

State of
New Hampshire
HOUSE RECORD

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

Vol. 19 Concord N.H. Wednesday, May 28, 1997 No. 67

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for May 28

HOUSE CALENDAR

NOTICE

Members of the House:

If we are able to complete our work listed in today's calendar, we will next meet on Tuesday, June 10 at 10 a.m. to take up Committee of Conference reports. The midday recess today will be extended to allow committees to meet at 1:00 p.m. to review Senate amendments to House bills. Following this, the House will reconvene to act on requests for concurrences, to establish committees of conference, and to receive other Senate messages.

This next week will be very busy as we work to resolve any differences we have with our Senate counterparts on proposed legislation. If you have any questions about the process or specific proposals, I encourage you to call or stop by.

I am pleased to announce the appointment of Representative Godfrey Howard of Tuftonboro as coordinator of the continuing education program. I know he will continue the fine tradition set by Carol Holden as he has enthusiastically and conscientiously attended the forums offered and has a keen interest in this area.

If you have any ideas or suggestions for Representative Howard, please be sure to share them with him.

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

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, May 28 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, May 28 at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

NOTICE

LEGISLATIVE FORUM

HOUSE CONTINUING EDUCATION

TOPIC: Department of Treasury

PRESENTER: Georgie A. Thomas, State Treasurer

DATE: Thursday, May 29

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.

WEDNESDAY, MAY 28

CONSENT CALENDAR

FINANCE

SB 93, relative to employees of employers who hire recipients of state assistance under the employment assistance program. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance: The only fiscal impact of this bill is the provision (Section 1, IV) for participants in subsidized employment programs to be considered state employees for the purpose of workers' compensation even though they are on the payroll of private employers. Because the estimate of these workers' compensation costs to the state was "significant" but "undetermined" and that no costs were budgeted, the bill was amended to eliminate this provision. Vote 20-0.

SB 155, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. OUGHT TO PASS

Rep. Frances L. Riley for Finance: Although the passage of this bill would require the Department of Education, in conjunction with the Department of Corrections and county governments, to prepare and adopt a plan for providing special education to inmates in the state prison and county correctional facilities who require such service, there was no provision for implementing the plan, and consequently no fiscal impact to the proposal. Further legislation in a subsequent session would be required to put the adopted plan into operation. Vote 20-0.

SB 172, making various changes to the workers' compensation law. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill deals mostly with policy issues and it was determined that there was no financial impact to the state. Vote 18-0.

SB 203-FN-L, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: The Finance Committee supports this bill as amended by the House Education Committee. The committee amendment removes the word "special" from the bill when referring to educational expenses Vote 19-1.

SB 207-FN, relative to a digital signature act. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: SB 207 as amended by Finance narrows the scope of digital signatures to communications between state agencies and private entities dealing with the state. It also avoids the state's direct involvement as a certification authority or repository. The Commissioner of Administrative Services will implement the provisions of this bill. The amendment will reduce state expenditures from \$265,000 to \$20,000 over the biennium. Vote 19-0.

WEDNESDAY, MAY 28

REGULAR CALENDAR

FINANCE

SB 79, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended is the result of a compromise between the bill sponsors and the state treasurer. The amendment changes current law to the effect that gift certificates under \$75 and store credits that were issued for store merchandise credit shall not escheat to the state. Testimony from the state treasurer indicated there would be a minimal financial impact to the state. Vote 13-6.

SB 162-FN-A-L, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The amendment reflects the joint efforts of the Finance Committee, the bill sponsors and the private conservation groups which are proponents of the purchase of the Lake Tarleton property. The Finance Committee amendment reduces the appropriation from \$950,000 to \$500,000. In order to accomplish this reduction, the amendment specifically excludes the purchase of any real estate upon which there are any existing structures. The bill does however, allow for the purchase of conservation easements over these lots. The net result of the committee amendment allows for the Lake Tarleton property to be conserved in partnership with federal and private concerns at a significantly reduced cost to the State of New Hampshire Vote 14-3.

SB 169-FN, relative to a college tuition savings plan. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The Finance Committee amendment adds language which is consistent with other bills which create boards and commissions. Additionally, the amendment requires that the commission issue reports, at least annually, which detail the status of an individual's investments in the plan. Vote 20-0.

SB 180-FN-A, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The revolving loan fund established under this law is for a very narrow group of airports that are open to the public, and part of the state airport system. The eligible airport must be in a town of 14,000 population or less. The bonds, if needed, to establish the fund, will have payments covered by airport payments, and thus will not add to the general fund bonding. Vote 18-1.

