 17-0.

HB 389, relative to the water protection assistance program within the office of state planning. OUGHT TO PASS WITH AMENDMENT

Rep. Michael W. Downing for Resources, Recreation and Development: This bill clarifies the laws governing the water protection assistance program within the Office of State Planning. The current law offers no flexibility to municipalities who wish to tailor their water resources planning

efforts to their specific local needs. Passing this bill will encourage and make it easier for communities to develop or include water resources in their community planning and removes the rule making process from the Office of State Planning. Vote 17-0.

SCIENCE , TECHNOLOGY AND ENERGY

HB 406, relative to environmental disclosure by electric power facilities. RE-REFER TO COMMITTEE

Reps. Jeb E. Bradley and Clifton C. Below for Science, Technology and Energy: The issue of registration requirements for electric power suppliers, including environmental disclosure, is being addressed legislatively in HB 726 and administratively by the Public Utilities Commission. The committee wants to hold this bill as a vehicle to discuss the Bulk Power Facilities Statute which needs revision in the context of electric industry restructuring. Vote 14-0.

HB 411, authorizing municipalities to issue bonds for the purpose of defraying the cost of purchasing or taking public utility property. INEXPEDIENT TO LEGISLATE

Rep. Clifton C. Below for Science, Technology and Energy: The content of this bill has been incorporated into House Bill 528. Vote 18-0.

HB 452, establishing a legislative oversight committee on telecommunications restructuring and relative to aggregation of telecommunications services customers by municipalities and counties. OUGHT TO PASS WITH AMENDMENT

Reps. John H. Thomas and Jeb E. Bradley for Science, Technology and Energy: Passage of this bill will create a telecommunications oversight committee. With passage of both federal and state legislation that encourages increased competition in the telecommunications industry, the committee believes such oversight is appropriate. This legislation also reduces the approval time at the Public Utilities Commission for new telecommunication tariffs or services offered by a telephone utility from 9 months to 2 months. Speeding up this process will significantly improve the ability of phone companies to offer new services which will be of great assistance to businesses needing rapid access to these new services. Vote 18-0.

HB 482, relative to the access and development of interstate computer network systems. RE-REFER TO COMMITTEE

Reps. Elizabeth K. Hoadley and Norman L. Major for Science, Technology and Energy: The bill requires a study relative to improving computer network systems access in New Hampshire. Even though some of these features have been folded into House Bill 452, we believe continued study is appropriate. Vote 18-0.

HB 485, relative to limited electrical energy producers. RE-REFER TO COMMITTEE

Rep. Clifton C. Below & Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The Limited Electrical Energy Producers Act (LEEPA) needs comprehensive revision, with repeal of some provisions, in the context of electric industry restructuring and competitive choice of energy suppliers. The committee will continue its work on this bill. Vote 14-0.

HB 651-FN-Local, relative to electric rate reduction financing. RE-REFER TO COMMITTEE

Rep. Clifton C. Below & Rep. Jeb E. Bradley for Science, Technology and Energy: This is a complex bill with major policy implications. It addresses a financing technique called securitization that might help to reduce electric rates and facilitate restructuring of the electric utility industry. However, the committee has many questions and concerns to carefully consider before it is ready to make any final recommendation. Vote 18-0.

HB 702-FN-Local, establishing procedures governing municipal acquisition of public utility property. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: The issues regarding the public interest determination for municipalization are being considered in HB 528. The committee is also recommending re-referral of another bill, HB 750, which deals with municipalization issues. Vote 14-0.

HB 750-FN-Local, relative to municipal water systems. RE-REFER TO COMMITTEE

Rep. Harold V. Lynde and Rep. Norman L. Major for Science, Technology and Energy: Many of the provisions of this bill have been folded into HB 528, a more general amendment to the utility municipalization statutes. The committee wishes to re-refer this bill to serve as a vehicle to address additional utility municipalization concerns which require additional study. Vote 14-0.

HB 754-FN, relative to special gas and electric rates for customers dependent on life-support equipment. RE-REFER TO COMMITTEE

Rep. Donald B. White and Rep. Terie T. Norelli for Science, Technology and Energy: The committee feels this bill has merit. However, more research is required with respect to the scope of the problem, the costs involved, and the appropriate agency responsible for the administration of the program before making a final recommendation to the House. Vote 14-0.

HJR 4, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below & Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This resolution calls for federal action to clarify and affirm state jurisdiction over, and take other actions to support, implementation of retail competition in the electric utility industry. Congress is currently considering federal legislation on this issue. Vote 18-0.

HJR 5, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray & Sarah K. Bonneau for Science, Technology and Energy: New Hampshire has continued to decrease air pollution emissions and has attempted to substitute more cost effective air pollution control strategies for some measures mandated by the Federal Clean Air Act. The resolution, as amended, outlines New Hampshire's suggestions for amending the Clean Air Act and EPA policies to provide New Hampshire with more flexibility in its efforts to produce greater environmental improvement at less cost. Vote 18-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 117, relative to Persian Gulf War bonus payments. OUGHT TO PASS WITH AMENDMENT

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: Payments for members of the armed forces who served in Southeast Asia and were awarded the Southeast Asia Service medal - the committee felt that the citizens of New Hampshire will honor those citizens who have served our country during this conflict. Vote 16-0.

HJR 7, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans OUGHT TO PASS

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: While the veterans administration should implement any cost savings that would not impact quality, availability and accessibility of services to New England veterans, this resolution expresses New Hampshire's concerns that its - and all New England's - veterans continue to receive all necessary health care at a locally accessible location. Vote 12-0.

HR 13, recognizing Bob Dole's many years of public service and dedication to our country. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: The committee recognized that Bob Dole had many years of public service and dedication to our country, however, it was felt that Bob Dole has been recognized recently with the Medal of Freedom from President Clinton. In addition, the only person to be recognized since 1985 in a house resolution was Senator Paul Tsongas who was memorialized on January 19, 1997. Vote 14-1.

TRANSPORTATION

HB 231-FN-LOCAL, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle. RE-REFER TO COMMITTEE

Rep. Peter R. Cote for Transportation: This bill involving operators under 20 years of age is of complex nature. By a unanimous vote by the committee, it was recommended to be Re-Referred for a more thorough study along with other driver bills. Vote 13-0.

HB 477, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River. RE-REFER TO COMMITTEE

Rep. Philip M. Ackerman for Transportation: The committee feels that this issue can be resolved locally by the parties which have an equal right to responsible use of the area. Re-referral allows time for communications between the parties and the Department of Transportation to resolve the issue. If this is not successful, this bill may be revisited during the next session. Vote 12-1.

HB 649-FN, relative to reckless driving. RE-REFER TO COMMITTEE

Rep. Robert J. Letourneau for Transportation: The committee felt that it should re-refer this bill so it could have the time to examine the current penalties being assessed young drivers. After passing HB 459-FN, a youth driver license bill, we felt further study of the problems of young drivers could be necessary. Vote 13-0.

HB 662, revising the laws relative to the use of dealer plates. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth W. Malcolm for Transportation: This bill, as amended, is the result of several hours of meetings, and the result is the cleaning up of long alleged use and misuse of various trade use of motor vehicle plates. This bill more clearly defines proper use of dealer, wholesale dealer, utility and transporter plates. It also sets up a licensing process and increases the bond requirement for car dealers. The bill, as amended, is agreed upon by all parties involved. This bill maintains the economic viability of the automotive business, and maintains the logical legality for the motor vehicle license system in New Hampshire. Vote 12-0.

HB 712, relative to the purchase, preservation, and reactivation of abandoned railroad rights-of-way and limiting railroad liability for passenger rail service. RE-REFER TO COMMITTEE

Rep. John W. Flanders, Sr. for Transportation: The committee was not sure of constitutionality of 75,000,000 liability cap. Want to work on bill over the summer with different departments involved. Vote 18-0.

HCR 11, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce. OUGHT TO PASS

Rep. George N. Katsakiores for Transportation: This resolution urges the rail based "corridors of commerce" be revitalized and preserved in order to put railways on an even competitive playing field with other modes of transportation. Vote 12-0.

TUESDAY, MARCH 18

REGULAR CALENDAR

COMMERCE

HB 147, relative to disclosure of certain information relating to tobacco products. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: This is one of a series of bills dealing with the issue of smoking. The committee has agreed to look at all the issues presented in the various bills during the summer. This bill requires disclosing cigarette ingredients. The committee is committed to study this issue further since it is still pending in the Massachusetts courts. Vote 8-2.

HB 506, prohibiting all smoking in any restaurant where serving food is the primary function. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Richard H. Krueger for the Majority of Commerce: In the State of New Hampshire cocktail lounges cannot exist without at least 50% of their business being food. It would be impossible to have a cocktail lounge without food being the major portion of their business. Testimony showed that the marketplace is the best way to resolve this issue. Some restaurants have chosen on their own to have non-smoking environments even in their cocktail lounges while others have not. In either case, those testifying each claim their business grew and their customer base continued. Vote 10-4.

Rep. Martha Fuller Clark for the Minority of Commerce: The minority was very concerned about involuntary exposure by restaurant employees and children from secondhand smoke in public restaurants, given extensive testimony on the grave medical consequences due to exposure to such secondhand smoke. 58,000 Americans die annually from exposure to secondhand smoke. Our current smoking laws separating non-smokers from smokers in restaurants do not adequately protect non-smokers. Additional testimony was heard concerning entire communities in Massachusetts and elsewhere, including the state of California, that have a total ban on smoking in public restaurants. Such businesses actually have seen an increase in patronage since these bans went into effect. If New Hampshire is to control the escalating health care costs related to smoking, every effort must be made to protect both children and adults from the dangers of smoking, including secondhand smoke. This bill would go a long way in doing that and is a critical component of the anti-smoking bills before the legislature this session.

HB 650, relative to limited liability companies. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill as amended significantly enhances the viability of Limited Liability Companies (LLCs) by taking advantage of recent federal tax rules and making key non-tax improvements. In particular, HB 650 as amended: 1) permits single member LLCs; 2) gives LLC members a right to demand member meetings, rather than requiring annual meetings; 3) clarifies rules for removing members; 4) eliminates certain types of events that can trigger LLC dissolution; 5) modifies the right of departing members to receive immediate payment for their LLC interests; and 6) allows for mergers among LLCs and other types of business entities. An LLC has become the business form of choice because it combines the positive attributes of corporations and partnerships. The changes made by HB 650 will further encourage business formations and promote economic development. Vote 12-0.

HB 721, prohibiting certain tobacco or alcohol advertising within drug-free school zones. RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: This bill is one of several pieces of tobacco related legislation before the Commerce Committee this session. As stated previously, the committee unanimously supports all the efforts to restricting youth access to tobacco products. The committee is greatly concerned as to the effect this bill would have on property owner rights, zoning laws and first amendment rights if passed into law. Vote 15-1.

HB 799, regulating the sale of insurance by financial institutions. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory C. Carson for Commerce: Currently, federal law now allows federally chartered banks to sell insurance. This bill changes state law to allow state chartered banks to also sell insurance. More importantly, HB 799 creates important, substantial consumer protection regulations which apply equally to federal and state chartered banks selling insurance in New Hampshire. The committee worked hard to create an environment which will protect consumers and keep parity between the banks. This bill, as amended, is a compromise. Neither the bankers or insurance agents receive everything they originally wanted. Vote 12-3.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 455-FN-LOCAL, relative to a preliminary breath test for alcohol concentration. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill provides clarification of the laws regarding the use of preliminary breath tests for alcohol concentration by allowing the results of the preliminary breath test to be admissible as evidence by the prosecution to establish probable cause for a subsequent arrest. It also provides for suspending the license or nonresident driving privilege of any person refusing the test for six months. Additionally, this bill will be consistent with motor vehicle, boating and OHRV offenses. Vote 14-1.

HB 517-FN, relative to aggravated felonious sexual assault. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for the Majority of Criminal Justice and Public Safety: The bill allows the court to impose a life sentence on a person convicted of aggravated felonious sexual assault when the victim is less than 13 years of age. The imposition of a life sentence would allow those offenders who prey on children and who are often repeat offenders to be under lifetime parole when they are released from prison thereby assuring lifetime supervision. Vote 10-8.

Rep. Walter J. Mikowski for the Minority of Criminal Justice and Public Safety: We feel that on a first offense, we are empowering the judicial system, which can impose a life sentence, on emotion alone. A person can be convicted on the word of a coached child and be completely innocent yet be sentenced to a life term in prison, unless he pleads guilty. This would also have a financial impact on the budget of the probation department budget which would have to monitor this person, if released for the rest of the person's natural life.

HB 527, classifying smoke bombs as permissible fireworks OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee discussed this issue at length and found there was a need to add smoke bombs to the list of fireworks to go before the Permissible Fireworks Committee. This will allow a review of the chemical contents of the smoke bomb and the size of its cloud. Then the determination of whether or not to allow the sale of smoke bombs will be made by the permissible Fireworks Committee. Vote 18-1.

HB 558-FN, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. INEXPEDIENT TO LEGISLATE

Rep. Richard F. Doucette for Criminal Justice and Public Safety: The committee killed a less restrictive bill than this last year and felt that even though the offenses in this bill were more narrowly defined than before, there were too many questions left undecided. For instance, should arson of a historical structure count towards three violent felonies? Also, we felt that cost to the indigent defense fund would escalate out of control as there would be a large increase in trials of defendants who are already two time losers. There would also be an increase in the cost to run the public defender program because they defend many of these cases. And finally, states that have similar laws like California are considering changes to them as the related costs are out of control. Vote 13-4.

HB 680-FN, relative to criminal liability for harm caused by dangerous domestic animals or captive wildlife. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Domestic animals and dogs are already covered in RSA 466 and 467. Captive wild animals used to be covered in RSA 469 which was repealed in 1992. Keeping this in mind, there was no testimony at the public hearing to support this bill. The sponsor was not able to attend due to illness. Vote 15-2.

HB 696-FN-Local, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when such conviction was the result of an act facilitated by the use of an automobile. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill allows the court to suspend, for a period not to exceed 90 days, the driver's

license of a person who is convicted of criminal mischief or the driver's licenses of persons who are convicted of criminal mischief if the court determines that a motor vehicle was used to abet the commission of criminal mischief. Vote 16-2.

ELECTION LAW

HB 156, eliminating straight ticket voting. WITHOUT RECOMMENDATION

Rep. Janet S. Arndt for Election Law: Many good ideas were presented on both sides of the issue. The committee felt that since the positions reflected several different thought processes that it was better to let each House member decide for himself or herself. Vote 9-9.

HB 276, relative to petitions for filing for a primary election. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Reps. Joseph A. Foster and Thomas I. Arnold, Jr. for the Majority of Election Law: This bill, as amended, retains the voluntary spending cap but removes the requirement that candidates who wish to exceed the voluntary cap must, as a precondition, gather petitions to be placed on the ballot. If the bill is passed, candidates will still be required to declare whether they plan to exceed the cap and their opponents will be free to raise the decision to exceed the cap as an issue in the campaign. Under current law, a candidate for governor who wishes to retain his or her constitutional right to exceed the cap must gather 2,000 petitions while a candidate who voluntarily agrees not to exceed the cap has no such obligation. The spending cap law is currently being challenged in Federal District Court partially on the basis that the petition requirement places an undue burden on the candidate's constitutional right to free speech. A majority of the committee concluded that the goals and policies of the law would remain if the petition process were removed and the critical aspects of the law-the cap itself-would be much more likely to survive constitutional challenge. The committee will be reviewing the merits of the cap itself in the context of other bills which have been referred. By passing this bill, the Legislature, not the courts, will have the final say on the utility of the spending cap law. Vote 12-5.

Rep. C. Donald Stritch for the Minority of Election Law: This bill as amended would make negligible the requirements to voluntarily limit or not campaign expenditures by eliminating almost any need for petitions. Now we go back to the era of spend, spend and spend some more. A cap and petition requirement for over a dozen years are effectively scrapped and candidates have little need or incentive to limit. Comments regarding the constitutionality of a 12-year law are premature and presupposed. We should not eliminate a law with nothing in the loop to replace it.

HB 446, prohibiting candidates of one party from accepting the nomination of another party. OUGHT TO PASS

Rep. John M. Root for Election Law: This was a non-partisan vote. The majority considered this bill as a "truth in labeling" fix to present practice which was characterized as a "politician protection procedure." It was also pointed out that this bill does not restrict a voter's right to vote for any candidate by writing in a name; rather it seeks to restrict a nominee from accepting the windfall nomination of another party by means of a handful of votes. Vote 9-8.

ENVIRONMENT AND AGRICULTURE

HB 171, relative to the citizens advisory committee which advises the pesticide control board. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: Testimony made clear that the citizens advisory board was ineffective and that the existing pesticide control board has the identical responsibility. Therefore the advisory committee is deemed unnecessary. Vote 13-0.

HB 352, modifying the definitions of "agriculture" and "farming" for certain purposes. OUGHT TO PASS WITH AMENDMENT

Rep. Donald R. Philbrick for Environment and Agriculture: The committee agrees with the policy of including the category of genetically engineered short rotation tree fiber in RSA 21:34a. The bill as amended includes the exemption of this crop from timber yield taxes, as fruit trees and Christmas trees have been exempted. Genetically engineered short rotation tree fiber is being proposed on an experimental basis using a hybrid type of poplar tree which is used for pulp in the production of paper. Vote 14-0.

HB 384, relative to requiring notification by utilities of right-of-way maintenance. INEXPEDIENT TO LEGISLATE

Rep. John B. Heath for Environment and Agriculture: The current system of notification is by and large working. The considerable additional expense of effective signage and additional publicity efforts, especially in the worrisome present economic climate of energy deregulation, seemed to a strong majority of the committee to be unwarranted at this time. Vote 13-1.

HB 418, prohibiting the land application of sludge or biosolids containing amounts of heavy metals over certain limits. RE-REFER TO COMMITTEE

Rep. Peter R. Leishman for Environment and Agriculture: The committee, with sponsor approval, agreed that further research and information is

required concerning this proposed legislation. Vote 14-0.

HB 496, requiring all land application of sludge or biosolids to comply with certain best management practices and relative to an exceptional quality exclusion. INEXPEDIENT TO LEGISLATE

Rep. David L. Babson Jr. for Environment and Agriculture: The committee takes the position that Department of Environmental Services rules in place incorporate "best management" practices and placing exemptions in law for any portion of these issues is not appropriate at this time. Vote 13-0.

HB 497, excluding domestic septage from regulation as sludge or biosolids. RE-REFER TO COMMITTEE

Rep. Perley E. Davis for Environment and Agriculture: The committee felt that this bill should be re-referred to allow the committee to work out solutions for several questions on a controversial and emotional subject. Vote 11-3.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 368, establishing the honorary position of artist laureate of the state of New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: HB 368, as amended, provides for New Hampshire residents to be honored with the title of New Hampshire "Artist Laureate". This appointment will be made by the governor and council every two years so that many artists will have the opportunity to be considered by the New Hampshire Council on the Arts for nomination. Vote 16-2.

HB 378, regulating the practice of acupuncture. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: The bill establishes a board of acupuncture licensing to be administratively attached to the office of the commissioner of the department of health and human services. Although well written, it required 4 amendments to fine tune the bill. The amendments will 1) require the use of disposable needles for each patient, 2) allow licensed health professionals to provide acupuncture treatment if their current statutes permit such treatment, 3) provide Class B misdemeanor for persons who violate this act, and 4) allow the board to assess administrative fines. To become licensed, an acupuncturist must have a baccalaureate degree or be licensed as a nurse or physicians assistant and have successfully completed a post secondary acupuncture college program which is board approved. Acupuncturists may reciprocate from another state if they hold a valid license and the states licensure requirements are equal to or greater than the New Hampshire requirements. Enactment of this law will allow those that now must travel to Maine, Massachusetts or Vermont for treatment to obtain these services in New Hampshire and acupuncture will take its place as an alternative health practice in New Hampshire. Vote 14-2.

Rep. Timothy N. Robertson for the Minority of Executive Departments and Administration: This bill legitimizes the practice of acupuncture. Acupuncture is not a science. The fact that it is effective only proves the power of the human mind. The only statement given during our hearing was "It works, because it does".

HB 469, relative to the rules of the board of dental examiners. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill is a housekeeping bill which expands the scope of activity to allow, under a temporary license, voluntary dental and dental hygiene services. It requires that in all types of dental practices, there will be only licensed dentists that can practice dentistry and only licensed dental hygienists that can practice dental hygiene. This bill also clarifies the type of permits involving anesthesia, and the requirements for reporting by the professional liability insurers to the board on action of dental injury within 30 days after the initial action. Vote 18-0.

HB 632-Local, relative to changing the membership of the water well board and relative to board procedures in refusing, suspending, or revoking licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, adds the expertise of water well drillers and technical drillers to the water council at the department of environmental services while keeping all existing rules and regulations, relative to water well drilling and technical drilling in place. By repeating references to the water well board, department of environmental services and the water council will be responsible for hearing all appeals and for writing future rules. Of greatest significance HB 632, as amended, is good consumer protection legislation because the public's ability to bring complaints is made easier. Vote 18-0.

HB 639, relative to the term of office of any person appointed by the governor and council between a general election and the expiration of the term of a governor who was not reelected. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: The committee was not convinced that this bill would improve or correct any

perceived abuses by governors with appointments, between the election and the beginning of the next term. With the concurrence of the governor's council required for appointment, and public disclosure required prior to nomination, there are checks and balances in place. Therefore, it was felt this legislation was not necessary at the time. Vote 14-5.

HB 660, adding the name of Martin Luther King, Jr. to Civil Rights Day. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The committee has two bills in its possession dealing with this subject. The majority of the committee asks that this bill be voted inexpedient to legislate so that we may consider the other bill dealing with this subject (SB 157). Consideration of SB 157 will allow the membership latitude in their final vote and provides the house with a resolution of the issue which has the unanimous support of the committee. Therefore, we request the house vote inexpedient to legislate.. Vote 16-5.

SB 157, adding the name of Martin Luther King, Jr. to Civil Rights Day. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The committee voted unanimously to support this bill as amended. The amendment represents an attempt to produce an amended bill which honors an inspirational national leader, an important New Hampshire participant in the struggle for civil rights and recognizes the contributions of all individuals who have worked for civil rights. Current law is being amended to read "the third Monday in January, designated as Civil Rights Day, to honor Martin Luther King, Jr., Jonathan M. Daniels, and all individuals who have worked for civil rights in this nation". Vote 20-0.

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. Barbara French 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 Centers 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. Everett Koop. In addition it is the clear intent of this committee that nothing in this bill will affect the re-imbursement for needles and syringes by insurance carriers upon a written order of a physician. Vote 14-4.

JUDICIARY AND FAMILY LAW

HB 133, establishing a family resource council to address the efficient delivery of services to children and families. INEXPEDIENT TO LEGISLATE

Rep. Kevin M. Smith for Judiciary and Family Law: The majority opinion was that while a council of this type may have been helpful 5 years ago, with the recent growth in new computer technologies, a council such as this is now unnecessary, and would almost definitely be obsolete in 2 years, if enacted. Another concern of the committee is the fact that the council would be duplicating already existing community family council centers, and would only be creating more bureaucracy at the higher levels Vote 9-6.

HB 211, defining the terms "psychological injury" and related terms under the child protection act. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Julie M. Brown for the Majority of Judiciary and Family Law: This bill has had considerable study and is needed as our present law is so vague. This compromise language improves what we now have and is a first step in helping our children, and could be the beginning of landmark legislation. Vote 10-7.

Reps. Paul M. Mirski and Thomas M. Colburn for the Minority of Judiciary and Family Law: The sponsors of HB 211 have worked diligently to create a definition of psychological abuse which would clarify the definition which presently exists in statute. Unfortunately, to the potential detriment of parents and other caregivers, the bill as proposed still offers the opportunity for expansive interpretation of a wide variety of behaviors as potential causes of psychological injury. The minority believe that the interests of abused children and the interests of parents and others would be better served by editing out those elements in the language of the bill which would permit or encourage less studious and less astute members of the judiciary to inadvertently convict responsible caregivers of psychological abuse.

HB 365, providing that communications made during family mediation shall be privileged. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: This bill gives to a family mediators the same confidentiality privilege that this legislature confers on marital mediators. Family mediators are volunteers offering their services free of charge to non-profit programs throughout the state. The goals of family mediation are to keep families intact, prevent youths from becoming entangled in the criminal justice system, and improve the daily

lives of family members. Families are frequently referred to these programs by the court, schools, and juvenile justice authorities. If the volunteer mediators can be compelled to appear in court to testify, the pool of mediators will vanish. This bill, is prompted by a recent case where a volunteer mediator might have been subpoenaed. Vote 9-3.

HB 421, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill extends civil rights in employment, public accommodations and housing accommodations to include persons regardless of their sexual orientation. The Manchester Diocese supports this bill. The definition of sexual orientation does not render lawful any conduct prohibited by the criminal laws of New Hampshire. Vote 13-3.

HB 768-FN, relative to certain abortions. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Cynthia A. McGovern for the Majority of Judiciary and Family Law: The United States Supreme Court has ruled repeatedly that a woman has a constitutionally protected right to obtain an abortion of a nonviable fetus free from government intrusion, and an abortion of a viable fetus if her life or health is at risk. Such medical decisions cannot be made by this, or any, legislature. They must remain where they belong - with the woman, her conscience and her physician. HB 768 places an impermissible and unconstitutional burden on a woman's right to choose. Vote 9-7.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Partial birth abortion is a procedure which entails delivering a baby in the breech position until only its head is left in the mother. At this point, scissors are used to open a hole in the upper portion of the baby's neck, a catheter tube is then inserted in the hole created by the scissors in order to suck the baby's brains out, collapsing the skull and permitting delivery of the inert remains. Every doctor testifying at the hearing supported the bill and described the procedure as barbaric, gruesome, and unnecessary. They all agreed that this procedure falls just short of legal infanticide.

HR 16, urging that impeachment proceedings be instituted against Strafford county probate court judge Gary R. Cassavechia. INEXPEDIENT TO LEGISLATE

Reps. Deborah L. Woods, Barbara Hull Richardson, Marjorie K. Smith, Cynthia A. McGovern, Lionel W. Johnson, Janet G. Wall, David C. Allison, Kevin H. Smith, Alf E. Jacobson, Sandra B. Keans, Susan J. Clay and Irene A. Pratt for Judiciary and Family Law: This legislation is essentially the same as HR 51 of the 1996 session and HR 46 of the 1994 session. Both were overwhelmingly voted down by this committee and the full House. For the 3rd time this committee is convinced that this legislation is a personal vendetta against Judge Cassavechia and for the 3rd time unanimously votes ITL. It cannot be stated strongly enough that we feel this resolution has no merit whatsoever. Vote 13-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 633, requiring employers to offer a point-of-service option. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. George D. Murch, III for the Majority of Labor, Industrial and Rehabilitative Services : This bill would require all employers who offer health care to also offer point-of-service options even if employees do not sign up for the option. This is an employer mandate. This mandate potentially adds significant administrative burdens that could force some small businesses to drop out of providing health care altogether. The majority feels that most employers try to meet the health care needs of their employees without being mandated to do so. Vote 10-5.

Rep. Rebecca C. Hutchinson for the Minority of Labor, Industrial and Rehabilitative Services: The sponsor requested to have this bill re-referred to address concerns of the subcommittee. The point-of-service option, allowing employees to receive services outside a provider network, is important and merits further study. The intent of this bill is for the employee, not the employer, to pay any additional costs that may be incurred.

LEGISLATIVE ADMINISTRATION

HB 495, prohibiting registered lobbyists from serving on the legislative ethics committee OUGHT TO PASS WITH AMENDMENT

Rep. Warren C. Henderson for Legislative Administration: The Legislative Ethics Committee has worked hard to deal with complex and sensitive issues while withstanding criticism about its goals, its members and its legality. The house has clearly spoken about the appropriateness of maintaining an Ethics Committee. This bill would assure that lobbyists could not sit on that Ethics Committee in judgment of legislators. The committee stressed that this bill does not in any way adversely reflect on the current makeup of the Ethics Committee. Vote 11-2.

HB 622-FN, requiring legislative approval of certain out-of-court settlements of claims against the state. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee Lozeau for Legislative Administration: This bill requires that all settlements that would have a substantial financial impact on the state budget must be approved by the legislature. While current state law prohibits state officials from agreeing to settlements beyond appropriated

funds, this bill sets out a procedure for legislative review of those legal settlements resulting in financial commitments in excess of 1/4 of one percent of the previous year's general fund unrestricted revenues. (In 1997, this figure is \$2,047,000). The threshold amount requiring review will be adjusted annually by the Legislative Budget Assistant based on the previous year's general fund unrestricted revenues. Vote 10-2.

LOCAL AND REGULATED REVENUES

HB 337-L, allowing a municipality to reduce the property tax on improvements. RE-REFER TO COMMITTEE

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill has raised many issues which the committee would like to review during the summer. Vote 11-3.

MUNICIPAL AND COUNTY GOVERNMENT

CACR 10, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Municipal and County Government: The bill provides that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions. As a result of this change, municipalities will have greater flexibility to deal with the increased responsibilities that they face in today's more competitive world. The amendment deleted language which could have provided confusion with regard to bills passed by the legislature but not enacted into law. The committee recommends that once this is approved by a 2/3 vote by the people of New Hampshire an appropriate transition committee be established to work on issues resulting from this change in the constitution. Vote 17-0.

HB 653-LOCAL, relative to address numbers on streets and highways and relative to penalties for violations of certain planning and zoning laws. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: The first section of this bill addresses the notification process when a numbering change happens within a community. The governing body or the planning board may hold a public hearing if they deem it necessary. The municipalities are also encouraged to notify the bureau of emergency communications to keep the E911 database up to date. The second part of the bill increases the fines for transferring lots in unapproved subdivisions from \$500 per lot/per day to \$1000 per lot/per day to curb this type of action. Vote 13-0.

HB 743-FN-LOCAL, relative to the municipal option to impose additional fees for motor vehicle registration permits to fund public parking facilities. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Municipal and County Government: This bill would have repealed an enabling statute passed which allowed cities of over 50,000 population to administer a surcharge on local vehicle registrations to help fund maintenance costs for public parking garages. Manchester exercised this option. The Manchester Board of Mayor and Alderman voted on March 4, 1997 to abandon the surcharge policy effective in June, thus settling their problems through "home rule". The committee was reluctant to repeal at this time because it was not aware if there is any other such activity ongoing under this RSA. Vote 17-1.

PUBLIC WORKS AND HIGHWAYS

HB 294-L, relative to the placement of off-premises advertising devices in municipalities which prohibit such advertising devices. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul I. LaMott for the Majority of Public Works and Highways: This bill as amended only deals with Department of Transportation designated business directional signs and their placement along New Hampshire highways exclusive of turnpikes and interstate highways. These signs are from 9 to 20 inches high, and 3 to 8 feet long depending on the area's speed limits. A number of towns in New Hampshire have zoning laws that prohibit off-premise signs and for years the Department of Transportation informally acknowledged those laws by not placing any off-premise business directional signs in towns that had such a prohibition. Unfortunately, challenges to that informal action resulted in a Department of Transportation decision that since there was no law prohibiting these placements, they were powerless to deny applications. Hence, this amended bill. This is simply an issue of fairness. If business A is located off the highway in a township that does not allow off-premise signs, and does not qualify for a state directional sign due to the type of business, they're stuck. Yet, business B in the next town who qualifies for a business directional sign can have an off-premise sign in business A's town when business A cannot. This bill will still allow off-premise business directional signs, but they will need to be placed within the town in which the advertised business is located. Vote 15-2.

Rep. Steve Vaillancourt for the Minority of Public Works and Highways: The minority believes that these signs serve as a service to the traveling public and should be viewed as a plus rather than a minus. The minority further believes that the Department of Transportation has not abused the privilege of placing these blue and white signs which are situated on the state right-of-way and not on private property.

RESOURCES, RECREATION AND DEVELOPMENT

HB 544, relative to reconstruction or repair of boathouses which are suitable for use as dwellings. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for the Majority of Resources, Recreation and Development: RSA 482-A:26 III does not allow a dwelling over water to be reconstructed within its original footprint in the case of obsolescence, fire, storm damage, or pestilence. These legal, non-conforming structures presently can only be repaired. This bill solves this problem. Vote 15-1.

Rep. Mary Ellen Martin for the Minority of Resources, Recreation and Development: All the waters in the State of New Hampshire are owned by the public and held in trust for them by the state via the Public Trust Doctrine. This legislature is appointed as guardians of the public trust and has both the authority and the responsibility to preserve and protect these waters and lands for the public good. In some instances, waterfront property owners have exceeded their one special right to wharf out over public lands, (i.e. read "dock") in order to access the water . Some have built homes or other structures beyond their property line (the high water mark) and out over or in the water (public land). This bill says in effect, "Hey, that's o.k. - You can have that land". It allows them to reconstruct these structures, in effect giving them the lands they encroached on forever. This is a "taking" of public trust lands. This creates two groups of waterfront property owners with unequal rights - also unconstitutional.! One group stayed within their property lines , one did not. This legislature has the authority to do so, but it is certainly a violation of their responsibilities as guardians for all the people. This is a wrongful act, which we don't have the right to do!

HB 547, relative to granting permits to build certain structures on shoreline property. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill deals with the granting of permits by the Department of Environmental Services to an owner of shoreline on public waters to construct docks or structures extending into the water. Under the common law public trust doctrine, the state owns the waters of the state and much of the beds beneath the waters, holding them in trust for the benefit of the public, while property owners have a right to wharf out and make reasonable use of their shorefront property. As mentioned in the Committee Report with regard to HB 272, the Department of Environmental Services is in the process of drafting proposed rules relating to shoreline structures. For this reason, the committee believes re-referred is the best action at this time to deal with those proposed rules. Vote 12-5.

Rep. Deborah F. Merritt for the Minority of Resources, Recreation and Development : The minority believes that the acceptance of certain structures as consistent with the public trust doctrine is a violation of historical case law. The state holds all waters in public trust and the Department of Environmental Services ability to adopt rules regulating such structures is predicated on this doctrine.

HB 628, relative to leasing Mount Sunapee and Cannon Mountain ski areas based on the prototype lease developed pursuant to prior legislation. OUGHT TO PASS WITH AMENDMENT

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill as amended provides appropriate legislative oversight in determining the future of Cannon Mountain Ski Area and Mt. Sunapee Ski Area. The bill as amended requires the Commissioner of the Department of Resources and Economic Development to develop and issue a request for proposals for an agreement or contract to include but not be limited to a lease, concession agreement, or management contract for the Mount Sunapee or Cannon Mountain Ski Area operations or both in consultation with a legislative committee established by this legislation. This bill also requires an agreement or contract recommended by the Commissioner be approved by the capital budget overview committee before that agreement takes effect. This bill also requires the Commissioner of the Department of Resources and Economic Development to report on the disposition of ski area employees affected by any agreement or contract. Vote 17-0.

HB 693, establishing a house committee to examine water quality issues. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill establishes a house committee to look at water quality issues including a centralized data system for water quality data, to develop an incentive system to reduce toxins, and the impact of water quality on growth and economic development. The committee will also look at the findings of The Comparative Risk Analysis project. Vote 11-5.

SCIENCE , TECHNOLOGY AND ENERGY

HB 528-Local, relative to municipal water, gas and electric utilities. OUGHT TO PASS WITH AMENDMENT

Reps. Clifton C. Below and Jeb E. Bradley for Science, Technology and Energy: This legislation repeals and reenacts RSA 38 which allows for municipalization of electric, gas, or water systems by towns and cities. The provisions of this statute have not been updated in many years and are cumbersome for any community seeking to municipalize utility services. With competition coming in the electric industry, the committee believes that towns and cities need the option to municipalize electric utility services if there is to be a level playing field with utilities that might seek to delay implementation of competition. The provisions in this bill are balanced as the Public Utilities Commission must determine if a municipalization is in the public interest. A two thirds favorable vote by a city of town would, however, constitute a rebuttable presumption of

public interest. Furthermore, there are protections for residents of a community that are not customers of a municipal utility. Vote 17-0.

HB 716, relative to economic development and retention rates and special contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley & Rep. Harold V. Lynde for Science, Technology and Energy: Legislation passed in 1996 created economic development and business retention electric rates for those businesses that could leave the state, or would not move to, or expand within New Hampshire due to our extremely high electric rates. This bill modifies that policy so that it is consistent with competition in the electric industry. The committee believes it is critically important to attract new businesses to the state as well as retain existing businesses so that stranded costs will be recovered from the largest possible customer base. Passage of this bill will not effect any economic development and business retention rates or special contract agreements entered into prior to the date upon which the Chairman of the Public Utilities Commission certifies that retail electric competition exists within New Hampshire. Vote 18-0.

HB 726-FN, relative to the jurisdiction and authority of the public utilities commission, and relative to the underground utility damage prevention system. OUGHT TO PASS WITH AMENDMENT

Reps. John H. Thomas and. Jeb E. Bradley for Science, Technology and Energy: This bill authorizes a 911 charge on wireless or cellular telephone service. Currently the 911 charge is accessed only on phone lines. Given the increasing demand for 911 service from cellular phones, the committee believes this new charge is entirely appropriate. The bill also creates a violation for deliberate misuse of the 911 system. Such misuse is significant in many regions of the country. This legislation also updates the digsafes program. Finally the bill authorizes the Public Utilities Commission to establish non-price requirements for competitive electric suppliers. These requirements include registration, registration fees, customer information, disclosure, standards of conduct, and customer protection. The pilot program has highlighted the need for the Commission to be involved with these specific aspects of electric industry restructuring relative to competitive electricity suppliers. Vote 19-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 12, urging ratification of the Convention for the Elimination of All Forms of Discrimination Against Women. OUGHT TO PASS

Rep. John M. Pratt for State-Federal Relations and Veterans Affairs: This convention reaffirms the policy of the United States that any form of discrimination against women is not acceptable. The resolution places the General Court on record in support of United States ratification of the convention. Vote 11-4.

HJR 2, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James J. Fenton for the Majority of State-Federal Relations and Veterans Affairs: The committee recognized the value of family wood lots and the over-all importance of the timber industry to the economy of our state. Therefore, the majority of the members support the Congressional legislation introduced by Senator Gregg known as the Family Forestland Preservation Tax Act. This act offers heirs economical incentives to sustain proper management of these forest. Vote 10-4.

Rep. George R. Rubin for the Minority of State-Federal Relations and Veterans Affairs: The uses of preservation of forestlands has some merit, however, the thrust of this resolution is to change the tax codes for special interests. It forgives and reduces to pay capital gains and federal inheritance taxes for selected heirs.

TRANSPORTATION

HB 203, relative to driving after a revocation or suspension of license. OUGHT TO PASS

Rep. Philip M. Ackerman for Transportation: This bill makes a second and subsequent offense of driving after suspension of license a misdemeanor, regardless of whether the suspension was as a result of court-imposed penalty or administrative license suspension. Currently, first and second Administrative License Suspension violations are violations. The committee felt that increasing the penalty would act as a deterrent and possibly increase the collection of defaulted fines. Vote 11-2.

HB 273-FN, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. OUGHT TO PASS WITH AMENDMENT

Rep. Ralph L. Akins for Transportation: Teens have the lowest usage rate of any age group when it comes to wearing a seat belt, yet the highest rate of accidents. The committee felt that it was logical to extend the child passenger restraint law age from 12 to 18 years of age since statistics show that the number of serious injuries and fatalities have dropped significantly since the original child passenger restraint law was enacted. Vote 14-0.

NOTICE OF RECONSIDERATION

This day, Thursday, the 13th of March, 1997, at 11:55 a.m., Representative Robert R. Cushing, having voted with the prevailing side, did serve notice that today or some other day as limited by Rules he would ask the House to reconsider its action whereby it re-referred 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.

Karen O. Wadsworth, Clerk of the House

L A I D O N T A B L E

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

C O M M I T T E E H E A R I N G S

T U E S D A Y , M A R C H 1 8

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

W E D N E S D A Y , M A R C H 1 9

FINANCE, Rooms 210-211, LOB

Executive session will be held at the conclusion of he House session.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other 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..

T H U R S D A Y , M A R C H 2 0

COMMERCE, Room 302, LOB

1:30 p.m. *SB 72*, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact.

2:00 p.m. *SB 22*, relative to health benefit plans sponsored by qualified franchise associations.

2:30 p.m. *SB 10*, relative to funds for prearranged funerals or burial plans.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EDUCATION, Room 207, LOB

9:30 a.m. *SB 138*, establishing teacher appreciation day.

1:15 p.m. *SB 128*, increasing the membership of the university system study committee.

2:00 p.m. *SB 115-L*, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. ***SB 48-FN***, to provide an optional retirement program for certain employees of the department of regional community-technical colleges

11:30 a.m. ***SB 60-FN***, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims.

1:15 p.m. ***HB 806-FN-LOCAL***, relative to the business finance authority.

1:45 p.m. ***SB 146***, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years.

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

FINANCE, Rooms 210-211, LOB

9:00 a.m. Executive session.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

Work and executive session on the following bills:

1:00 p.m. ***HB 781-FN***, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed.(A)

1:30 p.m. ***HB 598-FN***, relative to liens on aircraft for nonpayment of aircraft registration fees.

Executive session to follow.

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

1:30 p.m. ***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.

2:30 p.m. ***HB 599-FN***, relative to youth access to tobacco products. (A)

3:30 p.m. ***HB 785-FN***, relative to alcohol and drug abuse professionals.(A)

Executive session to follow.

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.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Full committee work session on ***HB 609-FN-LOCAL***, enacting the Uniform Interstate Family Support Act

2:30 p.m. ***HB 52***, authorizing the assignment of superior court judges to hear cases in the district court.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 110-L***, allowing the Coos county convention to revise the compensation of the county sheriff.

10:30 a.m. ***SB 152***, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle.

11:00 a.m. ***SJR 1***, recognizing the town of Brentwood as the county seat of Rockingham county.

1:30 p.m. Work and executive session on pending legislation

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.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

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

9:30 a.m. ***HB 756 -FN***, relative to the registration of alternative providers of mental health services.(A)

10:45 a.m. ***HB 488-FN***, relative to involuntary admission to the state hospital on an emergency basis.(A)

11:30 a.m. ***HB 592-FN-A L***, establishing an advisory council on brain and spinal cord injuries.(A)

1:30 p.m. ***HB 646-FN-A***, relative to eligibility for child day care services for persons receiving public assistance and making an appropriation therefor.(A)

3:00 p.m. ***HB 606-FN-L***, relative to procedures regarding children in need of services under RSA 169-D.

Executive session to follow.

MONDAY, MARCH 24

EDUCATION, Department of Education, 194 Pleasant Street, Concord

9:00 a.m. Meeting with State Board of Education on new teacher academic knowledge certification.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Executive session on the budget and other pending legislation.

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

9:30 a.m. *HB 765-FN*, establishing an osteoporosis prevention, education, and treatment program.(A)

10:30 a.m. *HB 686-FN-A*, relative to financing of child day care facilities and making an appropriation therefor. (A)

Executive session to follow.

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

EDUCATION, Room 207, LOB

9:30 a.m. *SB 155*, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities.

10:30 a.m. *SB 156*, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities.

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

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

10:00 a.m. Executive session.

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

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

11:00 a.m. Continued public hearing on *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.

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.

WEDNESDAY, MARCH 26

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

10:00 a.m. Executive session.

THURSDAY, MARCH 27

EDUCATION, Room 207, LOB

1:15 p.m. ***SB 154***, relative to charter schools.

2:15 p.m. ***SJR 2***, relative to federal funding under the Individuals with Disabilities Education Act.

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

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

10:00 a.m. Executive session.

FRIDAY, MARCH 28

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

9:30 a.m. Rescheduled regular meeting.

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

10:00 a.m. Executive session.

SATURDAY, MARCH 29

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

10:00 a.m. Executive session.

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 14

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

9:00 a.m. Rescheduled regular business.

9:30 a.m. Rescheduled 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

The Hillsborough County Executive Committee will meet on Friday, March 21 at the Department of Corrections, Valley Street, Manchester at 9:00 a.m.

Rep. Frances L. Riley, Chairman

Hillsborough County Executive Committee

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

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 who 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

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

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 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 form Governor Jeanne Shaheen and leading child advocates. A complimentary lunch will be served.

Rep. Julie M. Brown

Legislators for Limited Spending will meet Wednesday, March 19 at noon in Room 209, LOB.

Rep. Frances L. Riley

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

There will be an executive board meeting of the OWLs in the third floor conference room at the State House on Monday, March 24 at 9:30 a.m.

Rep. Betsy McKinney

The American Legislative Exchange Council (ALEC) will meet March 26 at noon in Room 209, LOB.

Rep. Frances L. Riley

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 Hillsborough County Democratic Committee cordially invites you to join them for a Spaghetti Supper, with special guest Executive Councilor Jim Normand, Wednesday, March 26 at 6:30 p.m. at Iron Worker's Hall, 1671 Brown Avenue, Manchester. \$10 per person. \$15 per family. For more information contact Rep. Raymond Buckley.

Rep. Raymond C. Buckley

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 Hillsborough County Republican Committee is holding its Annual Lincoln Day Dinner on Friday, April 4 at the Knights of Columbus Hall, 42 Elm Street, Milford. Congressman John Kasich will be the speaker. The reception begins at 6:30 p.m. with the roast beef dinner being served at 7:00 p.m. Tickets are \$15 and are available from Reps. Maurice Goulet (4-88) or Carol H. Holden(3-1).

Rep. Carol H. Holden

All legislators and staff are cordially invited to the Crossover reception hosted by the New Hampshire Automobile Dealers Association at its offices on 507 South Street (just up from the Hampton Inn) on Thursday, April 10 from 4:00 to 7:00 p.m. (or immediately following the House session). Hors d'oeuvres, refreshments, door prizes and entertainment for a well-deserved recess. Handicapped accessible.

Reps. Robert L. Wheeler and Peter Hoe Burling

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.

Apr 9 Stoddard Town Hall, Route 123, Stoddard, 7:00 p.m. Public hearing, Stoddard, NH Route 9.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

TUESDAY, MARCH 18

ADDITIONAL AMENDMENTS

(Listed in numerical order.)

1997-0759h

Floor Amendment to HB 517-FN

Proposed by Rep. Walter Mikowski

Amend RSA 632-A:10-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) RSA 632-A:2, I(l) shall be sentenced to life imprisonment or for such term as the court may order.

AMENDED ANALYSIS

This bill requires courts to impose a life sentence or other term of imprisonment upon persons convicted of aggravated felonious sexual assault when the victim is less than 13 years of age, and excepts such persons from eligibility for early discharge for good conduct.

1997-0755h

Corrected Amendment to HB 544

Proposed by the Majority of the Committee on Resources, Recreation and Development

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

AN ACT relative to dwellings which extend over public waters.

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend RSA 482-A:26, III as inserted by section 2 of the bill by replacing it with the following:

1 Construction, Reconstruction, or Repair of Dwellings Over Water. Amend RSA 482-A:26 to read as follows:

482-A:26 ~~[Residential Use Prohibited]~~ ***Dwellings Over Water.***

I. No person shall construct ~~[or reconstruct]~~ any structure ~~[intended]~~ ***suitable*** for use as a dwelling if ~~[said]~~ ***the*** structure or any part of ~~[said]~~ ***the*** structure extends beyond the shoreline of any public water or publicly-owned water body. ~~[For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.]~~

II. No person shall convert or modify any existing structure in order to make ~~[said]~~ ***the*** structure suitable as a dwelling if ~~[said]~~ ***the*** structure or any part of ~~[said]~~ ***the*** structure extends beyond the shoreline of any public water or publicly-owned water body. ~~[For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.]~~

2 New Paragraphs; Reconstruction or Repair of Dwellings Over Water. Amend RSA 482-A:26 by inserting after paragraph II the following new paragraphs:

III. Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed using any modern technologies. Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted. A condition of RSA 482-A:3 approval shall be the existence or installation of a sewage disposal system which has been approved pursuant to RSA 485-A:29-44. No permit shall be required for routine maintenance that does not involve work in the water.

IV. For the purposes of this section:

- (a) "Dwelling over water" means any structure suitable for use as a dwelling which extends in any part beyond the shoreline of any public water or public-owned water body.
- (b) "Shoreline" means that shoreline which exists when the surface of the water is at the mean high water level.
- (c) "Suitable for use as a dwelling" means any structure which is used for residential purposes by one or more persons, or which contains kitchen, bathroom, shower, or toilet facilities.

V. The provisions of RSA 482-A:10, relative to reconsideration and appeals, and RSA 482A:10-a, relative to takings without compensation, shall apply to all decisions of the department made under paragraph III.

AMENDED ANALYSIS

This bill requires any person reconstructing or repairing a dwelling which extends over public waters to obtain a septic system approval.

1997-0747h

Floor Amendment to HB 660

Proposed by Reps. Myron Steere and Andrew Peterson

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

AN ACT designating Civil Rights Day to honor all individuals who have worked for civil rights in this nation.

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

1 Purpose. In recognition of all efforts to help our nation achieve its highest ideals, in recognition of the struggle to achieve democratic rights for all Americans, and in recognition of individuals who served as symbols of the ongoing struggle for liberty and equality, it is the intent of the general court that a civil rights day honoring all individuals who have worked for civil rights in this nation serve as a time for New Hampshire residents to reflect on the principles of equality and nonviolent social change and to rededicate themselves to the ideals of freedom and justice.

2 Civil Rights Day Changed to Honor Certain Individuals. Amend RSA 288:1 to read as follows:

288:1 Holidays. January 1; the third Monday in January, ~~known~~ **designated** as Civil Rights Day, **to honor Martin Luther King, Jr., Jonathan M. Daniels, and all individuals who have worked for civil rights in this nation;** the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

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

AMENDED ANALYSIS

This bill designates Civil Rights Day to honor Martin Luther King, Jr., Jonathan M. Daniels, and all individuals who have worked for civil rights in this nation.

1997-0758h

Floor Amendment to HCR 11

Proposed by Reps. Clifton Below, Ralph Akins and Charles Royce

- That the state's economically viable rail-based "Corridors of Commerce" and their associated Industrial and Commercial Opportunities be revitalized; and
- That stimulation of private investment by state acquisition of complete unencumbered operable interchange-to-interchange rail corridors capable of economic development occur; and
- That our remaining public and private rail infrastructure, to the full provisions and intent of RSA 228:60-a, be preserved; and
- That mutually beneficial track and corridor-sharing agreements between owners and operators which maximize the utilization of New Hampshire's rail corridors be urged; and
- That transportation policies which will eventually put railways on an even competitive playing field with airways, highways, and waterways be introduced; and
- That the house clerk send copies of this resolution to the governor, the speaker of the house, the senate president, the commissioner of the department of transportation, and the state library.