

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. Friday, May 9, 1997 No. 59

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for May 14

HOUSE CALENDAR NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Wednesday, May 14, at 1 p.m. Future sessions are tentatively planned for Tuesday, May 20, Wednesday, May 28, and Thursday, May 29.

In meeting with members, I have heard several express concern about the expanding use of unanimous consent. As these remarks are made with the consent of the entire House, we urge you to consider this and limit your address to three minutes. We also ask that, with the exception of committee business, those announcements made on the floor of the House be limited to those which will not appear in the House calendar.

As we enter the final phase of this legislative session, I would like to thank you for your cooperation and encourage you to call or stop by my office if you have any questions or concerns.

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, May 14 at 11:30 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, May 14 at 11:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

NOTICE

LEGISLATIVE FORUM

HOUSE CONTINUING EDUCATION

TOPIC: Committees of Conference

PRESENTER: Rep. Donnalee Lozeau, Deputy Speaker

DATE: Thursday, May 15

TIME: Noon to 1:30 p.m.

PLACE: Room 100, State House

For the members' convenience the cafeteria will sell sandwiches, snacks and sodas outside the room. This will be an informative session with handouts. Please make every effort to attend. Thank you.

Future Dates:

May 22 Department of Revenue Administration

May 29 Department of Treasury

NOTICE

The Sergeant-at-Arms Annual Buffalo Barbecue featuring bison burgers and dogs will be held Wednesday, May 28 at 5:00 p.m. at Bear Brook State Park, Allenstown. Tickets (\$8) and directions will be available, starting next week, at the Sergeant-at-Arms office. All are welcome.

Rob Johnson, II, Sergeant-at-Arms

WEDNESDAY, MAY 14

CONSENT CALENDAR

COMMERCE

SB 1, relative to exclusive arrangements with managed care insurers. RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: The committee did not see a compelling need for this legislation. Further, the committee did not want to interfere with NH hospitals' ability to compete in the current marketplace. The committee did, however, want to better understand the contractual relationship between hospitals and insurance providers and re-referral is the best means to that end. Vote 19-0.

SB 17, restricting check collection charges by creditors and debt collectors. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: This bill puts a cap on the penalty charged by a creditor for negotiable instruments written on insufficient funds. The bill sets a limit of \$25, but leaves open the decision to impose the penalty. Vote 13-1.

SB 82, relative to determination of reasonable compensation for certain trustees OUGHT TO PASS

Rep. Barbara L. Spear for Commerce: This bill clarifies the determination of reasonable compensation for corporate and professional trustees in the administration of testamentary trusts. The bill acknowledges that reasonable compensation will be defined by the institution's or professional's published inter vivos fee schedule or fee agreement in effect at the time services are rendered. The bill also establishes a committee to study the issue of compensation for trustees of charitable trusts and the feasibility of expanding the standard to be applied by the probate court in deciding upon petitions to change corporate trustees in testamentary trusts. All testimony heard favored passage of this bill. Vote 14-0.

SB 113, establishing a committee to study health care issues related to individuals who are underinsured or without insurance INEXPEDIENT TO LEGISLATE

Rep. Martha Fuller Clark for Commerce: All the members of the committee recognize the need for the legislature to have a better understanding of health care issues related to individuals who are underinsured or without insurance, particularly continually rising premiums and with the expansion of managed care as the dominant form of health insurance in the state. It is the stated intention of the committee, using SB 122 as a vehicle, to

establish a legislative study committee which will address several critical questions regarding health care insurance in New Hampshire, including availability access, cost and quality of care. Clearly, the issue of the underinsured and the non-insured will be a key component of this study. Therefore, SB 113 is no longer necessary. Some members of the committee were concerned that folding the intent of this legislation into another bill will minimize the importance of this very critical issue and would prefer to have had this legislation go forward as introduced. Vote 15-3.

SB 129, relative to manufactured housing deeds. OUGHT TO PASS

Rep. Tara G. Reardon for Commerce: This bill removes the requirement that manufactured housing deeds be witnessed and acknowledged. It also validates deeds properly acknowledged and recorded since August 17, 1983, thus treating manufactured housing deeds similar to all other deeds contained in RSA 477. Vote 16-0.

SB 139, authorizing banks to invest trust funds in bank-affiliated investments. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill brings New Hampshire into conformity with every other state by expanding a trustee's scope of investment opportunities to include certain mutual funds. In so doing, trust funds can benefit from greater asset diversification and economies of scale. To prevent potential abuses, the bill contains stringent provisions for mandatory disclosure, non-layering of fees, and retention of fiduciary duties. Vote 17-0.

SB 190, exempting insurance companies newly located in New Hampshire from having to make payments to the administration fund during their first 3 years in the state and relative to investments by insurance companies in mutual funds. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: Regarding the first part of the bill, the committee does not feel this exemption will have a significant impact in attracting new insurance companies; administrative fund payments rank near the bottom of reasons for an insurance company located in-state. Regarding the second part of the bill, the committee has numerous technical and policy concerns that need to be addressed before this provision is ripe for legislation. Vote 17-2.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 6, relative to real estate appraisers. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill is the result of numerous efforts over the past three years to allow changes in the operation of a relatively new board, Board of Property Appraisers. The amended bill, which has the endorsement of the sponsor, appraisal board, realtors, and the banks, does the following: adds one more public member to the board; adds a new "apprentice real estate appraiser" classification; and defines more clearly the grievance, complaint and disciplinary proceedings in order to comply with present federal mandates. Vote 15-0.

SB 54-FN, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as amended by the committee will make three changes in RSA 100-A. Section 1 sets the time frame when final compensation must be paid to be included as earnable compensation for determining the average final compensation. Section 2 adjusts the method of calculating the amount of allowable earnable compensation for a disability beneficiary of the retirement system using the consumer price index. Section 3 (Chap. 270:4, I 1995) extends to July 1, 2000, the provisions for teachers who equally share a job-sharing position with another teacher. The provision is due to expire on July 1, 1997, but should be extended for another 3 years. Vote 16-0.

SB 124, relative to the imposition of fines by the state board of licensure for land surveyors. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Dodge for Executive Departments and Administration: The committee agrees that the state board of licensure for land surveyors should have the authority to impose administrative fines. However, the amounts requested have been amended to conform to the same level of fines assessed by other boards. Vote 16-0.

SB 212-FN, 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. OUGHT TO PASS

Rep. Rep. Myron S. Steere, III for Executive Departments and Administration: This bill will close a loophole in the present retirement statute and allow those on leave under the federal Family and Medical Leave Act to apply for disability retirement or death benefits. While on this type of leave, this is needed because while on family and medical leave if the individual is not making contributions to the New Hampshire Retirement System, he or she is not eligible for benefits. At the present time, those on disability leave and not making contributions are eligible for benefits within a definitive time. This will extend that privilege to those on family and medical leave. The federal Family and Medical Leave Act is well

defined and sets out proper guidelines for implementation. Vote 14-0.

FINANCE

SB 47-FN, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill allows for the continuation of a very successful pilot program to recoup monies owed the state for the operation of the guardian ad litem program. Vote 17-0.

SB 64-FN-A, exempting motor fuel used for automobile racing from road toll taxation. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: Automobile racetrack facilities which sell or dispense autoracing fuel - 105 octane or higher - are entitled to apply for a refund from the road toll tax. In addition, the bill reduces administrative costs for the Department of Revenue Administration making one payment to motorsport facilities rather than hundreds of applicants seeking refunds. Decreased state highway revenue: \$15,000. Vote 17-0.