SB 202-FN-A-L, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: Testimony before the committee posed problems with the recertification proposal and "standards of the world's top performing nations," for high school testing. The committee amendment provides that every teacher will be tested at least once and periodically thereafter as directed by the state board and department. Clarifying language for "standard of the world's top performing nations," has been added. Also the amendment removed the \$300,000 for

developing the twelfth grade test. Most of that money won't be required until the next biennium. Vote 11-6.

SB 209-FN, establishing a residential care pilot program and providing for the funding of such program. RE-REFER TO COMMITTEE

Rep. O. Alan Thulander for Finance: The passage of HB 32-A last session directed the Commissioner of Health and Human Services to formulate a plan dealing with long-term care needs. That plan has been completed, and the department intends to begin to implement its provisions in 1998 by funding a continuum of care. Although no commitments have been made, it is expected that residential care will be an important component. There was little disagreement in the committee about the value of residential care in providing services to our needy elderly population. However, the committee believes it is inappropriate to interject a pilot program into this comprehensive planning process at this time. Moreover, it would appear that any residential care facility in the proposed pilot project would violate its license; that a necessary request for a waiver from the federal government would take at least a year and probably wouldn't be granted; that implementation will result in a waiting list for people eligible for assistance; and finally that implementation of this program would require reassignment of HHS staff and resources from higher priority projects. In addition, there would be an Article 28-A violation to the extent that counties are required to participate financially in the proposed pilot project. The committee recommends re-referral of this bill as insurance in the unlikely event residential care is not included in the department's long-term care implementation plan. Vote 11-6.

SB 216-FN-A, relative to pari-mutuel racing and taxes on pari-mutuel pools. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: SB 216 is designed to equalize and simplify the complex pari-mutuel tax system currently in place. It is also intended to provide a mechanism to provide more purse money for horse racing at Rockingham Park through a tax cut. As it came to the Finance Committee, SB 216 would have cost the state roughly \$2.5 million per year. The Finance Committee amendment lessens the impact to the state funds while maintaining the intent to simplify the tax system. Under the amendment, a tax rate for any type of racing (horse, harness or dog) would apply to all tracks. The amendment also provides money for purses by setting aside certain funds to supplement the existing purses that would otherwise have gone to the state through 1/2 of its share of "breakage," or the odd cents after distribution of prizes. Those funds are available to each of the 4 New Hampshire tracks for live racing. Revenue to the state will decrease by about \$650,000 in the coming fiscal year. The amendment removes telephone betting and account wagering because the committee felt that there was not enough information on these products to determine the fiscal impact. Vote 15-1.

NOTICE

MEMBERS OF THE HOUSE:

I would like to thank those members who attended the Continuing Education Session on Committees of Conference. For those of you who were not able to attend, the procedures are outlined below. If any questions arise as we go through this process, please do not hesitate to contact me.

Donnalee Lozeau, Deputy Speaker

1997 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will concur, non-concur, or request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Speaker generally will appoint members from those committees which have heard the bill. Chairmen will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees. Chairmen should recommend only those members from their policy committees. In the case of a bill which has gone to a policy committee and Finance, one slot is generally reserved on the four member Committee of Conference for a member from the Finance Committee.
- For House bills in Committee of Conference, the House Committee of Conference Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.(House Rule 43(b)(3))
- The House and Senate Committees of Conference on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments to the

bill which are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill.(House Rule 49 (b))

The sponsor of a bill which is in Committee of Conference shall be granted a hearing upon request.

- A unanimous vote of both the House and Senate Committees of Conference voting separately is necessary for an agreed upon report to be sent to the House and Senate.
- Reports of all Committees of Conference must be filed with the Office of Legislative Services by June 5, at 5 p.m. All Committee of Conference members must sign all Committee of Conference reports in the Office of Legislative Services.
- The first-named House member on all bills in Committee of Conference must prepare an analysis of the report for printing in the House Calendar. This blurb should contain a complete explanation of all changes made to the bill since it was passed by the House.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day.
- A Committee of Conference report on either a House or Senate bill may be placed on the Consent Calendar only upon a unanimous vote of all House conferees.(House Rule 49 (d)).

• COMMITTEES OF CONFERENCE

HB 252, relative to posting of bylaws in advance of any town election. (Reps. Horton, Root, Hart and Buckley; Sens. Gordon, Barnes and J. King)

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; Sens. Podles, Pignatelli and Gordon)

HB 450, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (Reps. Belvin, Snyder, Searles and Dearborn; Sens. Rubens, McCarley and Johnson)

SB 4, relative to patient information. (Sens. Danais, Squires and K. Wheeler; Reps. Calvert, Case, Batula and French)

SB 21, excepting persons who are 17 years old and graduated from high school from the youth employment law. (Sens, Squires, Francoeur and Pignatelli)

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. (Sens. Pignatelli, Gordon and Russman)

SB 159-FN, , establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A. (Sens. Squires, K. Wheeler and Podles)

SB 163, relative to the Uniform Anatomical Gift Act. (Sens. Gordon, Squires and Pignatelli)

SB 183-FN, relative to liquor licenses for a sports/entertainment complex. (Sens. F. King, Danais, Blaisdell)

SB 189-FN-L, authorizing the department of safety to issue resident driver's licenses to certain aliens.(Sens. Patenaude, Whipple and Rubens; Reps. J. Flanders, Malcolm, Peter Cote and Veazey)

HOUSE BILLS AMENDED BY THE SENATE

HB 50-FN-A-L, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. (SJ 19)

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. (House Concurred 5/14/97)

HB 121, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules. (SJ 17)

HB 154-L, defining "legal resident" for purposes of school attendance. (SJ 20)

HB 157, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks. (SJ 16)

HB 165, establishing a committee to study withdrawal from cooperative school districts. (House Concurred 5/20/97)

HB 181, prohibiting the sale or distribution of exotic aquatic weeds and increasing certain fees. (SJ 17)

HB 188-FN, relative to the authority of the boxing and wrestling commission. (SJ 19)

HB 197-FN, relative to the regulation of wetland scientists. (SJ 19)

HB 201-L, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. (SJ 18)

HB 230, establishing a committee to study the school building aid system. (House Concurred 5/20/97)

HB 243, relative to criminal penalties and license revocation following a conviction for shooting and wounding or killing a human being while hunting. (SJ 20)

HB 249, clarifying the authority of local police officers to serve cease and desist orders against planning and zoning violations. (House Concurred 5/7/97)

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. (House Nonconcurrent; C-of-C 5/14/97)

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 258-FN, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies. (House Concurred 5/20/97)

HB 262-FN-A-L, establishing a National Information Infrastructure oversight committee. (SJ 18)

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 289-L, authorizing annual school district meetings to be held at multiple locations. (SJ 18)

HB 300, establishing a commission to study judicial salaries and retirement benefits. (SJ 20)

HB 318, making technical changes to the provisions relating to school administrative units. (SJ 20)

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

HB 327, relative to pledges for loans, finance charge disclosure statements, debt adjusters, and consumer credit transactions. (House Concurred 5/20/97)

HB 329, clarifying the applicability of the fireman's rule. (SJ 17)

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 340, relative to the real estate commission and its licensing and bonding requirements. (SJ 17)

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

HB 344-L, relative to planning board procedures on plats. (SJ 18)

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. (House Concurred 5/14/97)

HB 378, regulating the practice of acupuncture. (SJ 17)

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. (House Concurred 5/14/97)

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

HB 426, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities. (SJ 20)

HB 430, relative to registration of political committees and to political expenditures and contributions. (SJ 20)

HB 431, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection. (SJ 20)

HB 436-FN-L, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. (SJ 19)

HB 437-FN-L, relative to certain health officers. (SJ 19)

HB 442, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy. (SJ 20)

HB 447, eliminating the grandfather clause for licensure of professional engineers. (SJ 17)

HB 448, relative to the trust fund for the prevention of child abuse and neglect. (House Concurred 5/20/97)

HB 450, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (House Nonconcurrent; C-of-C 5/20/97)

HB 453, relative to the bank commissioner's regulation of sales finance companies and retail sellers. (SJ 17)

HB 454, relative to food service establishments. (SJ 20)

HB 457-FN, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official repository of state government information. (SJ 19)

HB 459-FN, establishing a youth operator's license for persons under 18 years of age. (SJ 19)

HB 462-FN, requiring the department of safety to inform persons under 21 years of age of the DWI laws. (SJ 19)

HB 469, relative to the rules of the board of dental examiners. (SJ 17)

HB 472, establishing the council for children and adolescents with chronic health conditions. (SJ 20)

HB 473, relative to the use of watercraft and boats on the waters of Chocorua Lake in the town of Tamworth. (SJ 17)

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

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

HB 528-LOCAL, relative to municipal water, gas and electric utilities. (House Concurred 5/20/97)

HB 537-FN, relative to the practice of allied health professionals. (SJ 19)

HB 536, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit, and clarifying the process for issuing orders for dam repair. (SJ 20)

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

HB 554, relative to damages in suits brought by administrators of an estate. (SJ 20)

HB 564-FN-A, increasing the cigarette tax. (SJ 19)

HB 566-FN-A-L, relative to the applicability of the property tax to electric plants and pipelines. (SJ 19)

HB 567-FN-L, relative to administration of vital records. (SJ 19)

HB 575, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements. (SJ 20)

HB 580-FN, providing that the proper place for filing security interests on manufactured housing is in the office where mortgages or real estate are filed or recorded. (House Concurred 5/20/97)

HB 582-FN, relative to medicaid rate setting. (SJ 19)

HB 584-L, relative to the duties of school nurses. (SJ 20)

HB 588-FN, relative to certification of operators of solid waste plants, water treatment plants, and wastewater treatment plants, and adding late renewal fees. (SJ 17)

HB 592-FN-A-L, establishing an advisory council on brain and spinal cord injuries. (SJ 18)

HB 599-FN, relative to youth access to tobacco products. (SJ 19)

HB 602-FN-A, repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption. (SJ 19)

HB 611-FN, making state securities laws comply with the National Securities Markets Improvement Act. (SJ 16)

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 677-FN, increasing the wetlands excavating and dredging permit fee for major and minor projects. (SJ 17)

HB 688-FN-A, establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession. (SJ 19)

HB 690, establishing a long-term care institute. (SJ 20)

HB 693, establishing a house committee to examine water quality issues. (SJ 17)

HB 700-FN-L, relative to the renovation of regional vocational education centers and expanding an existing appropriation to include such renovations. (SJ 19)

- 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 711**, relative to post-termination commissions. (SJ 20)
- HB 718**, changing that which constitutes the practice of medicine. (SJ 20)
- HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. (SJ 19)
- HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system, and the 911 system. (SJ 19)
- HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. (SJ 19)
- HB 737**, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation. (House Concurred 4/23/97)
- HB 755-FN**, relative to OHRVs and increasing certain OHRV registration fees (SJ 18)
- HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program. (SJ 19)
- HB 773-FN**, relative to intentional interference with child custody and visitation. (SJ 19)
- HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. (SJ 18)
- HB 785-FN**, relative to alcohol and other drug abuse professionals. (SJ 19)
- HB 799**, regulating the sale of insurance by financial institutions. (SJ 18)
- HB 806-FN-L**, relative to the business finance authority. (SJ 19)
- HCR 2**, urging all school districts in the state of New Hampshire to implement peer mediation programs. (SJ 11)
- HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. (SJ 20)
- HJR 2**, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act. (House Concurred 5/20/97)

L A I D O N T A B L E

- 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.)

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

W E D N E S D A Y , M A Y 2 8

C O M M E R C E , R o o m 3 0 2 , L O B

1:00 p.m. Work session.

C R I M I N A L J U S T I C E A N D P U B L I C S A F E T Y , R o o m 2 0 4 , L O B

1:00 p.m. Work session.

EDUCATION, Room 207, LOB

1:00 p.m. Work session.

ELECTION LAW, Room 308, LOB

1:00 p.m. Work session.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Work session.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

1:00 p.m. Work session.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Work session.

FINANCE - (DIVISION II), ROOM 209, LOB

1:00 p.m. Revenue estimates and executive session.

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

1:00 p.m. Work session.

JUDICIARY AND FAMILY LAW, Room 208, LOB

1:00 p.m. Work session.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

1:00 p.m. Work session.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

1:00 p.m. Work session.

LOCAL AND REGULATED REVENUES, Room 206, LOB

1:00 p.m. Work session.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. Work session.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

1:00 p.m. Work session.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

1:00 p.m. Work session.

SCIENCE , TECHNOLOGY AND ENERGY, Room 304, LOB

1:00 p.m. Work session.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 301, LOB

1:00 p.m. Work session.

TRANSPORTATION, Room 203, LOB

1:00 p.m. Work session.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

1:00 p.m. Work session.

MONDAY, JUNE 2

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

11:00 a.m. Rescheduled regular meeting.

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

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

TUESDAY, JUNE 3

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 203, LOB

10:00 a.m. Regular meeting.

ELECTION LAW, Room 308, LOB

9:30 a.m. Subcommittee work session on ***HB 484***, relative to registration of certain voters who vote by absentee ballot.

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

JOINT COMMITTEE ON EMPLOYEE RELATIONS (RSA 273-A:9,V), Room 206, LOB

1:00 p.m. