State of

New Hampshire

HOUSE RECORD

First Year of the 155th Session of the General Court

Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Wednesday, April 2, 1997 No. 44

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for April 2.

HOUSE CALENDAR

NOTICE

The House schedule is as follows:

Wednesday, April 2, at 1:00 p.m. Session

Monday, April 7, at 1:00 p.m. Briefing on proposed operating budget

Wednesday, April 9 Possible session

Thursday, April 10, at 10:00 a.m. Session

Week of April 14 No House Session

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 Wednesday, April 2 at 11:30 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, April 2 at 11:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

WEDNESDAY, APRIL 2

CONSENT CALENDAR

FINANCE

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

Rep. Margaret A. Lynch for Finance: This bill establishes state standards for law enforcement officers. In order to be certified the officer must meet these medical, physical, psychological and drug-free standards. This is not a 28-A mandate, as the cities and towns may, but are not required, to have their officers meet the standards. Vote 17-2.

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

Rep. Margaret A. Lynch for Finance: This bill, introduced at the request of the Commissioner of Agriculture Markets and Food, provides for the registration and inspection of horticultural growing media and establishes fees for registration and penalties for violations. This will ensure the truthfulness of labeling. The fees generated from registrations will offset the costs associated with registration and inspection of horticultural growing media. Vote 19-0.

HB 197-FN, relative to the regulation of wetland scientists. OUGHT TO PASS

Rep. Mary E. Brown for Finance: The addition of wetland scientists to the Joint Board of Natural Scientists will have no adverse effect on the general fund. The number of wetland scientists who become certified will adequately comply with the 125% rule for boards. Vote 19-1.

HB 246, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The bill makes changes to eliminate inconsistencies, adjust filing dates, and clarify language at the request of the Department of Revenue Administration. The amendment extends the rate of the medicaid enhancement tax through the next biennium. Vote 18-2.

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

Rep. Robert A. Johnson for Finance: The amendment, which replaces the bill, represents the consensus of all parties involved, including the City of Portsmouth, after the recent public benefit land transfer at Pease. The amendment establishes a liaison committee and requires the Pease Development Authority to share business inquiries with DRED. Vote 20-0.

HB 413, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill was originally voted Inexpedient to Legislate by a vote of 8-0 because the subject matter was already included in HB 25. In including the language in HB 25 sections two and three were accidentally left out. Therefore, a technical amendment was needed renumbering the sections of the bill and the committee supported the Ought to Pass motion. Vote 20-2.

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

Rep. Robert G. Holbrook for Finance: This bill gives general court members a choice of two methods of receiving compensation for mileage: the current method of $.38 for the first 45 miles and $.19 per mile over 45 miles and a new method of actual mileage to and from Concord at the maximum rate established by the Internal Revenue Service which today is $.311/2 per mile. This would take effect for members elected in 1998. Vote 22-0.

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

Rep. Mary E. Brown for Finance: This bill requires all state agencies to have a web site, and designates the State Library as the official repository of state government information. The fiscal impact was estimated to be less than $10,000. Vote 21-1.

HB 488-FN, relative to involuntary admission to the state hospital on an emergency basis. OUGHT TO PASS

Rep. Mary Jane Wallner for Finance: The Committee found that this bill has no fiscal impact on the state. Vote 20-0.

HB 525-L, relative to Braille instruction for functionally blind pupils. OUGHT TO PASS

Rep. Paul J. Dwyer, Sr. for Finance: To function in today's society one must read and understand and be able to communicate. For the blind, Braille is an important tool to learn to read. The Department of Education determined that there is no fiscal impact. Vote 20-0.

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

Rep. Robert G. Holbrook for Finance: This bill is at the request of the state treasurer to bring the statutes up to date with the changes in bank ownership for depositories of town, county, city, school district and state funds. Also clarified are several items on abandoned property issues. Further, the bill outlines the procedure for unclaimed estate funds. There is a section on certificates of assessment against utilities with changes as to whom the certification is to be reported. There is a section on railroad taxes as to distribution. Vote 21-0.

HB 578-FN-A-L, providing for property tax relief and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Kenneth L. Weyler for Finance: This bill, which provided property tax relief to low income individuals, had broad support. Unfortunately, the committee was unable to find the necessary $15 million. Because the proposal has merit, the committee would like to have the bill re-referred to consider other funding sources. Vote 20-0.

HB 582-FN, relative to medicaid rate setting. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: The committee, recognizing the importance of home health services to medicaid-eligible clients, felt that a medicaid rate-setting methodology should be established by the Commissioner of Health and Human Services to monitor unit rate reimbursement to providers on an annual basis. The legislature would reserve the ability, through the budget, to implement any rate changes. Vote 20-0.

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

Rep. Arthur P. Klemm, Jr. for Finance: This bill was a request of the Department of Environmental Services. The bill allows certification of solid waste operators to be renewed annually as well as establishing a late fee if certification is not done in a timely manner. The bill also increases certification fees for water treatment operators as well as adding late renewal penalties for water treatment operators as well as wastewater treatment operators. Vote 21-2.

HB 592-FN-A-L, establishing an advisory council on brain and spinal cord injuries. OUGHT TO PASS

Rep. Frances L. Riley for Finance: This establishes a brain and spinal cord injury trust fund and an advisory council which supports injury prevention efforts to help meet the needs of individuals who would otherwise be dependent upon the public for their care and rehabilitation. There is no fiscal impact in this bill, although there may be some grants available. The bill allows the department to make rules, but no money is needed to do this. Vote 20-0.

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

Rep. Kenneth L. Weyler for Finance: Aircraft kept in New Hampshire by their owners are subject to an annual registration fee. The present non-compliance rate is unacceptable, and the collection method is lengthy and litigious. This bill allows a new mechanism, whereby a lien is placed on the aircraft, in an effort to increase compliance. Vote 20-0.

HB 599-FN, relative to youth access to tobacco products. OUGHT TO PASS

Rep. Mary Jane Wallner for Finance: The committee supports the important policy in this bill to limit youth access to tobacco. State revenues will increase by $277,850 in 1998 and each year thereafter. Revenue increases are due to new license fees. Vote 20-0.

HB 606-FN-L, relative to procedures regarding children in need of services under RSA 169-D. RE-REFER TO COMMITTEE

Rep. W. Gordon Allen for Finance: This bill makes important refinements to the law on Children in Need of Services (CHINS) based on the recommendations of a blue ribbon task force; but because of a new estimate of the bill's costs presented by the Department of Health and Human Services which raised many questions and was far greater than what the Judiciary Committee projected, and because of the lack of an official fiscal note, we would like to have the bill re-referred to deal with these issues. Vote 20-0.

HB 616-FN, relative to jury selection reforms.INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill changes the method of compiling the master jury list, repeals most jury exemptions and sets up a "one day, one trial" pilot program. The committee felt that the cost to blend the voter list with the Department of Motor Vehicle and the estimated $90,000 for the "one day, one trial" program was too much at this time. Vote 23-0.

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

Rep. W. Gordon Allen for Finance: This bill provides child care assistance to working families up to 185% of poverty, provided there are sufficient federal funds. This assistance is critical for these families to maintain their jobs, and to keep off welfare. Vote 20-0.

HB 658-FN-A, ensuring that the division of safety services, department of safety receives its 1/2 share of unrefunded tolls for boat motor fuels as required by law and establishing a special fund therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill places half of the unrefunded road toll collected from boat and outboard motor fuels into a special navigation safety fund in the state treasurer's office to be used by the Department of Safety for the promotion of water safety. Vote 23-0.

HB 686-FN-A, relative to financing of child day care facilities and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Mary Jane Wallner for Finance: Since the original hearing, a number of ideas pertaining to funding of child care facilities have been suggested. Consequently, the sponsor asked the Finance Committee to re-refer this bill and the committee obliged. Vote 20-0.

HB 717-FN-A, relative to the taxation of venture capital firms under the business profits tax. RE-REFER TO COMMITTEE

Rep. Kenneth L. Weyler for Finance: The current New Hampshire tax structure makes it difficult for venture capitalists to operate here. This is especially disappointing when our state is number four in total patents of the fifty states. Even our state programs for venture capital funding must go through a Massachusetts firm. Department of Revenue Administration objected to three different amendments. The Committee needs further study to find a compromise. Vote 20-0.

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

Rep. Mary Jane Wallner for Finance: This bill provides for adjustment of rates to meet the expenses of the multiple DWI offender program. This is an important step in getting us closer to covering the cost of this program. Vote 20-0.

HB 734-FN, requiring district courts to hold evening sessions. INEXPEDIENT TO LEGISLATE

Rep. Robert G. Holbrook for Finance: This is a fine policy idea, but the judiciary's budget cannot support the $261,000.00 per year needed to operate the evening courts. Vote 19-0.

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

Rep. Stephen T. DeStefano for Finance: This amended bill establishes a local river management advisory committee, but eliminates sections 1 and 2 in reference to water samples, administrative fines and the establishment of an additional position. Vote 20-0.

HB 756-FN, relative to the registration of alternative providers of mental health services. RE-REFER TO COMMITTEE

Rep. O. Alan Thulander for Finance: The committee feels that, while the intent of the initiative has merit, the definition of the providers to be covered was unclear; and further that the projected expense out-stripped the anticipated revenues. For these reasons, the bill should be re-referred for further consideration. Vote 20-0.

HB 760-FN, relative to OHRVs and OHRV registration fees. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: The policy and funding in this bill was incorporated into HB 755. Vote 20-0.

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

Rep. Sharon L. Nordgren for Finance: The Finance Committee agreed with the policy committee on the importance of this piece of legislation. It is also a priority with the National Governors' Association Spouses' Program. Osteoporosis is a preventable condition and although the Finance

Committee removed the appropriation from this bill, the Department of Health and Human Services assures us that they will carry out the intent of the legislation. Vote 20-0.

HB 771-FN-L, relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill was requested by the Department of Environmental Services. It clarifies the costs charged an applicant for a hazardous waste operator permit, exempts certain cases from the fee, increases the grant awards available, amends the automotive oil fee in 1998 to $.02 per gallon and provides for the continuation of a position funded by the fee. Vote 20-0.

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

Rep. Charles L. Vaughn for Finance: This legislation legitimizes the operation of 7 organizations which hold bingo games outside of their communities. Further, it requires manufacturers and distributors of bingo supplies to be licensed and provides that lucky 7 tickets cannot be sold except within a charitable group's community or where bingo games are authorized. The amendment excuses current New Hampshire licensed manufacturers of lucky 7 tickets from paying additional licensing fees. Vote 20-0.

HB 783-FN-A-L, relative to funding vocational student organizations and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The department has suggested that it will fund vocational student organizations (VSO) from its operating budget through June 30, 1998. This is an immediate response to the current needs of the VSO advisors. The department has indicated that it will, through the Vocational Education Task Force, prepare a legislative initiative which will include a long-term solution to funding VSO leadership. The proposal will allow for legislation to be introduced in the 1998 session. Vote 20-0.

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

Rep. Frances L. Riley for Finance: This bill adds alcohol and drug abuse professionals to the list of boards which are self-supporting, and allows these professionals to establish fees sufficient to produce estimated revenues equal to 125% of the direct operating expenses for the board. Vote 19-1.

HB 788-FN, relative to the computation of penalties and interest in certain tax underpayment situations. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill could reduce tax compliance and therefore tax collections by removing the interest and penalty aspects that encourage voluntary compliance with tax laws. If passed it would reduce general fund revenues by $9.4 million in FY 1998 and each year thereafter. Vote 20-0.

HJR 6, requiring the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Brown for Finance: This resolution as amended allows the joint historical committee to accept gifts and donations for the purpose of obtaining a portrait of Marilla Parks Ricker, and to oversee hanging it in the state house complex. No general fund monies are used for this project. Vote 19-1.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 4, relative to patient information. OUGHT TO PASS WITH AMENDMENT

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill fulfills a long standing need to inform patients in a thorough and timely fashion of their health status. The amendment contains a definition of "health care provider". Vote 17-0.

SB 133, relative to the task force on perinatal chemical dependency. OUGHT TO PASS

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This is a housekeeping bill. It enumerates the membership and term of the participants. It also changes the name of the task force to the perinatal, alcohol, tobacco and other drug use task force. Vote 12-0.

SB 163, relative to the Uniform Anatomical Gift Act. OUGHT TO PASS WITH AMENDMENT

Rep. Peter Batula for Health, Human Services and Elderly Affairs: After considerable discussion the majority was convinced that this bill provides uniformity with other states with reference to organ or tissue donations. It makes donating and transplanting easier for donors, donees, physicians,

hospitals and procurement organizations. The committee was satisfied that enough safeguards are in place with this bill. There is no fiscal impact. Vote 14-1.

JUDICIARY AND FAMILY LAW

HB 52, authorizing the assignment of superior court judges to hear cases in the district court. OUGHT TO PASS

Rep. John J. McCarthy, Jr. for Judiciary and Family Law: This bill authorizes the Chief Justice of the Supreme Court, after assessing caseload needs and consulting with the administrative judges, to assign any superior court judge to hear cases in the district court. Vote 13-1.

WILDLIFE AND MARINE RESOURCES

SB 123, relative to shellfish harvesting areas. OUGHT TO PASS WITH AMENDMENT

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill is to clarify the jurisdictions of the closure of flats and in the management for the Health and Human Services in regards to the water quality conditions and the amendment grants the Executive Director the authority to conduct a lottery type method of selecting hunters to be issued an additional deer tag in the wildlife management unit specified by the Executive Director. Vote 9-0.

WEDNESDAY, APRIL 2

REGULAR CALENDAR

FINANCE

CACR 21, relating to a balanced budget. Providing that the governor be prohibited from proposing and the general court be prohibited from approving, an operating budget in which expenditures exceed estimated revenue. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Brown for Finance: This CACR amends the second part of the Constitution by inserting after 6-b two statements. The first provides that the governor propose, and that the general court approve, an operating budget where expenditures do not exceed estimated revenues. The second part allows for long-term indebtedness to pay for "catastrophic" conditions, as certified by the governor and general court. Vote 11-9.

HB 51-FN-A, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance: Temporary rates for rooms and meals, communications service and real estate transfer taxes are continued through FY 99. As desirable as returning to the permanent rate may be, there is no source of revenue available to replace the revenue amount that would be lost. A new tax would be required, and that was less acceptable. Vote 20-0.

SPECIAL ORDER

FINANCE

HB 195-FN-A, increasing the exemption amount under the interest and dividends tax. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: The Committee, with due diligence, concluded it is prudent to re-refer. The bill merits further study. Vote 19-1.

REGULAR CALENDAR (Cont,)

FINANCE

HB 225-FN, requiring the commissioner of health and human services to establish a needle exchange pilot program. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance: The bill was amended to clarify and ensure that no general funds would be used in operating the pilot program in one community. The policy was unchanged. Vote 13-7.

HB 402, relative to the use of revenues of the fish and game department. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill would require all revenues for licenses, permits and other sources be used only for the administering of fish and game laws. The majority of the committee felt that the Fish and Game Department should pay for their facility at Hazen Drive and therefore voted the bill Inexpedient. Vote 12-7.

HB 459-FN, establishing a youth operator's license for persons under 18 years of age. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: The committee found no adverse financial impact. Vote 15-5.

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

Reps. Franklin G. Torr and Arthur P. Klemm, Jr. for Finance: This bill was voted Inexpedient to Legislate because the committee felt a surcharge on fees in civil actions was an inappropriate funding mechanism. The committee believes the better way to fund this program is through the budget process, which the committee intends to do. Vote 15-5.

HB 571-FN-A, funding services for developmentally disabled persons with severe disabilities and making an appropriation therefor and relative to full funding of services to developmentally disabled persons. OUGHT TO PASS WITH AMENDMENT

Rep. Kevin L. Camm for Finance: Since the governor's budget contained significant funding for the A & B waiting list for the next biennium, the committee removed the funding from the bill. It also required the Department of Health and Human Services to incorporate the cost of fully funding the waiting list in future biennial budget requests so that accurate information is available in the budget process. Vote 18-2.

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

Rep. Stephen T. DeStefano for Finance: The amendment increases the fee from $.025 per square foot to $.04 per square foot for all operators for wetland excavating and dredging permits. This amendment was requested by the Department of Environmental Services. Vote 16-3.

HB 748-FN, clarifying the school building aid law relative to kindergarten programs. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The initiatives proposed by this legislation may also be found in HB 50, the governor's kindergarten bill. The committee will review the fiscal impact of these proposals as part of its comprehensive review of the governor's proposal. Vote 15-5.

HB 755-FN, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended adds $10.00 on resident OHRV registrations. Two dollars of this fee will go to Fish and Game for enforcement and the remaining $8.00 goes to the Department of Resources and Economic Development for trail grooming. The amendment is a compromise between DRED and Fish and Game. Vote 16-3.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 24, relative to prescriptions for certain controlled drugs. OUGHT TO PASS

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill clarifies the language relative to controlled drugs and specifically names the types of disorders for which these drugs can be used. Vote 18-0.

HOUSE BILLS AMENDED BY THE SENATE

HB 105, allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases. (SJ 10)

HB 165, establishing a committee to study withdrawal from cooperative school districts. (SJ 10)

HB 230, establishing a committee to study the school building aid system. (SJ 10)

HB 315, expanding certain financial powers of village districts. (SJ 10)

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (SJ 10)

HB 343, relative to authority by governmental entities over driveways and other accesses to public ways. (SJ 10)

HB 392, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." (SJ 10)

LAID ON TABLE

HB 198-L, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. (Pending question is the adoption of the Committee report, re-refer to committee.)

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

COMMITTEE HEARINGS

WEDNESDAY, APRIL 2

COMMERCE, Room 302, LOB

9:00 a.m. SB 129, relative to manufactured housing deeds.

9:30 a.m. SB 135, adopting the uniform "transfer on death" security registration act.

10:00 a.m. SB 164, establishing a committee to study the establishment of a registry for intellectual property.

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

EDUCATION, Room 207, LOB

9:30 a.m. Executive session on pending legislation.

ELECTION LAW, Room 308, LOB

9:30 a.m. Campaign finance reform committee meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Subcommittee work session on HB 281, relative to regulation of medical assistants.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Work and executive session.

4:00 p.m. Public hearing on the proposed amendment to HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. The proposed amendment extends the communications services tax to coin-operated telephones. (The amendment is printed on page ****.)

JUDICIARY AND FAMILY LAW, Room 208, LOB

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:30 a.m. SB 40, relative to the payment of wages by employers.

10:30 a.m. SB 38, relative to certain activities under the workers' compensation law.

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

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. SB 143, authorizing a municipality to change the date for filing for an elderly exemption.

10:30 a.m. SB 27, allowing municipalities to take inventories of property as often as state law allows property tax bills to be issued.

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

9:30 a.m. Briefing by Granite State Electric on their proposed electric industry restructuring plan.

THURSDAY, APRIL 3

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on 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.

10:00 a.m. SB 79, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property.

11:00 a.m. SB 105, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners.

1:30 p.m. SB 12, establishing a Northern New England Interstate Commission on Economic Development.

2:00 p.m. SB 100-FN, establishing a New Hampshire film and television commission.

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

EDUCATION, Room 207, LOB

9:30 a.m. Organization meetings for committees on re-referred House bills.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:30 a.m. Rescheduled subcommittee work session on SB 48-FN, to provide an optional retirement program for certain employees of the department of regional community-technical colleges.

11:00 a.m. Rescheduled subcommittee work session on SB 212, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Work and executive session.

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. SB 25, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers.

10:30 a.m. SB 76-L, limiting the liability of school districts operating facilities for skateboarding, rollerblading, or rollerskiing.

1:00 p.m. SB 26, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full.

1:45 p.m. SB 84, revising the uniform simultaneous death act.

2:30 p.m. SB 125, relative to the right of entry upon lands for surveying.

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

9:30 a.m. SB 109, relative to the official ballot voting option.

11:00 a.m. SB 62, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively.

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

1:00 p.m. Subcommittee work session on HB 676-FN-LOCAL, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality, HB 642, requiring that all property taxes be paid prior to approval of a subdivision plat and HB 641, relative to property tax bills for land parcels having multiple owners.

PEASE DEVELOPMENT AUTHORITY BOARD OF DIRECTORS (RSA 12-G:4), Authority Offices Conference Room, 360 Corporate Drive, Pease International Tradeport

8:30 a.m. Special meeting. It is anticipated the entire meeting will be held in non-public session.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Rooms 301-303, LOB

2:00 p.m. Briefing by Congressman Sununu.

FRIDAY, APRIL 4

FINANCE, Rooms 210-211, LOB

9:00 a.m. Work and executive session

MONDAY, APRIL 7

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.

2:00 p.m. Rescheduled public hearing on SB 30, relative to time of dog licensure.

2:30 p.m. Rescheduled public hearing on SB 32, relative to dogs at large.

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

11:00 a.m. Informational session on House budget briefing.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Rescheduled public hearing on SB 56-FN-LOCAL, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property.

10:30 a.m. Rescheduled public hearing on SB 198-FN-LOCAL, relative to the standard for granting of variances by zoning boards of adjustment from dimensional requirements.

11:00 a.m. Rescheduled public hearing on SB 151, relative to final orders on appeals of decisions of zoning boards of adjustment.

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

TRANSPORTATION, Room 203, LOB

9:00 a.m. Rescheduled public hearing on SB 189-FN-L, authorizing the department of safety to issue resident driver's licenses to certain aliens.

10:00 a.m. Rescheduled public hearing on SB 119, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records.

10:30 a.m. Rescheduled public hearing on SB 187, relative to the penalties for certain court defaults.

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

TUESDAY, APRIL 8

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

9:00 a.m. Regular meeting.

WEDNESDAY, APRIL 9

ELECTION LAW, Room 308, LOB

9:30 a.m. SB 70, establishing a committee to examine campaign finance reform.

10:00 a.m. SB 97-LOCAL, relative to polling hours.

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

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Room 304, LOB

1:00 p.m. Regular meeting.

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. Rescheduled public hearing on SB 85, making technical changes in laws relative to the probate courts.

10:15 a.m. Rescheduled public hearing on SB 81, relative to the administration of estates.

11:00 a.m. Rescheduled public hearing on SB 96-FN, relative to the priority of charges in probate of estates.

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

LEGISLATIVE ADMINISTRATION, Room 307, LOB

10:00 a.m. Rescheduled public hearing on CACR 12, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially.

10:45 a.m. Rescheduled public hearing on SB 90-FN, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation.

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. Rescheduled public hearing on SB 5, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds.

10:30 a.m. Continued public hearing on SB 179, establishing a committee to study creating a New Hampshire local government records management improvement fund.

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

9:30 a.m. Rescheduled electric utilities subcommittee work session on SB 116, relative to the regulation of rural electric cooperatives by the public utilities commission.

10:30 a.m. Rescheduled electric utilities subcommittee work session on HB 651-FN-LOCAL, relative to electric rate reduction financing.

THURSDAY, APRIL 10

ETHICS COMMITTEE (RSA 14-B:2), Room 105A, State House

9:00 a.m. Regular meeting.

PEASE DEVELOPMENT AUTHORITY BOARD OF DIRECTORS (RSA 12-G:4), Authority Offices Conference Room, 360 Corporate Drive, Pease International Tradeport

8:30 a.m. Regular meeting.

FRIDAY, APRIL 11

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

10:00 a.m. Complaint hearing and regular meeting.

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.

FRIDAY, APRIL 18

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 28

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

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

OFFICIAL NOTICES

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

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The New Hampshire Supreme Court has announced that typewritten memoranda on the questions presented by the request of the House for an

opinion of the justices on the constitutionality of HB 198-LOCAL on municipal tax exemptions for industrial construction may be furnished by any attorney, legislator, organization, interested party or member of the public on or before April 28, 1997. An original and fifteen copies of any memorandum must be filed with the clerk's office.

Howard J. Zibel, Clerk

New Hampshire Supreme Court

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Members are reminded that material in mailboxes needs approval of the chairman of the Legislative Administration Committee. Such material should relate to legislative business and must indicate the identity of the sender.

Rep. Channing T. Brown, Chairman

Legislative Administration Committee

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THE MOST RECENT INFORMATION ON HOUSE-CALENDAR DELIVERY:

Arrangements have been made to have our Friday mailings now leave Concord at 2:00 p.m. bound for the Manchester Distribution Center. Additionally, the Postal Representative assisting us has notified the Supervisors in all of the Post Offices where late delivery has been a consistent problem (based on the return envelopes we collected) to be alert for mail addressed to State Representatives. If you continue to experience late delivery, please save your envelope when it does arrive.; write on it the date of receipt and bring the envelope to the Clerk's Office. This has been a great help trying to isolate the problems. Thank you for your cooperation.

Karen O. Wadsworth, Clerk of the House

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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

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REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 50, 120, 151, 186, 225, 243, 262, 340; 378, 379, 457, 459, 498, 511, 530, 557, 559, 560, 562, 564, 565, 567; 568, 569, 570; 572, 573, 577, 578; 587, 588, 589; 591, 592, 593, 595, 596, 598, 599, 602; 603; 604, 605; 607; 610; 615; 617; 618; 619;622, 625; 626, 627; 637, 638; 643; 644,645; 649; 657, 661; 663, 671, 686; 688, 689, 696, 702, 716; 719; 720, 723, 724, 725, 726, 727, 729, 731, 733, 734, 735, 737, 739, 740, 741, 742, 743, 744, 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

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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.

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

Karen O. Wadsworth, Clerk of the House

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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.

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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

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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

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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

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Legislators interested in hunting and fishing are asked to meet April 2 in the Executive Council Chambers at 2:00 p.m. to discuss some projects such as striper, trout, bass or salmon fishing trips; some meetings with Fish and Game; UNH or other related areas and some fun social events.

Rep. Terence R. Pfaff

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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

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The Manchester Legislative Delegation will be meeting with the Mayor of Manchester on Monday, April 7 at 8:30 a.m. in the Aldermanic Chambers at City Hall. Refreshments will be served.

Rep. Lou D'Allesandro

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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'ouevres, refreshments, door prizes and entertainment for a well-deserved recess. Handicapped accessible.

Reps. Robert L. Wheeler and Peter Hoe Burling

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The monthly meeting of the OWLs will be held Thursday, April 10 at noon in Rooms 306-308, LOB. The speaker will be Kendall F. Wiggin, State

Librarian.

Rep. M. Virginia Burke

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The Strafford County Republican Committee is holding its annual Lincoln Day dinner on Sunday, April 13 at the Rochester Elks Hall, 41 Columbus Avenue, Rochester. Cocktail hour begins at 4:30 p.m., with dinner and dance from 5:30 to 9:00 p.m. Guest Speaker will be Congressman John E. Sununu. Tickets: Single $20, Couple $35. Contact Rep. Robert E. McKinley, 473-2347 or Jim Connelly, 332-5333.

Rep. Robert E. McKinley

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Do you have any interesting tales or stories of the past 25 years in the legislature? The OWLs' Anniversary Book will be going to press soon and we would like some anecdotal stories for posterity.

Rep. Betsy McKinney

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The Department of Transportation will hold the following meetings:

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

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House Finance

1997-0958h

PROPOSED AMENDMENT TO HB 2-FN-A

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

3 Punctuation Change. Amend RSA 82-A:2, V(f) to read as follows:

(f) Charges for communications services and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the tax imposed under this chapter has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service; and

4 Repeal. RSA 82-A:2, V(g), relative to the exemption from the communications services tax for charges paid by inserting coins in coin-operated telecommunication devices, is repealed.

5 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

(1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.

(2) Makes an appropriation to the department of health and human services for systems development charged against the health care transition fund.

(3) Eliminates the exemption for payphones from the communication services tax.

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WEDNESDAY, APRIL 2

AMENDMENTS

(Listed in numerical order.)

1997-0829h

Amendment to CACR 21

Proposed by the Committee on Finance

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 6-b the following new article:

[Art.] 6-c [Expenditure Limitation.]

I. The governor shall not propose, and the general court shall not approve, an operating budget which provides expenditures which exceed the estimated revenue from taxes, fees, and other operating income.

II. The governor and the general court shall not approve any long-term indebtedness for operating expenditures, except during a catastrophic emergency certified as such by the governor and the general court.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1997 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to prohibit the governor from proposing, and the general court from approving, an operating budget in which expenditures exceed estimated revenue?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1997 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

1997-0777h

Amendment to HB 196-FN

Proposed by the Committee on Finance

Amend RSA 433-A:11, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) It contains viable weed seed exceeding the amounts specified in RSA 433:4, I(d)-(e).

1997-0792h

Amendment to HB 225-FN

Proposed by the Committee on Finance

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

AN ACT providing for the establishment of a needle exchange pilot program in one community in New Hampshire.

Amend the bill by replacing section 2 with the following:

2 Pilot Program Established; Needle Exchange.

I. The commissioner of the department of health and human services shall establish guidelines for and shall monitor, with the assistance of an advisory committee, a 2-year pilot program offering the free exchange of new hypodermic needles and syringes for used hypodermic needles and syringes as a means to prevent the transmission of human immunodeficiency virus (HIV) among intravenous drug users. The pilot program may be implemented by one community in New Hampshire. Any individual who either administers or participates in the needle exchange program established under this act shall be immune from prosecution for violating RSA 318:52-c through RSA 318:52-e.

II. The commissioner, with the advice of the advisory committee established in section 3 of this act, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The community where the pilot program may be implemented and the manner of implementation in such community.

(b) Counseling and rehabilitation services to be offered to persons participating in the program.

(c) Any other matter necessary to the administration of this act.

III. The local governing body shall have the option to determine if it will implement the pilot program in the community.

IV. The commissioner of health and human services may accept grants and moneys from any source and may expend such grants and moneys for the purposes of the program. Any money expended in excess of such grants and moneys shall be the responsibility of the community implementing the program.

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

I. There is established an advisory committee to assist the commissioner of health and human services in establishing guidelines for and monitoring the pilot program, including the rulemaking process, authorized under section 2 of this act. The committee members shall be as follows:

Amend the bill by replacing section 5 with the following:

5 Funding. The pilot program established in this act shall be funded through grants solicited from federal, local, charitable and private sources and funds that may be provided by the pilot community.

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish guidelines for and to monitor, with the assistance of an advisory committee, a 2-year needle exchange pilot program to reduce the spread of AIDS in New Hampshire. The pilot program may be implemented by one community in New Hampshire. The community shall have the option of deciding whether the pilot program should be implemented in its community. The commissioner is granted rulemaking authority to implement the provisions of the bill.

1997-0867h

Amendment to HB 246

Proposed by the Committee on Finance

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

AN ACT making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.

Amend the bill by replacing all after section 5 with the following:

6 Rate of Tax for the Biennium Ending June 30, 1999. Notwithstanding the requirement in RSA 84-A:2 that the tax rate be set on or before April 1 preceding the first fiscal year of the biennium, the rate of tax for the period beginning July 1, 1997, and ending June 30, 1999, imposed under RSA 84-A:2 shall be 6 percent upon the gross patient services revenue of every hospital.

7 Effective Date.

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

II. The remainder of this act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill makes technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax.

The bill also establishes the tax rate under the medicaid enhancement tax at 6 percent upon gross patient services revenue of every hospital for the biennium ending June 30, 1999.

1997-0842h

Amendment to HB 268-FN

Proposed by the Committee on Finance

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

AN ACT relative to the Pease development authority.

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

1 New Section; Liaison Committee Established. Amend RSA 12-G by inserting after section 4-a the following new section:

12-G:4-b Liaison Committee Established; Terms; Duties.

I. There is established a liaison committee to the authority. The committee shall consist of 2 house members, appointed by the speaker of the house, 2 senate members, appointed by the president of the senate, and the commissioner of the department of resources and economic development, or designee. The terms of the house and senate members of the board shall be coterminous with the biennial legislative term. The commissioner of the department of resources and economic development shall serve coterminous with the commissioner's term of office.

II. The committee may attend meetings of the board and shall be a liaison between the legislature and the authority.

2 New Section; Sharing Business Inquires With Department of Resources and Economic Development. Amend RSA 12-G by inserting after section 7-a the following new section:

12-G:7-b Sharing Business Inquires With Department of Resources and Economic Development. The authority shall share with the department of resources and economic development all business inquires the authority receives, provided that the inquiring party grants permission. The department shall treat all inquiries received from the authority with respect for confidentiality.

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

AMENDED ANALYSIS

This bill establishes a committee to be a liaison between the Pease development authority and the legislature. The bill also requires the authority to share business inquires with the department of resources and economic development if the inquiring party grants permission.

1997-0846h

Amendment to HB 413

Proposed by the Committee on Finance

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

AN ACT relative to the sale or transfer of airports by the state.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill sets certain requirements relating to the subsequent sale or transfer of airports after purchase by the state.

1997-0960h

Floor Amendment to HB 459-FN

Proposed by Rep. Kevin L. Camm

Amend RSA 263:14, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The director shall issue a youth operator's license to applicants who are 16 years of age or older and under 18 years of age. In addition to any other requirements established by law, no such license shall be issued unless the applicant furnishes written consent from the applicant's parent or legal guardian and a certificate of successful completion of a driver education course as provided in RSA 263:19.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Driver's License Fees. Amend RSA 263:42, I to read as follows:

I. For each youth operator's or original driver's license and examination or driver's license renewal, other than for a commercial vehicle - $32; for each original commercial driver license and examination or commercial driver license renewal - $42; for each commercial driver license reexamination in a one-year period - $20; for each commercial vehicle endorsement, renewal of an endorsement or removal of a restriction - $10. For each original driver's license issued, $5 shall be credited to the driver training fund established by RSA 263:52. Every license shall expire on the licensee's birthdate in the fourth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

1997-0845h

Amendment to HB 571-FN-A

Proposed by the Committee on Finance

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

AN ACT relative to full funding of services to developmentally disabled persons.

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

1 Statement of Intent. The general court recognizes that the state of New Hampshire has made a commitment under RSA 171-A to implement a statewide system of integrated community-based services for persons with developmental disabilities. The general court is cognizant of and concerned that so many of the state's developmentally disabled persons are deprived each year of essential services because New Hampshire has failed to adequately fund those services. Therefore, the general court intends that the department of health and human services fully fund such services in its future budget requests.

2 New Section; Full Funding for Services for Persons With Developmental Disabilities. Amend RSA 171-A by inserting after section 1 the following new section:

171-A:1-a Full Funding of Services Budget. The department of health and human services shall incorporate the costs of fully funding services to persons with severe developmental disabilities classified as priority A or B as required under RSA 171-A in the department's budget recommendation to the governor's office.

3 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

The bill requires the department of health and human services to incorporate the costs of fully funding such services in its budget requests each biennium.

1997-0764h

Amendment to HB 572-FN

Proposed by the Committee on Finance

Amend RSA 561:10, I as inserted by section 18 of the bill by replacing it with the following:

I. Whenever, upon a decree of distribution or the settlement of the account of an administrator, executor or trustee, there shall be in his hands any sum of money in excess of [twenty-five dollars] $50 belonging to any heir, legatee, beneficiary, creditor, or other person whose place of residence is unknown and cannot be found, or if such person shall refuse to accept or receipt for such sum after being tendered, the administrator, executor or trustee shall petition the probate court and the court, when satisfied that due diligence has been used to find the person entitled to such sum or that such sum has been tendered to and refused by such heir, legatee, beneficiary, creditor or other person entitled to the same, shall decree that the sum be paid over to the state treasurer, and such payment shall be a discharge of said administrator, executor or trustee. [Any person entitled to receive such sum may petition the probate court, at any time before the final disposition thereof under this chapter and payment to him shall be decreed, upon notice and hearing]. The state treasurer shall hold any such sums received in accordance with RSA 471-C.

1997-0844h

Amendment to HB 582-FN

Proposed by the Committee on Finance

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

1 Purpose. The general court recognizes home health services as one means to provide health care to medicaid-eligible clients. Medicaid reimbursement rates for home health services have not been adjusted since 1989, and the general court finds that these rates are not adequate for certain components of home health services. The purpose of this act is to increase fairness and preserve availability of home health services to medicaid-eligible clients by adjusting current reimbursement rates and establishing a methodology under which those rates will be evaluated on an annual basis.

2 New Section; Rate Setting Methodology. Amend RSA 126-A by inserting after section 18 the following new section:

126-A:18-a Rate Setting for Home Health Services.

I. The commissioner of health and human services shall adopt rules under RSA 541-A to establish a rate setting methodology which establishes unit medicaid reimbursement rates for home health services which reflect the average cost to deliver services. The commissioner shall consider the factors of economy, efficiency, quality of care, and access to care, in accordance with guidelines in federal regulations.

II. The department of health and human services shall annually on or before October 1 establish unit rates for home health services paid under medicaid which better reflect the average cost to deliver services.

III. The commissioner shall make an annual report on or before November 1, relative to the rates for home health services, to the speaker of the house of representatives, the president of the senate and the chairperson's of the house and senate finance committees.

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

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to establish a medicaid rate setting methodology for home health services which better reflects the average cost to deliver services. The commissioner shall make an annual report relative to such rates to the speaker of the house, president of the senate, and the chairpersons of the house and senate finance committees.

1997-0808h

Amendment to HB 598-FN

Proposed by the Committee on Finance

Amend the bill by replacing section 2 with the following:

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

1997-0905h

Amendment to HB 646-FN-A

Proposed by the Committee on Finance

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

AN ACT relative to eligibility for child day care services for persons receiving public assistance.

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

1 New Paragraph; Income Eligibility. Amend RSA 167:3-c by inserting after paragraph IX the following new paragraph:

X. Establishing the income eligibility limit for child day care services that make child care assistance available to families; provided, however, that the income eligibility limit shall be such that at least those families whose gross monthly income is 185 percent or less of the federal poverty guidelines, and who meet all other eligibility requirements, are eligible for child day care services.

2 Funding. Section 1 of this act shall be funded only if the necessary federal funds are available.

3 Effective Date. This act shall take effect January 1, 1998.

AMENDED ANALYSIS

This bill expands eligibility for public assistance for child care services by requiring that the income eligibility limit for child day care services that make child care assistance available to families shall be such that at least those families whose gross monthly income is 185 percent or less of the federal poverty guidelines, and who meet all other eligibility requirements, are eligible for child day care services.

1997-0800h

Amendment to HB 658-FN-A

Proposed by the Committee on Finance

Amend RSA 260:60 as inserted by section 2 of this act by replacing it with the following:

260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the state treasurer who shall, on July 1, next following, credit 1/2 of said balance to a special navigation safety fund within the treasury, to be administered by the director of the division of safety services, [having] which has jurisdiction over the navigation of such boats or motors, and credit 1/2 of said balance to the fish and game department. Funds credited to the [division of safety services] navigation safety fund shall be used by the division of safety services for the promotion of the safety of navigation, and the funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as the fish and game fund is accounted for. Any balances in the funds hereby credited as above provided shall not lapse at the end of the fiscal year. Any fund in the navigation safety fund, not otherwise appropriated, may be used by the division of safety services for the promotion of the safety of navigation upon request from the commissioner of safety to the governor and council with the prior approval of the legislative fiscal committee. The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

1997-0840h

Amendment to HB 677-FN

Proposed by the Committee on Finance

Amend the bill by replacing section 1 with the following:

1 Wetlands Excavating and Dredging Permit Fee Increased for Minor and Major Projects. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be $50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge [or], fill, or construction proposed and the number of boat slips requested. The rates shall be $100 per boat slip and [$0.025 per square foot] $0.04 per square foot for all proposed projects under this chapter. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed $10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

1997-0828h

Amendment to HB 744-FN

Proposed by the Committee on Finance

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

AN ACT relative to the legal status of local river management advisory committees.

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

1 New Paragraph; Local River Management Advisory Committees; Government Instrumentality Status. Amend RSA 483:8-a by inserting after paragraph IV the following new paragraph:

V. In order to establish the tax exempt status of local river management advisory committees established under this section, such advisory committees are deemed to be governmental instrumentalities having a distinct legal existence separate from the state and shall not be considered as departments of state government. The exercise by a local river management advisory committee of any authority granted by this section shall be deemed to be the performance of public and essential governmental functions not otherwise fulfilled by state government.

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

AMENDED ANALYSIS

This bill declares that local river management advisory boards are separate governmental instrumentalities from the state.

1997-0859h

Amendment to HB 755-FN

Proposed by the Committee on Finance

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

AN ACT relative to OHRVs and increasing certain OHRV registration fees

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

1 Reference Changed. Amend RSA 206:42 to read as follows:

206:42 Fish and Game Search and Rescue Fund. The additional fee of $1 collected under the provisions of RSA 270-E:5, II(b) for each private boat registered and under RSA [215-A:23, VII] 215-A:23, X for each OHRV registered shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations. The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the fish and game department for the purposes of this subdivision. The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund.

2 Definition Clarified; Antique Snow Traveling Vehicle. Amend RSA 215-A:1, I-a to read as follows:

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or 20 or more years old owned by a resident of the state [which is maintained solely for use in exhibitions, club activities, parades, and other functions of public interest, and which is not used primarily for the transportation of passengers and goods or for general off highway recreational use]. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

3 Report by Fish and Game Department; Reference Corrected. Amend RSA 215-A:3, IX and X to read as follows:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the chairperson of the wildlife and marine resources committee of the house of representatives and to the chairperson of the fish and game/recreation committee of the senate which details the performance of the bureau during the previous year. [This] Each report shall be submitted on or before January 15 of each year.

X. The commissioner of the department of resources and economic development shall submit an annual report to the chairperson of the wildlife and marine resources committee of the house of representatives and to the chairperson of the fish and game/recreation committee of the senate which details the receipts and disbursements of all grant-in-aid funds received by the bureau pursuant to [RSA 215-A:23, V(a)(7)] this chapter and RSA 260:61 during the previous fiscal year. This report shall be submitted on or before January 15 of each year.

4 Reference Changed. Amend RSA 215-A:3-a, III to read as follows:

III. Complete and specific procedures relative to the distribution of and requirements for obtaining funds from the grant-in-aid program established under [RSA 215-A:23, V(a)(5)] 215-A:23, VI.

5 Reference Changed. Amend RSA 215-A:18, II to read as follows:

II. The court or justice of any court in which a complaint for a violation of any law or rule adopted pursuant to RSA 541-A brought by a forest and park patrol officer of the department of resources and economic development is prosecuted shall, within 30 days after any fine or forfeiture is paid, remit the amount thereof to the commissioner of the department of resources and economic development; provided, however, that, from each fine collected by a municipal or district court, there shall be deducted $10 and 20 percent of that part of the fine which exceeds $10 and the same shall be continually appropriated to the department for the purposes of RSA [215-A:23, V(a)] 215-A:23, VI.

6 Registration Fees. RSA 215-A:23 is repealed and reenacted to read as follows:

215-A:23 Registration Fees. The fees to be collected under this chapter are as follows:

I. Individual resident registration -$33 for each registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first $14 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $9.30 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $9.70 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

II. Resident antique snow traveling vehicle permanent registration - $35 for each registration upon presentation of resident tax receipt. From each fee collected pursuant to this paragraph:

(a) The first $20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $7.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

III. Individual nonresident registration - $43 for each registration.

a) The first $20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $11.10 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

IV. Dealer registration and rental plates - $25 for each plate or set of plates.

(a) The first $8 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $8.20 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $8.80 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

V. Registration after transfer as provided in RSA 215-A:22 - $13.

(a) The first $8 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $2.80 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $2.20 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

VI.(a) Any funds appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program shall be kept in a separate account and shall not be used for any other purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. From each registration fee collected under this section, $5 shall be used for the purpose of purchasing trail grooming equipment and trail maintenance equipment. All remaining funds shall be used for trail maintenance and construction.

(b) Grants-in-aid shall be granted to organized nonprofit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.

(c) All revenue appropriated in this paragraph shall be in addition to any other funds appropriated to the grant-in-aid program of the bureau of trails. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of this paragraph.

VII. Funds appropriated to the department of resources and economic development for administration of the bureau shall be used for the following purposes:

(a) Publications.

(b) Trail maintenance and acquisition.

(c) Easements and rights-of-way.

(d) OHRV facilities.

(e) From the amount collected from each individual registration fee, $3 shall be used by the bureau for the purposes of purchasing OHRV trail maintenance equipment or paying trail maintenance expenses. These funds shall be kept in a separate account and shall be used and appropriated solely for these purposes.

(f) Such other purposes as may be budgeted within the limits of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

VIII. Any funds appropriated to the fish and game department shall be used for the following purposes:

(a) Enforcement of the provisions of RSA 215-A.

(b) Establishment of training programs in the operation, safety, regulation, equipment maintenance and other related matters pertaining to OHRVs.

(c) Law enforcement under this chapter, which shall be the responsibility of the executive director.

(d) OHRV registration.

(e) Such other purposes as may be budgeted within the limitation of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

IX. Any excess registration fees collected and not expended shall be nonlapsing and shall be retained by the OHRV program for future use. In each year of the biennium, the excess fees collected may be expended by the fish and game department and the department of resources and economic development in the same proportion as described in this section with prior approval of the fiscal committee and the governor and council.

X. Notwithstanding the provisions of paragraph IX, there shall be paid to the executive director, in addition to the fees required by this section, an additional fee of $1 for each registration required by this section. The additional fee shall be paid into the fish and game search and rescue fund established under RSA 206:42.

7 Financial Responsibility; Damage to Property Amount Increased. Amend RSA 215-A:28, I to read as follows:

I. All provisions, including the penalties, suspensions and prohibitions of the New Hampshire financial responsibility law, and the provisions of statutes relative to the operation of a motor vehicle, shall apply to an OHRV being operated upon a public highway. The operator of an OHRV involved in an accident resulting in death or injury to a person or damage to property in excess of [$100 if the OHRV is uninsured, or damage to property in excess of $300 if the OHRV is insured] $500, the owner of [said] the OHRV having knowledge of the accident, should the operator [of same] be incapacitated, shall report [said] the accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

8 Reference Changed. Amend RSA 215-A:29, VI to read as follows:

VI. OHRV safety training shall be established within the OHRV budget of the New Hampshire fish and game department as referred to in RSA [215-A:23, V(b) (2)] 215-A:23, VIII.

9 Racing Meets Changed to Events. Amend RSA 215-A:30 to read as follows:

215-A:30 [Racing] Events.

I. Any person, organization or corporation who wishes to operate or to promote any snow traveling vehicle or OHRV [racing meet] event or contest involving the use of unregistered snow traveling vehicles or unregistered OHRVs shall procure a permit from the executive director. The application for the permit shall be on an annual basis, shall include a listing of scheduled events and shall be accompanied by an annual fee of $50. Participants in [said racing meet] an event or contest shall not be required to register in New Hampshire, but shall operate under the provisions of the permit. Any such participant who is not registered in New Hampshire shall not operate away from the race course or contest area specified in the permit. Distribution of any fees collected under this section shall be [in accordance with the provisions of RSA 215-A:23.] as follows:

(a) The first $35 shall be appropriated to the department of resources and economic development for the administration of the bureau, and shall be used by the bureau for its grant-in-aid program pursuant to RSA 215-A:23, VI.

(b) From the balance, $7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in RSA 215-A:23, VII, and $7.50 shall be appropriated to the department of fish and game for the purposes specified in RSA 215-A:23, VIII.

II. Notwithstanding the provisions of RSA 215-A:6 and RSA 215-A:29, persons less than 16 years of age may operate an OHRV while not accompanied by a parent or guardian and without an OHRV safety certificate if one of the following conditions exists:

(a) When participating in an OHRV safety education program approved by the fish and game department.

(b) When participating in an organized [meet] event or contest when the organizer of [such] the event has obtained landowner permission and procured a permit from the executive director.

10 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

(a) Increases the registration fees for certain off highway recreational vehicles.

(b) Prescribes the distribution of OHRV registration fees.

(c) Amends the definition of antique snow traveling vehicle.

(d) Increases the minimum amount of damage to property in an OHRV accident before requiring reporting of the accident.

(e) Changes racing meet permits to event permits.

(f) Requires the department of fish and game to report annually to the legislature concerning OHRVs.

1997-0864h

Amendment to HB 765-FN

Proposed by the Committee on Finance

Amend the bill by replacing section 4 with the following:

4 Costs. The startup costs and other costs for the osteoporosis prevention, education, and treatment program, established in section 2 of this act, shall be funded through any moneys collected under RSA 126-I:5 and any moneys available to the department of health and human services.

1997-0817h

Amendment to HB 781-FN

Proposed by the Committee on Finance

Amend the bill by replacing section 4 with the following:

4 New Section; Distributors and Manufacturers of Bingo Supplies and Equipment. Amend RSA 287-E by inserting after section 8 the following new section:

287-E:8-a Distributors and Manufacturers of Bingo Supplies and Equipment. The commission shall license distributors and manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines sold, leased, or rented in this state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall be authorized to distribute bingo paper supplies and electronic bingo player systems and lucky 7 vending machines, and shall not be required to file for licensing under this section. All bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines shall be purchased, leased, or rented from a licensed distributor and manufactured by a licensed manufacturer. A license shall be issued to a distributor or manufacturer under the following conditions, provided that the commission may, by rule, establish additional qualifications for licenses:

I. The applicant for a distributor's license shall pay to the commission an annual license or license renewal fee of $10,000. Such fee shall authorize the distribution of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines within the state of New Hampshire and the warehousing of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines for subsequent sale out of state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to pay the additional licensing fee under this section.

II. The applicant shall certify that neither the applicant nor any partner, officer, or director has been convicted of a felony, which has not been annulled by any court, within 10 years from the date of application.

III. Each licensee shall post a bond in the amount of $50,000, conditioned upon the licensee's compliance with the rules of the commission. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to post the additional bond under this section.

IV. An applicant for a license as a distributor shall be a resident of this state whose principal place of business is within this state, and shall have been a resident of this state for at least 2 years immediately prior to the date of application.

V.(a) The commission shall issue a special license to manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines leased, rented, or sold in the state. A manufacturer with a current New Hampshire license to manufacture lucky 7 tickets shall not be required to pay the additional licensing fee under this paragraph.

(b) The fee for such special license shall be $5,000 per year or for any part of a year.

1997-0813h

Amendment to HB 785-FN

Proposed by the Committee on Finance

Amend RSA 330-C:10 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. The board shall establish application, renewal, and late fees for licensure under this chapter and fees for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses for the board for the previous fiscal year.

Amend RSA 330-C:14, II as inserted by section 1 of the bill by replacing it with the following:

II. The board may retain legal counsel, expert witnesses, special advisors, or other qualified persons to assist with any investigation or adjudicatory proceeding.

1997-0782h

Amendment to HJR 6

Proposed by the Committee on Finance

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

A RESOLUTION authorizing the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker.

Amend the resolution by replacing all after the resolving clause with the following:

That the joint legislative historical committee is authorized to accept a gift of a portrait of Marilla Marks Ricker or financial donations or grants or other contributions that may be used to obtain a portrait of Marilla Marks Ricker; and

That the joint legislative historical committee may so obtain a portrait of Marilla Marks Ricker; and

That the joint legislative historical committee may oversee the hanging of the portrait of Marilla Marks Ricker in a place of honor in the state house complex befitting a heroine of historical stature in the granite state.

AMENDED ANALYSIS

This house joint resolution authorizes the joint legislative historical committee to acquire and hang in a prominent place in the state house complex a portrait of suffragist Marilla Marks Ricker, the first woman to vote in the United States, the first woman admitted to the New Hampshire bar, and the first woman to run for governor of New Hampshire.

1997-0785h

Amendment to SB 4

Proposed by the Committee on Health, Human Services and Elderly Affairs

Amend the bill by replacing section 4 with the following:

4 Patient to be Fully Informed by Health Care Provider. RSA 151:21, IV is repealed and reenacted to read as follows:

IV. The patient shall be fully informed by a health care provider of his or her medical condition, health care needs and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record, and shall be given the opportunity to participate in the planning of his or her total care and medical treatment, to refuse treatment, and to be involved in experimental research upon the patient's written consent only. For the purposes of this paragraph "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist or psychologist, and any officer, employee or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

Amend the bill by replacing section 11 with the following:

11 Health Care Provider's Records. Amend RSA 332-I:1 to read as follows:

332-I:1 Medical Records.

I. The medical information contained in the medical records in the possession of any [medical] health care provider [licensed or registered under title XXX] shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records, for a reasonable cost, upon [his] request.

II. In this chapter, "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist or psychologist, and any officer, employee or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

1997-0823h

Amendment to SB 123

Proposed by the Committee on Wildlife and Marine Resources

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

AN ACT relative to shellfish harvesting areas and relative to special deer permits.

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

3 Fee Authorized. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permit. The executive director may issue a special deer permit to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer permit shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for a special deer permit. The executive director may charge a fee not to exceed $10 for all applications for a special deer permit.

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

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to consult with the commissioner of the department of environmental services regarding water quality conditions that affect the classification of shellfish growing areas. The bill also provides that the department of health and human services is to serve as the state shellfish sanitation control authority.

The bill changes the application of the prohibition from shellfish sold to shellfish harvested for food.

The bill also authorizes the executive director of fish and game to charge a fee for a special deer permit.

1997-0891h

Amendment to SB 163

Proposed by the Committee on Health, Human Services and Elderly Affairs

XI. "Procurement organization" means a person licensed, accredited, or approved under any state or federal law for procurement, distribution, or storage of human bodies or parts.

Amend RSA 291-A:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Any member of the following classes of persons, in the order of priority listed, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, at the time of death, has made an unrevoked refusal to make that anatomical gift:

(a) The spouse of the decedent.

(b) An adult son or daughter of the decedent.

(c) A parent of the decedent.

(d) An adult brother or sister of the decedent.

(e) A grandparent of the decedent.

(f) A guardian of the person of the decedent at the time of death.

(g) A designated agent under the durable power of attorney for health care, pursuant to RSA 137-J.

(h) Other persons authorized or under obligation to dispose of the body.

Amend RSA 291-A:6, I and II as inserted by section 1 of the bill by replacing them with the following:

I. On or before admission to a hospital, or as soon as possible thereafter, a person designated by the hospital shall offer patients the opportunity to provide to the hospital a copy of any document of gift. The hospital shall also have available information about organ and tissue donation.

II. If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, a person designated by the hospital, which may include a procurement organization representative, shall, unless the attending physician determines otherwise, discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift pursuant to RSA 291-A:4, I. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in RSA 291-A:7. An entry shall be made in the medical record of the patient, stating the name and affiliation of the individual making the request, and of the name, response, and relationship to the patient of the person to whom the request was made. The commissioner of health and human services, in consultation with procurement organizations, and the New Hampshire Hospital Association, shall adopt rules, under RSA 541-A, to implement this paragraph.

Amend RSA 291-A:9, III as inserted by section 1 of the bill by replacing it with the following:

III. If there has been an anatomical gift, an appropriate physician or surgeon may remove any donated parts and an enucleator may remove any donated eyes or parts of eyes, after determination of death by a physician or surgeon. If there has been an anatomical gift, the donated parts may be removed after determination of death, by a person other than a physician or surgeon who attended the donor at death or determined the time of death.

Amend RSA 291-A:11, I as inserted by section 1 of the bill by replacing it with the following:

I. A person may not knowingly, for valuable consideration, purchase or sell a part for any purpose, regardless of whether removal of the part is intended to occur after the death of the donor, or at the request of a living donor.

Amend RSA 291-A:12, III as inserted by section 1 of the bill by replacing it with the following:

III. A hospital, physician, surgeon, medical examiner, funeral director, enucleator, procurement organization, or person acting on behalf of one of the preceding, who acts in accordance with this chapter or with the applicable anatomical gift law of another state or attempts in good faith to do so, is not liable for that act in a civil action or criminal proceeding.

Amend RSA 291-A:14 as inserted by section 1 of the bill by replacing it with the following:

291-A:14 Release of Corneas for Transplantation; Liability.

I. Upon request of a procurement organization, the chief medical examiner, or designee, may release the cornea of a decedent to a procurement organization under the following conditions:

(a) The body of the decedent is under the jurisdiction of the chief medical examiner, in accordance with RSA 611 or RSA 611-A.

(b) A period of one hour has elapsed after the chief medical examiner, or designee, has notified such procurement organization and the procurement organization has received notification that the cornea of the decedent is available for transplant, and during such period the procurement organization has made a good faith effort to notify decedent's spouse or next of kin that a transplant is proposed.

(c) No objections to the donation were made known by the decedent prior to his death or by the decedent's spouse or next of kin or by an agent of the decedent to the chief medical examiner or designee.

(d) The removal of the cornea for transplant will not alter the decedent's facial appearance.

II. A log, available at the procurement organization, shall contain the time of the notification by the chief medical examiner, or designee.

III. No medical examiner, physician, or procurement organization, acting under the provisions of this section, shall be liable in any criminal or civil action brought as a result of a release of the decedent's cornea if a good faith effort was made to notify decedent's spouse or next of kin of such transplant.