SB 75-FN, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill creates a beer festival license which will allow microbrewers to test market new products which have not already been introduced to the marketplace. The festival promoters are required to obtain a single-event license and pay a fee to the commission for such a license. This license is supplemental to the one they already have. Vote 16-0.

SB 80-FN-A, excluding certain transfers from payment of the real estate transfer tax. RE-REFER TO COMMITTEE

Rep. David J. Alukonis for Finance: The revisions intended by this Senate bill are similar to those found in HB 245 which the House has re-referred to the Finance Committee. As such, the committee believes that this bill should also be re-referred for further study. Vote 17-0.

SB 176-FN, relative to late payment of the legacies and successions tax. OUGHT TO PASS

Rep. Sandra K. Dowd for Finance: Currently the state will not accept payment of the total legacies and successions tax due until the estate is settled, a process which frequently takes at least a year. However, if that is not done within nine months of death, penalties accrue. This bill allows a person to make an estimated tax payment of 90% of the total tax due and avoid further penalties. Vote 17-0

SB 183-FN, relative to liquor licenses for a sports/entertainment complex. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: The committee found that there is minimal fiscal impact to the state. Vote 17-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 13, relative to continuing education for claims adjusters. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The committee feels that the present law is adequate to ensure the proper training of insurance adjusters, absent any claims of the adjusters being limited in their ability to perform their jobs. Vote 14-1.

SB 36, relative to incarcerated convicted persons receiving workers' compensation payments. OUGHT TO PASS WITH AMENDMENT

Rep. George D. Murch, III for Labor, Industrial and Rehabilitative Services: This bill as amended permits the Department of Corrections to pursue "cost of care" claims against workers' compensation payments being made to any person who becomes incarcerated due to a conviction. Claims under this provision are for indemnity payments only and exclude medical and remedial care. The committee voted unanimously in favor of this bill as amended. Vote 15-0.

SB 98-FN, relative to the submission of youth employment certificates to employers. OUGHT TO PASS WITH AMENDMENT

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill gives employers three days to obtain the youth employment certificates from new employees. Vote 15-0.

LOCAL AND REGULATED REVENUES

SB 44, establishing a committee to study the building of a state-owned liquor store in the city of Keene. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill establishes a study committee to review the possibilities of establishing a state-owned liquor store in the city of Keene. Vote 14-0.

RESOURCES, RECREATION AND DEVELOPMENT

SB 16, relative to drinking water rules for public water systems. OUGHT TO PASS WITH AMENDMENT

Rep. H. Charles Royce for Resources, Recreation and Development: This bill is a request from the Department of Environmental Services. The bill authorizes the Commissioner of DES to adopt rules to protect long-term quality of public drinking water systems. The amendment clarifies what sections under the Safe Drinking Water Act was reauthorized in 1996. This bill will help our small public water systems, both in towns or held privately, to obtain low interest loans for improvements. Vote 10-0.

TRANSPORTATION

SB 153, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license. OUGHT TO PASS

Rep. Ralph L. Akins for Transportation: This bill adds a check off box next to the existing reference line on a driver's license application form which allows an applicant to choose whether to have his or her social security number on their driver's license. The committee felt that by adding this box it would make this procedure more convenient for the applicant and more efficient for the department. Vote 16-0.

WEDNESDAY, MAY 14

REGULAR CALENDAR

COMMERCE

SB 18, relative to the sale of certain items at flea markets. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This is a consumer protection bill which ensures that people do not sell merchandise at flea markets which has an expiration date that has expired. The bill establishes an enforcement and fine mechanism. Vote 12-3.

SB 94-LOCAL, relative to the financing of the New Hampshire civic center commission. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce: This highly controversial bill was the subject of numerous subcommittee meetings that were well attended by both proponents and opponents. The subcommittee, and the committee as a whole, considered several amendments that attempted to loosen the restrictions enacted by the Legislature last year. Ultimately, the committee agreed that we could not craft a solution, nor should we. This is a matter of local control. The committee believes that the civic center development is a positive step in the rehabilitation of Concord's opportunity corridor, but no legislation can assure that will happen. The financing of the Concord Civic Center should be decided by the 15-member city council and their constituents, in consultation with the City of Concord's professional staff. Therefore, the committee removes the Legislature from the debate and turns the matter over to the city to solve this matter, as it sees fit. Vote 14-4.

EDUCATION

SB 203-FN-LOCAL, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William A. Riley for the Majority of Education: Federal Law requires that special education services be provided for those incarcerated youths who are eligible. SB 203 directs which town pays for those services. The amendment also restores "state prisons" to the bill to insure the provision of special education services. Vote 13-2.

Rep. Michael Marcinkowski for the Minority of Education: This bill is premature in that the House passed SB 155 directing the state Department of Education to develop a plan to comply with the Federal Individuals with Disabilities Education Act on the subject of special education for youths in county or state correctional facilities. That plan should address all of the pertinent issues.

FINANCE

CACR 13, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: The balance of power among the three branches of government is carefully devised. Yet, it is still in a constant state of flux. This amendment will unduly increase the power of the governor to the detriment of the legislature. Vote 14-3.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 41, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill concerns the "whistleblowers" protection act. An employee will have six months from the date of the last infraction by the employer to file a complaint. Vote 11-4.

LOCAL AND REGULATED REVENUES

SB 143, authorizing a municipality to change the date for filing for an elderly exemption. OUGHT TO PASS

Rep. Richard Noyes for Local and Regulated Revenues: A revision of the elderly exemption structure in 1995 made several changes that are only now being felt. One of those changes may seriously impede the setting of tax rates and the orderly administration of the property tax. The cities of Nashua and Manchester have already felt these adverse effects. This bill is enabling legislation which permits any town or city, if it wishes, to set a different deadline for filing for elderly exemptions to correct those problems. The committee believes these problems, created by the 1995 bill, are serious enough and clear enough to warrant giving towns and cities the option of a compromise correction now. Vote 14-3.

RESOURCES, RECREATION AND DEVELOPMENT

SB 19, establishing a committee to study the environmental impact of businesses extracting water from state's resources for sale. OUGHT TO PASS WITH AMENDMENT

Rep. Sidney Lovett for Resources, Recreation and Development: This bill establishes a committee to study the impact on property owners and the state's resources of water withdrawals by businesses extracting the state's water for sale. Vote 15-2.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 112, establishing a commission on environmental programs. INEXPEDIENT TO LEGISLATE

Rep. Edwin O. Smith for State-Federal Relations and Veterans Affairs: After considerable debate, the committee agreed to set up an internal house committee under House Rule 30. This Senate bill may have some merit, and pursuing it in this more informal manner allows the concept to form sooner and be more flexible. We will call upon the expertise of other house committees as well as Senate input to help achieve a balanced approach. Vote 13-5.

TRANSPORTATION

SB 63-FN, relative to access to motor vehicle records. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. Sherman A. Packard and Robert J. Letourneau for the Majority of Transportation: The committee recognizes that consumer based fraud is a growing problem, and costs New Hampshire consumers and businesses 80 million dollars a year, including what it cost the state to investigate, arrest, prosecute and incarcerate these criminals. To address this problem the majority of the committee voted to authorize the Department of Safety to release certain specific information on individual driver's licenses or non-driver ID cards in limited circumstances to qualified entities engaged in the business of preventing identity-based fraud.

The information released will be used to verify the identity of the person applying for service or engaging in the transaction, thus discouraging those persons who are committing check and credit card fraud by providing a brief digitized image at the point of service. No other information will be available at the point of service.

The committee amendment acknowledges and addresses important privacy concerns by providing various opportunities for holders of driver's licenses and ID cards to "opt-out". This prevents the release of their personal information by the DOS. An initial mailing by the DOS will be required to give personal notice to all drivers and holders of ID cards in the state about the identity-based fraud program and to provide a check-off box for those persons who would elect not to have their information released. The amendment provides for further "opt-out" opportunities for all individuals at the time of driver's license renewal, automobile registration renewal, and at all points of service where the information would be used to verify identity. Additionally, the department is allowed to develop other reasonable "opt-out" methods.

The amendment is very specific in the use of any released data to assure that such use meets the strict limits of this bill and authorizes the DOS to randomly audit the use of such released data. Additionally, all data must be encrypted to prevent unauthorized access. Further, the amendment clarifies the title or interest of this data by specifying that requesting entity is entitled only to specific uses of the personal information. The language of the amendment also guarantees that the department of safety will not be responsible for any cost, the requesting entity shall pay in advance for all expenditures.

This legislation has the support of law enforcement officials and Mothers Against Drunk Drivers (MADD) because of its ability to prevent sale of alcohol to minors, another major problem in identity-based fraud. Vote 12-6.

Reps. Ralph L. Akins, Philip M. Ackerman, Brenda L. Ferland, Robert J. Haley, Peter F. Leonard and John S. Langone for the Minority of Transportation: The minority of the committee strongly feels that this bill should be voted Inexpedient to Legislate. Personal and private information should be protected by the state of New Hampshire. Drivers' photographs and social security numbers are entrusted to the state to enforce motor vehicle laws and should not be sold or released. The bill requires us to sign and mail in an exclusion document to avoid having our picture and social security number given to a private company to sell. Once name and picture are in a privately held digital database, they can be sorted and grouped by age, sex or race. This bill in effect allows one company access to drivers' records and photographs and excludes other businesses, such as banks, retailers, insurance companies, which must pay this company a fee. We believe that's a poor precedent to set.

COMMITTEES OF CONFERENCE

HB 254, relative to shared tenant telecommunication services. (Reps. Howard, Donald White, Below and Jeb Bradley; Sens. Johnson, Whipple and Patenaude)

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Reps. Christie, Hansen, Lyman and Yvonne Coulombe)

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. (House Concurred 4/10/97)

HB 117, relative to Persian Gulf War bonus payments. (SJ 13)

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 249, clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations. (SJ 13)

HB 251, reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany. (House Concurred 4/10/97)

HB 252, relative to posting of bylaws in advance of any town election. (SJ 13)

HB 254, relative to shared tenant telecommunication services. (House Nonconcurrent; C-of-C 4/30/97)

HB 255, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (House Concurred 4/30/97)

HB 264, relative to technical committees advising the director of the office of information technology management on technical issues. (House Concurred 4/30/97)

HB 315, expanding certain financial powers of village districts. (House Concurred 4/30/97)

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (House Nonconcurrent; C-of-C 4/10/97)

HB 343, relative to authority by governmental entities over driveways and other accesses to public ways. (House Concurred 4/23/97)

HB 368, establishing the honorary position of artist laureate of the state of New Hampshire. (House Concurred 5/7/97)

HB 370, updating and making technical corrections in certain banking laws. (SJ 13)

HB 392, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." (House Concurred 4/10/97)

HB 404, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. (SJ 13)

HB 412, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles. (SJ 15)

HB 450, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (SJ 11)

HB 486, relative to a study of a certain portion of Route 3A. (House Nonconcurred; 5/7/97)

HB 516-FN, increasing the fuel oil discharge cleanup fund fee. (House Concurred 4/30/97)

HB 539, relative to the tax lien process for quarterly tax bills in the city of Concord. (House Concurred 4/23/97)

HB 628, relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee. (House Concurred 4/30/97)

HB 652, establishing a committee to study certification of police and fire dispatchers. (House Concurred 5/7/97)

HB 662, revising the laws relative to the use of dealer plates. (House Concurred 5/7/97)

HB 704, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (House Concurred 4/30/97)

HB 706, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (House Concurred 4/30/97)

HB 737, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation. (House Concurred 4/23/97)

HCR 2, urging all school districts in the state of New Hampshire to implement peer mediation programs. (SJ 11)

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

MONDAY, MAY 12

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Continued public hearing on SB 181, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers.

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

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

9:00 a.m. Regular business.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), NH Hospital, Acute Psychiatric Services Building, Conference Room

8:00 a.m. Subcommittee meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

10:00 a.m. Public hearing on proposed amendment to SB 109, relative to the official ballot voting option. (Copies of the amendment will be available Friday from the Sergeant-at-Arms Office.)

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

PERINATAL CHEMICAL DEPENDENCY (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Subcommittee work session on HB 747-FN-A, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund.

TUESDAY, MAY 13

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on SB 100, establishing a New Hampshire film and television commission and SB 130, relative to the portability, availability, and renewability of health coverage.

9:30 a.m. Subcommittee work session on SB 178, regulating managed care systems of health care delivery.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

11:15 a.m. Subcommittee work session on HB 604-FN-LOCAL, relative to accessing information in delinquency cases.

ELECTION LAW, Room 308, LOB

10:00 a.m. Work session on campaign finance reform.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on SB 32, relative to dogs at large.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:30 a.m. Subcommittee work session on HB 281, relative to regulation of medical assistants, HB 600, consolidating administrative support for the regulation of health professionals, HB 756-FN, relative to the registration of alternative providers of mental health services and HB 762-FN, relative to the regulation of naturopathic medicine.

FINANCE, Rooms 210-211, LOB

10:00 a.m. SB 180-FN-A, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor. (A)

10:45 a.m. SB 169-FN, relative to a college tuition savings plan. (A)

11:15 a.m. SB 29, establishing a pet overpopulation trust.

1:00 p.m. SB 177-FN, relative to the liability of prospective adoptive parents for court ordered services.

Executive session on pending legislation to follow.

FINANCE - (DIVISION II), ROOM 209, LOB

2:00 p.m. Revenue estimates.

Executive session on pending legislation to follow.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Organizational meeting of subcommittees followed immediately by subcommittee work session on HB 793, limiting the civil liability of persons engaged in equine activities and HB 555, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment.

Full committee executive session on pending legislation

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. Public hearing on proposed amendment to SB 40, relative to the payment of wages by employers. (The amendment is regarding the changing of the minimum wage for those receiving tips. Copies of the amendment will be available from the Sergeant-at-Arms office 24 hours prior to the public hearing.)

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

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

2:00 p.m. Rescheduled regular meeting.

LOCAL AND REGULATED REVENUES, Representatives Hall

9:00 a.m. Continued public hearing on proposed amendments to SB 216, relative to pari-mutuel racing and taxes on pari-mutuel pools.

(1232h)This amendment deals with electrical and mechanical games of chance at racetracks.

(1284h)This amendment concerns pari-mutuel commission rulemaking authority and racing days.

2:00 p.m. This amendment concerns wager discount and rebates.

2:30 p.m. (1261h)The amendment concerns authorizing Pease Development Authority to contract for development of casino at Pease International Tradeport.

3:00 p.m. (1270h)This amendment concerns electronic and mechanical games of chance at licensed bingo premises.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on HB 132-FN, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

1:00 p.m. Subcommittee work session on HB 371, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.

WEDNESDAY, MAY 14

COMMERCE, Room 302, LOB

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on HB 204-FN-LOCAL, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners.

EDUCATION, Room 207, LOB

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

ELECTION LAW, Room 308, LOB

9:30 a.m. Work session on campaign finance reform.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:30 a.m. Executive session on pending legislation, if needed.

FINANCE, Rooms 210-211, LOB

11:00 a.m. Executive session.

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

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

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

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

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

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

9:45 a.m. Subcommittee work session on SB 35, including "accessibility lift' within the definition of "elevator".

JUDICIARY AND FAMILY LAW, Room 208, LOB

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

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

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

LOCAL AND REGULATED REVENUES, Room 206, LOB

9:00 a.m. Public hearing on proposed amendment to SB 196, relative to pari-mutuel wagers and defining "resort hotel." (1237h)The amendment changes the definition of grand hotel.

10:00 a.m. Executive session on pending legislation or following hearing, whichever is later.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Subcommittee work session on HB 618-FN, relative to increasing certain state park fees.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on HB 651-FN-LOCAL, relative to electric rate reduction financing.

WILDLIFE AND MARINE RESOURCES, Amoskeag Fishway, Manchester

9:00 a.m. Tour of the Amoskeag Fishway.

THURSDAY, MAY 15

COMMERCE, Room 302, LOB

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:00 p.m. Subcommittee work session on HB 271, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program, HB 414, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs and HB 420, relative to administrative review of suspended or revoked motor vehicle licenses.

EDUCATION, Room 207, LOB

1:30 p.m. Rescheduled executive session on pending legislation, if needed.

ELECTION LAW, Room 308, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

FINANCE, Rooms 210-211, LOB

If passed by the House on 5/14, the following bill will be heard as scheduled below:

9:30 a.m. SB 54-FN, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. (A)

Executive session on pending legislation to follow.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session to follow public hearings.

FINANCE - (DIVISION II), ROOM 209, LOB

Work and executive session to follow public hearings.

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

Work and executive session to follow public hearings.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Committee meeting with representatives of the Probate Court and the Supreme Court's Judicial Conduct Committee to discuss the handling of complaints against attorneys and judges.

2:00 p.m. Subcommittee work session on HB 290, relative to electronic signatures and HB 635, relative to a limitation on liability for emergency medical care providers.

Full committee executive session on pending legislation.

LOCAL AND REGULATED REVENUES, Room 206, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Executive session on pending legislation, if necessary.

SCIENCE , TECHNOLOGY AND ENERGY, Room 304, LOB

11:00 a.m. Presentation by the New England Power Pool on Electric Supply in summer of 1997.

Executive session on SB 116-FN, relative to the regulation of rural electric cooperatives by the public utilities commission to follow presentation.

FRIDAY, MAY 16

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 20

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on HB 132-FN, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

1:00 p.m. Subcommittee work session on HB 371, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.

WEDNESDAY, MAY 21

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:30 a.m. Subcommittee work session on HB 405-LOCAL, relative to standardizing the requirements for the design and specifications of septic systems.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on HB 177-FN, increasing the wild black bear license and tag fee.

THURSDAY, MAY 22

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on HB 553-LOCAL, relative to a right to farm.

TUESDAY, MAY 27

ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

9:00 a.m. Rescheduled regular meeting.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on HB 132-FN, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

MONDAY, JUNE 2

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

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

FRIDAY, JUNE 13

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

9:00 A.M. Regular meeting.

FRIDAY, JUNE 20

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

9:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, JUNE 30

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

9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION MEETING

The Executive Committee of Hillsborough County Delegation will meet Wednesday, May 14, immediately following session, in Room 105A, State House. If unable to attend, please notify Marcia at 627-5631.

Rep. Frances L. Riley, Chairman

Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Strafford County Executive Committee will meet Friday, May 23 at 8:30 a.m. at the County Commissioners' Conference Room to review the first quarter budget.

Deborah F. Merritt, Chairman

Strafford County Executive Committee

The New Hampshire Supreme Court has announced that typewritten memoranda on the questions presented by the request of the Senate for an opinion of the justices on the constitutionality of SB 73-FN on property taxation of telephone and cable poles and lines may be furnished by any attorney, legislator, organization, interested party or member of the public on or before May 27, 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

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

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

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 2, 25, 50, 53, 120, 151, 181, 186, 187, 225, 229, 236, 243, 262, 268, 340; 378, 379, 430, 436, 457, 459, 486, 498, 511, 516, 530, 557, 559, 560, 562, 564, 565, 567; 568, 569, 570; 571, 572, 573, 577, 578; 580, 587, 588, 589; 591, 592, 593, 595, 596, 598, 599, 602; 603; 604, 605; 607; 608, 610; 615; 617; 618; 619; 622, 625; 626, 627; 636, 637, 638; 643; 644, 645; 649; 657, 658, 661; 663, 671, 677, 686; 688, 689, 696, 700, 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, 755, 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, 796, 799 and 810.

Leo J. Callahan, Assistant Clerk

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

David S. Feng, 1 Timber Lane, Hudson, New Hampshire 03061-3114

George T. Musler, 449 Route 9, Barrington, New Hampshire 03825-3410

Paul W. Taylor, 214 Harris Road, Nashua, New Hampshire 03060-3708

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

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

The Manchester Legislative Delegation will be meeting with the Mayor of Manchester on Monday, May 12 at 8:30 a.m. in the Aldermanic Chambers at City Hall. Refreshments will be served.

Rep. Lou D'Allesandro

The Merrimack County Democrats will meet on Tuesday, May 13 at 7:00 p.m. in Room 102, LOB

Rep. Miriam D. Dunn

The Belknap County Republican Committee will meet at Zacks Lakeside, Route 3, Winnisquam on Tuesday, May 13 at 7:00 p.m. Guest speaker will be Speaker Donna Sytek.

Rep. John H. Thomas

The OWLs will meet Wednesday, May 14 in Room 306, LOB from noon to 1:00 p.m. Joyce Miko, co-founder of the Academy of American Doll Artists Inc. will be speaking. Boxed lunches will be available for a small charge. All legislators are welcome to attend.

Rep. M. Virginia Burke

All legislators are invited to attend a ceremony to honor New Hampshire's fallen veterans during the issuance of the Governor's Memorial Day Proclamation on May 14 in the Executive Council Chambers at the State House. The ceremony will commence at 3:00 p.m.

Rep. Edwin O. Smith

A deep sea fishing trip is planned for Friday, May 16. Boat departs at 7:30 a.m. from Smith and Gilmore Pier, Hampton and returns at approximately 4:30 p.m. The trip is open to representatives, senators and staff. \$25 per person. Limit 40 people. First paid - first reserved. Please contact Rep. Terence R. Pfaff, 329 Hackett Hill Road, Hooksett, New Hampshire 03106-2522, telephone 624-0950.

Rep. Terence R. Pfaff

The Strafford County Republican Committee will meet on Saturday, May 17 at 9:00 a.m. at the Gateway Restaurant in Somersworth.

Rep. Robert E. McKinley

On May 20, from 4:30 to 6:30 p.m., the New Hampshire Women's Lobby will honor legislators and citizens who are making a difference in the lives of women and families in New Hampshire. Spring Celebs '97 will be held at the Kimball-Jenkins Carriage House, 266 North Main Street, Concord. This year, the Lobby will honor six individuals, Governor Jeanne Shaheen will receive the Women in Leadership Award, which has been awarded only twice in the past. In addition, Rep. Martha Fuller Clark of Portsmouth and Sen. Debora Pignatelli of Nashua will both receive the Meritorious Service Award. Arnie Alpert of Canterbury, the NH Program Coordinator for the American Friends Service Committee, will receive the Citizen Award. Barbara Keshen of Chichester, a Lobby Board Member, will receive the Volunteer Award. Laura Kiernan of Concord, the former Perspectives host for NH Public Radio, will receive the Media Award. The New Hampshire Women's Lobby is a grassroots, non-partisan, statewide membership organization. Its purpose is to promote public policy which improves the economic and social well-being of New Hampshire women and families. For further information contact the NH Women's Lobby at 224-9105

Rep. Barbara C. French

The New Hampshire Dietetic Association is hosting a breakfast on Wednesday, May 21 at St. Paul's Church. Please join us anytime between 8:30 and 10:00 a.m. for a sit-down breakfast or put together a brown-bag breakfast for a snack to take with you.

Reps. Robert L. Wheeler and Peter Hoe Burling

The Manchester Republican Committee will hold a fund raising "Spring Fling" Dinner featuring the Honorable John H. Sununu at the Center of New Hampshire on Thursday, May 22nd. Reception at 6:00 p.m. Dinner at 7:00 p.m. Tickets \$50 each; Table of 10 \$450. RSVP by May 15. For more information contact Bobbi Arnold at 669-4814; or Rep. Bill Golding at 623-6562; or Rep. Winston McCarty at 668-4263.

Rep. William M. Golding

The New Hampshire Order of Women Legislators is now accepting applications for its scholarships. All NH men and women are eligible who are in transitional education in his/her field of endeavor with a view to public service. Applications may be obtained from Rep. Janet Arndt in Room 308, LOB or the NH University System and Technical College Admission Offices. Applications are due May 30th.

Rep. Janet S. Arndt

The Belknap County Republic Committee will hold its Annual Chicken Barbecue at the Smith Meeting House Gilmanton on Saturday, June 14 from Noon to 4:00 p.m. Donation \$15. For tickets see Reps. Rice, Thomas (528-5112), Rosen, Steve Nedeau, or any Belknap County Republican.

Rep. Thomas E.P. Rice, Jr.

WEDNESDAY, MAY 14

AMENDMENTS

(Listed in numerical order.)

1997-1236h

Amendment to SB 6

Proposed by the Committee on Executive Departments and Administration

Amend the bill by replacing all after section 1 with the following:

2 Real Estate Appraiser Board Composition Changed. RSA 310-B:4, I is repealed and reenacted to read as follows:

I. There is established an independent real estate appraiser board which shall be administratively attached to the department of state. The board shall be composed of the following 7 members, appointed by the governor with the consent of council:

(a) Three real estate appraisers with a minimum of 5 years' experience, consisting of one New Hampshire certified residential appraiser, one New Hampshire certified general appraiser, and one New Hampshire certified appraiser who is a broker licensed under RSA 331-A; provided that no 2 appraiser members shall be members of the same private appraisal organization.

(b) One representative from a New Hampshire lending institution,

(c) The banking commissioner or designee,

(d) Two members of the general public not associated directly or indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry.

3 Classifications of Real Estate Appraisers. Amend RSA 310-B:6, I is repealed and reenacted to read as follows:

I. There shall be the following classifications of real estate appraisers which shall meet the criteria as the board shall require by rules adopted under RSA 541-A:

(a) Apprentice. The apprentice real estate appraiser classification shall consist of those persons who do not meet the requirements under subparagraph (b), (c), or (d), but are in the process of completing the requirements for one of the classifications of a real estate appraiser. Apprentice real estate appraisers shall be required to work under the supervision of either a New Hampshire licensed or certified appraiser until the requirements for licensure or certification have been met.

(b) Licensed residential real estate appraiser.

(c) Certified residential real estate appraiser.

(d) Certified general real estate appraiser.

4 Chairperson's Signature Required. Amend RSA 310-B:16, I to read as follows:

I. A license or certificate issued under authority of this chapter shall bear the [signatures] signature of the [members] board chairperson or a designee who is a member of the board and a license or certificate number assigned by the board.

5 New Sections; Grievances; Complaints. Amend RSA 310-B by inserting after section 17 the following new sections:

310-B:17-a Grievances.

I. All grievances shall be in writing and objectively received and reviewed by the board.

II. If the board determines that a grievance requires further investigation, it shall be acted upon within 90 days.

III. Disposition of all grievances shall be voted on by the board.

IV. The board, on its own motion and in accordance with the provisions of this chapter, shall commence a disciplinary proceeding.

310-B:17-b Complaints.

I. Complaints shall not be accepted for filing with the board unless the grievance procedures in RSA 310-B:17-a have been concluded. The aggrieved party may proceed with the complaint process if the aggrieved party does not agree with the decision of the board.

II. To be accepted for filing, complaints shall be filed on a form provided by the board.

III. Properly filed complaints shall be reviewed by the board to determine compliance with this section.

IV. Upon confirmation that a complaint complies with the provisions of this section, the board shall schedule a disciplinary proceeding on the complaint in accordance with the provisions of RSA 541-A.

6 Disciplinary Proceedings. Amend the introductory paragraph of RSA 310-B:18 to read as follows:

The board may revoke or suspend [the] a licensure or certification [of], may assess a fine of not more than \$2,000 per violation or, in the case of a continuing violation, \$100 for each day the violation continues, whichever would be greater, or may require mandatory completion of continuing education, or may take any combination of the preceding actions, relating to any [licensed or certified] real estate appraiser, in accordance with the provisions of this chapter, upon any of the grounds set forth in this section[. The board may investigate the actions of a licensed or certified real estate appraiser, and may revoke or suspend the license or certificate of a licensed or certified real estate appraiser] for any of the following acts or omissions:

7 Guilty Plea or Nolo Contendere Relative to Convictions Deleted. Amend RSA 310-B:18, IV to read as follows:

IV. A conviction[, including a conviction based upon a plea of guilty or nolo contendere,] of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others.

8 Negligence or Incompetence Determined by Board; "Willful" Disregard Deleted. Amend RSA 310-B:18, VIII and IX to read as follows:

VIII. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal as determined by the board.

IX. [Willfully] Disregarding or violating any of the provisions of this chapter or the rules adopted by the board for the administration and enforcement of this chapter.

9 Time for Hearings; Fees for Apprentice Status. Amend RSA 310-B:19 and 20 to read as follows:

310-B:19 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, [both] all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 90 days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted within 90 days of receipt of the complaint before at least 5 members of the board. Written notice of all disciplinary decisions made by the board shall be given to [both] all parties to the proceeding upon their issuance. Orders of the board shall be subject to [rehearing and appeal in the manner prescribed by] the contested case provisions of RSA [541] 541-A.

310-B:20 Fees. The board shall establish fees for application, for examination of applicants, for apprentices, and renewals of apprentice status for licensure or certification, [and] for renewal of licensure or certification under this chapter, and 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 of the board for the previous fiscal year, and sufficient to provide for periodic payments to reimburse the general fund for money appropriated for the purposes of this chapter.

10 Reference to Council Deleted. Amend RSA 310-B:22 to read as follows:

310-B:22 Roster. A roster showing the names, classification and place of business of all real estate appraisers licensed or certified under this chapter, who have paid their annual federal registry fee to the board, shall be submitted annually with the moneys collected to the federal Appraisal Subcommittee[, Federal Financial Institutions Examination Council (FFIEC) pursuant to Title XI]. A copy of the roster shall be placed on file with the secretary of state.

11 New Section; Summons, Oaths, Witnesses; Procedures. Amend RSA 310-B by inserting after section 23 the following new section:

310-B:23-a Summons; Oaths; Witnesses.

I. The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint or disciplinary proceeding before the board.

II. The board may issue subpoenas with the approval of the office of the attorney general.

III. A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

12 Continuing Education Requirements Set by the Board. Amend RSA 310-B:24, VIII-a to read as follows:

VIII-a. Establishing continuing education and experience requirements which comport with [the] criteria [set forth by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council] set forth by the board.

13 Terminology Correction. Amend RSA 310-B:25 to read as follows:

310-B:25 [Separability] Severability. If any provisions of this chapter or the application thereof to any person or in any circumstance [is] are held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

14 Current Board Member. The member of the board licensed as a real estate broker immediately before the effective date of this act shall continue to serve as a member of the board for the remainder of the member's term as a public member of the board.

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

AMENDED ANALYSIS

This bill changes the composition of the board of real estate appraisers, establishes grievance and complaint and penalty procedures, and makes various technical changes regarding the professional regulation of real estate appraisers.

1997-1058h

Amendment to SB 16

Proposed by the Committee on Resources, Recreation and Development

Amend RSA 485:3, XI as inserted by section 1 of the bill by replacing it with the following:

XI. The commissioner may adopt rules to ensure long-term viability of public drinking water systems as required by section 119 of the federal Safe Drinking Water Act Amendments of 1996, 42 U.S.C. section 300g-9 to qualify for full eligibility for federal and state revolving fund capital grants.

1997-1080h

Amendment to SB 17

Proposed by the Committee on Commerce

Amend RSA 358-C:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A creditor involved in a consumer credit transaction or a debt collector designated to collect on a check, negotiable order of withdrawal, share draft, or other negotiable instrument may charge and receive a check collection charge of not more than \$25.

1997-1200h

Amendment to SB 18

Proposed by the Committee on Commerce

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

1 New Chapter; Sale of Certain Items. Amend RSA by inserting after chapter 358-P the following new chapter:

CHAPTER 358-Q

SALE OF CERTAIN ITEMS

358-Q:1 Restriction on Sale of Certain Items.

I. In this section "flea market" means any location other than a permanent retail store at which space is rented or otherwise made available to others for the conduct of business as transient or limited vendors. This term shall not include those persons who sell by sample, catalog, or brochure for future delivery, or those persons who make sales presentations pursuant to a prior invitation issued by the owner or the legal occupant of the premises.

II. No person shall sell, offer for sale, or permit the sale at any flea market of the following products with an expiration date that has passed.

(a) Infant formula or food manufactured and packaged solely for sale and consumption by a child under 2 years of age.

(b) Drugs, devices, and cosmetics as defined in RSA 146.

III. Any other product being offered for sale at a flea market beyond the expiration date shall be clearly marked indicating that the sale expiration date has passed and should be noted by the buyer.

IV. Any person who violates any provisions of this chapter shall be punished by a fine of up to \$100 for each violation.

358-Q:2 Enforcement. In addition to the penalty under RSA 358-Q:1, IV, any violation of the provisions of this chapter shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A may be used to enforce the provisions of this chapter. The department of justice shall maintain and make available for inspection a record of the violations of this chapter.

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

AMENDED ANALYSIS

This bill restricts the sale of certain items at flea markets.

1997-0980h

Amendment to SB 19

Proposed by the Committee on Resources, Recreation and Development

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall examine the impact on property owners and the state's resources of water withdrawals by businesses extracting the state's water for sale.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998.

1997-1223h

Amendment to SB 36

Proposed by the Committee on Labor, Industrial and Rehabilitative Services

Amend the bill by replacing section 1 with the following:

1 Reference Added; Exception Added. Amend RSA 281-A:52, I to read as follows:

I. Claims for compensation under this chapter shall not be assignable, and the compensation and any claim for compensation shall be exempt from all claims of creditors except as provided in this section and in RSA 622:53-58. Claims for payment by physicians, hospitals, and for other remedial care chargeable to the employee and rendered in connection with a compensated injury and claims of attorneys for services rendered an employee in prosecuting a claim under this chapter, when approved by the superior court, may be enforced against the compensation award in such manner as the superior court may direct.

AMENDED ANALYSIS

This bill clarifies the authority of the state to attach an incarcerated, convicted person's workers' compensation indemnity benefits to pay for the cost of such inmate's care.

1997-1050h

Amendment to SB 41

Proposed by the Committee on Labor, Industrial and Rehabilitative Services

Amend the bill by replacing section 1 with the following:

1 New Section; Whistleblower Protection Act; Complaints Required to be Filed Within 6 Months. Amend RSA 275-E by inserting after section 4 the following new section:

275-E:4-a Statute of Limitations. A request by an employee for a hearing pursuant to RSA 275-E:4 must be filed with the department within 6 months of the date that the discharge, last threat or other discrimination by the employer occurred.

AMENDED ANALYSIS

This bill requires that requests for a hearing by employees under the whistleblower protection act be filed within 6 months from the date of the discharge, last threat or other discrimination by the employer.

1997-1291h

Amendment to SB 54-FN

Proposed by the Committee on Executive Departments and Administration

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

AN ACT relative to earnable compensation after termination, creditable service for job-sharing teachers, and gainful occupation of disability beneficiaries in the New Hampshire retirement system.

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

1 Definition of Earnable Compensation; Limitation on Compensation Paid After Termination. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and other compensation paid to the member by the employer, plus the fair market value of non-cash compensation such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include any compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

2 Gainful Occupation; Current Comparable Compensation. Amend RSA 100-A:6, III(b) and (c) to read as follows:

(b)(1) If the board of trustees finds that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between [his] the beneficiary's retirement allowance and the [annual amount of compensation currently payable for the job classification last held by the beneficiary prior to his disability retirement] current comparable compensation, then [his] the beneficiary's state annuity may be reduced to an amount which, together with [his] the member annuity and the annual amount earnable [by him], is equal to the [annual amount of compensation currently payable for the job classification last held by the disabled beneficiary] current comparable compensation. Such reduction shall not be made if the disabled beneficiary demonstrates to the satisfaction of the board of trustees that the annual compensation currently earnable [by him] does not exceed the difference between [his] the beneficiary's retirement allowance and the [annual amount of compensation currently payable for the job classification which he last held prior to his disability retirement] current comparable compensation. If [his] the beneficiary's

earning capacity is later changed, [his] the state annuity may be further modified; provided that the new state annuity shall not exceed the amount of the state annuity originally granted nor an amount which, when added to the amount earnable [by him], together with [his] the member annuity, equals the [annual amount of compensation currently payable for the job classification last held prior to his disability retirement] current comparable compensation. It shall be the responsibility of the disability beneficiary to file with the board of trustees, annually on a date determined by the board, proof of the annual amount of compensation currently earnable [by him] and of the [annual amount of compensation currently payable for the job classification last held by him prior to his disability retirement] current comparable compensation.

(2) For purposes of this subparagraph, "current comparable compensation" means the greater of:

(A) The annual amount of compensation currently payable for the job classification last held by the beneficiary prior to disability retirement; or

(B) The beneficiary's average final compensation increased by an amount for each year since disability retirement calculated using the Consumer Price Index for All Urban Consumers (CPI-U) as determined by the Bureau of Labor Statistics.

(c) Except for payments made under RSA 281-A:37 or compensation which is not earnable compensation under RSA 100-A:1, XVII, any amounts which may be paid or payable to or on account of any member or retired member on account of any disability to which the employer has made contributions under the provisions of any workers' compensation or similar law or plan shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu of any state annuity on account of the same disability.

3 Creditable Services; Teacher Job Sharing; Prospective Amendment Extended. Amend 1995, 270:4, I to read as follows:

I. Section 3 of this act shall take effect July 1, [1997] 2000, at 12:01 a.m.

4 Funding. Any increase in retirement system pension liabilities due to an increase in the state annuity payable to a disability beneficiary pursuant to section 2 of this act shall at the option of the board of trustees of the retirement system, either be terminally funded from the special account established by RSA 100-A:16, II(h) or funded by an increase in the normal contribution rate as determined by the actuary.

5 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(a) Excludes from earnable compensation any compensation paid later than 120 days after a retirement system member's termination of employment.

(b) Extends the statutory provision granting full creditable service for the amount of actual pay for teachers in a job-sharing position for 3 years.

(c) Changes the method for determining the allowable gainful occupation for a disability beneficiary of the retirement system.

1997-1195h

Amendment to SB 63-FN

Proposed by the Majority of the Committee on Transportation

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

I Purpose.

I. Identity-based fraud is costly to New Hampshire consumers, businesses and governmental entities.

II. Development of technology which allows for instant verification of a person's identity through the use of photographs may assist in the reduction of identity-based fraud.

III. In allowing qualified businesses access to certain records maintained by the department of safety and contained in driver licenses and non-driver

identification cards for the sole purpose of reducing identity-based fraud, the state satisfies a legitimate state interest.

2 New Subparagraph; Availability of Personal Information. Amend RSA 260:14, V by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding any other provision of law, an applicant's specific personal information may be made available by the department in accordance with this subparagraph.

(1) The department shall, after entering into a contract with the requesting entity based on terms and conditions satisfactory to the department and consistent with RSA 260:14,V(c), provide a requesting entity with an applicant's specific personal information upon proof of the identity of the requesting entity and the representation of the requesting entity, in a form satisfactory to the department, that such requesting entity and the use of the specific personal information by such requesting entity satisfy each of the following conditions:

(A) The requesting entity is engaged in the business of providing to third parties mechanisms to reduce or prevent identity-based fraud such as mechanisms to (i) provide information to verify the proper use of credit cards, debit cards, checks, and such other forms of financial transactions as may be approved by the commissioner; (ii) prevent the fraudulent use of credit cards, debit cards, checks and such other forms of financial transactions as may be approved by the commissioner; or (iii) prevent identity-based application fraud.

(B) The requesting entity has a place of business in New Hampshire and agrees in writing at the time the request for such specific personal information is made that the requesting entity will be subject to the jurisdiction of the state of New Hampshire. Any agreements entered into by the department regarding disclosure of such specific personal information shall be construed according to the laws of New Hampshire.

(C) Any specific personal information provided to the requesting entity shall be used solely to verify the identity of the holder of an account or of the person as the applicant by use of the photograph or digitized image, name, and address of the applicant provided to the requesting entity by the department. All specific personal information, other than the photograph or digitized image, name, and address, shall be used by such person only to correlate the photograph or digitized image, name, and address of the applicant with the applicant's account or identification. Under no circumstances shall any specific personal information of the applicant, other than the photograph or digitized image, be available or recorded at the point of service.

(D) All specific personal information received by such requesting entity from the department shall be encrypted by such requesting entity and protected from access or use by any other person. The department may audit the storage and use of the specific personal information provided to the requesting entity, and the requesting entity shall facilitate the audit. No such requesting entity shall sell, rent, transfer, or otherwise make available such specific personal information to another person except for the purpose set forth in RSA 260:14, V (c)(1)(C).

(E) Upon dissolution of the requesting entity, in which the requesting entity, its successors and assigns, cease operation of its business, no transfer of any equipment of the requesting entity shall occur unless all specific personal information is deleted from such equipment.

(F) In the event of any sale, purchase, merger, acquisition, reorganization, or any other transfer of the requesting entity or the business of the requesting entity, such buyer, purchaser, survivor, acquirer, reorganized entity, or other transferee shall be subject to the provisions of RSA 260:14,V(c).

(G) Prior to the release by the department of any specific personal information of an applicant pursuant to subparagraph V(c), the requesting entity shall give personal notice in the form of an individually-addressed letter or postal card mailed by the department to each applicant via first-class U.S. mail or bulk mail with re-routing. The notice shall state that the requesting entity is seeking this specific personal information from the department for the purpose set forth in subparagraph V(c). The individually-addressed letter or postal card shall afford each applicant the opportunity, in the form of a check-off box, to notify the department that the applicant elects not to have specific personal information disclosed for such purpose. Upon receipt of such notification, the department shall not release specific personal information of such applicant. The form and content of the individually-addressed letter or postal card shall be approved by the department.

(H) The requesting entity shall pay in advance all costs of the notices required under subparagraph V(c)(1)(G), including all mailing costs, and shall pay in advance all other reasonable costs incurred in providing the specific personal information to the requesting entity, including, but not limited to, all reproduction, transmission and assembly costs related to the request for the specific personal information and the delivery of the information to the requesting entity. The department is authorized to expend the moneys for the purpose for which they are received.

(I) The requesting entity shall be required by the department to maintain for a period of not less than 5 years records identifying each access of an applicant's specific personal information and make such records available to the department upon request.

(J) The department may release specific personal information to the requesting entity 30 calendar days after the mailing of the notice pursuant to RSA 260:14,V(c)(1)(G). The department shall specify on the notice a date for the return of the election not to have specific personal information disclosed for the purpose set forth in subparagraph V(c).

(2) An applicant shall be provided opportunities to make the following elections:

(A) Application forms for a driver's license, a renewal of a driver's license, or a non-driver identification card shall provide each applicant the opportunity, in the form of a check-off box, to notify the department that the applicant elects not to have specific personal information disclosed for the purpose set forth in subparagraph V(c). The instructions for the check-off box shall be provided in a clear, simple, and conspicuous manner.

(B) The department shall provide and post clear, simple and conspicuous notice of the opportunity for an applicant to elect not to have specific personal information disclosed for the purpose set forth in subparagraph V(c) at each of its offices at which it requests specific personal information. The department shall also request that the same be done by municipal agents of the department appointed pursuant to RSA 261:74-a. Wherever such notices are posted, the department shall make available forms containing a check-off box for the purpose of making this election. The department and its municipal agents shall accept such forms only after verification of the identify of the applicant.

(C) Each entity which has one or more points of service which uses mechanisms to reduce or prevent identity based fraud shall provide clear, simple, and conspicuous notice to its customers that they may elect not to have their specific personal information disclosed by the department.

(D) The department may adopt other reasonable procedures to allow an applicant to have his or her specific personal information retained by the department and shall adopt procedures by which an applicant may reverse his or her election.

(3) The requesting entity shall be given the opportunity to have an educational packet mailed by the department to all applicants who have elected not to have specific personal information disclosed for the purposes set forth in subparagraph V(c). The educational packet may include information about the intended purpose for which an applicant's specific personal information will be used by the requesting entity and an election opt-in form. The applicant shall not be required to return any form to the department except in the event that the applicant wishes to reverse a prior election not to have specific personal information disclosed. The educational packet shall include an explanation and disclaimer by the department indicating that the department takes no official position on the identity-based fraud detection program offered by the requesting entity. The requesting entity shall pay in advance all costs of the educational packets, including costs of mailing the packets and processing the opt-in forms.

(4) The department shall make no further release under subparagraph V(c) of the specific personal information of an applicant who makes an election under subparagraphs V(c)(1) or (2) unless such applicant changes such election pursuant to RSA 260:14,V(c)(3) or makes an election in writing and his or her identity is verified by the department or its municipal agent. The department shall notify the requesting entity of those applicants who have made such an election, and such requesting entity shall forthwith remove from its records the specific personal information provided by the department and shall retain no list of such applicants.

(5) No person shall refuse to engage in a financial transaction with another person, deny service to another person, deny credit to another person, or refuse to do business with another person solely because some or all of the other person's specific personal information does not appear on the mechanism to reduce or prevent identity-based fraud.

(6) Nothing in RSA 260:14, V(c) shall be construed in such a manner as to vest a requesting entity with any right, title, or interest in the specific personal information of an applicant beyond the specific uses and purposes prescribed under the subparagraph.

(7) For the purposes of this subparagraph V(c), the following definitions shall apply:

(A) "Applicant" means the individual whose specific personal information is in the possession of the department and is being requested by a requesting entity qualified under subparagraph V(c).

(B) "Election opt-in form" means an official form approved

by the department and included in the educational packet for purposes of RSA 260:14,V(c)(3).

(C) "Holder" and "holder of the account" mean the individual in whose name a credit card account, debit card account, checking account, or other financial account is maintained.

(D) "Mechanisms to reduce or prevent identity-based fraud" means devices linked to a computer system which, when activated at the point of service, produce only a photograph or digitized image of the applicant whose account has been activated at the point of service and such photograph or digitized image allows for verification that the person seeking the service or making application is the holder of the account, is an authorized user of the account of such person, or is the person.

(E) "Specific personal information" means an applicant's name, address, photograph or digitized image, subject to the extent that such applicant has otherwise elected not to have such information disclosed, driver's license number or non-driver's identification card number, and the last 4 digits of an applicant's social security number, if the social security number is shown on the applicant's driver's license or non-driver identification card.

(F) "Requesting entity" means the individual, person, corporation, partnership, limited liability company, or other entity which requests access to specific personal information and is qualified pursuant to RSA 260:14, V(c).

3 Effective date. This act shall take effect upon its passage.

1997-1301h

Amendment to SB 94-LOCAL

Proposed by the Committee on Commerce

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

AN ACT repealing the New Hampshire civic center commission.

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

1 Repeal. 1996, 184, relative to the New Hampshire civic center commission, is repealed.

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

AMENDED ANALYSIS

This bill repeals the New Hampshire civic center commission.

1997-1198h

Amendment to SB 98

Proposed by the Committee on Labor, Industrial and Rehabilitative Services

Amend RSA 276-A:5, V as inserted by section 1 of the bill by replacing it with the following:

V. Certificates shall be obtained by an employer within 3 business days of the first day of employment. Copies of certificates shall be kept on file by all employers of youths.

AMENDED ANALYSIS

This bill requires that youth employment certificates be obtained by the employer within 3 days of the first day of employment.

1997-1062h

Amendment to SB 124

Proposed by the Committee on Executive Departments and Administration

Amend RSA 310-A:70, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) By assessing administrative fines not to exceed \$2,000 per violation or, in the case of continuing violations, \$100 for each day the violation continues, whichever would be greater.

AMENDED ANALYSIS

This bill gives the state board of licensure for land surveyors the authority to impose administrative fines up to \$2,000 per violation or \$100 per day for continuous violations, whichever would be greater.

1997-1286h

Amendment to SB 139

Proposed by the Committee on Commerce

Amend RSA 384:65 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraphs I-IV, no bank authorized to exercise trust powers in this state which is acting as a fiduciary shall purchase for the fiduciary estate any bond or other security issued by such bank or an affiliate thereof, unless the bank is expressly authorized to do so by the terms of the instrument creating the trust, a court order, the written consent of the grantor of the trust, or the written consent of the beneficiaries of the trust.

1997-1203h

Amendment to SB 153

Proposed by the Committee on Transportation

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

AN ACT relative to driver's license application forms.

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

1 Social Security Number; Driver's License Applicant's Options. The section heading of RSA 263:40-a and RSA 263:40-a, I are repealed and reenacted to read as follows:

263:40-a Social Security Numbers; Application Form Options.

I. The application form for a driver's license or a renewal of a driver's license may request the social security number of the applicant. An applicant for a renewal of a driver's license who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number. The application form shall include a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph, a box to check off if the applicant does not wish to have his or her social security number appear on the license, and a box to check off if the applicant does not wish to have his or her computerized image, likeness, or photograph retained in the records of the department of safety.

2 Purpose. The purpose of this act is to change the purpose of the increase of drivers' license fees made in 1991, 347:10, for the establishment of an on-line imaging system for driver licensing, so that an applicant may elect to have the department of safety not retain his or her image, likeness, or photograph in the records of the department.

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

AMENDED ANALYSIS

This bill requires that driver's license applications include check-off boxes allowing the applicant to indicate whether the applicant wishes to provide his or her social security number, whether the applicant wishes that the social security number not be printed on the license, and whether the applicant wishes that his or her image, likeness, or photograph not be retained by the department of safety.

1997-1221h

Amendment to SB 203-FN-LOCAL

Proposed by the Majority of the Committee on Education

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

AN ACT adding county correctional facilities and making other technical changes to the provisions relating to incarcerated educationally disabled children.

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

1 County Correctional Facilities Added. Amend RSA 186-C:19-a to read as follows:

186-C:19-a Educationally Disabled Children at the Youth Development Center, the State Prison, County Correctional Facilities, and the Youth Services Center.

I. For an educationally disabled child at the youth development center [or], the state prison, county correctional facilities, or who is placed at the youth services center maintained by the department of youth development services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, the school district responsible for the development of [an] that child's individualized education plan and the child's special educational expenses shall be as follows:

(a) If such child is in the legal custody of the parent, the school district in which the child's parent resides at the time the child was physically placed at the youth development center, state prison, county correctional facility, or youth services center, shall be responsible.

(b) If such child is not in the legal custody of the parent or if the parent with legal custody resides outside the state, the New Hampshire school district in which the child [most recently] resided at the time the child was physically placed at the youth development center, state prison, county correctional facility, or youth services center, other than in a state institution, home for children or health care facility as defined in RSA 193:27 shall be responsible.

[(c)]II. For the purposes of this section, a parent shall not have legal custody if legal custody has been awarded to some other person or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this section.

[II. The] III. For the purposes of this section, a school [district] district's liability for special educational expenses for an educationally disabled child in the youth development center, [or] the state prison, county correctional facilities, or who is placed in the youth services center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

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

AMENDED ANALYSIS

This bill adds county correctional facilities and makes certain technical changes to the provisions relating to incarcerated educationally disabled children.

NOTICE

MONDAY, JUNE 23

The Bill White Memorial Golf Tournament is scheduled for Monday, June 23 at Plausawa Valley Country Club, Pembroke. Entry fee for the 24th Annual Tourney is \$47 per person and includes green fees, cart, dinner (barbecue) and prizes. Shot-gun start at 9:00 a.m. Format: Captain and crew. Sign-up as foursomes or sign-up by yourself and be placed in a foursome. Please include payment with entry by June 16th to Sandy Wheeler at the LOB Lobby desk. (Checks should be made payable to David Saltmarsh.)

Names (1)_(2)_.

(3)_(4)_.

Reps. Robert L. Wheeler and Peter Hoe Burling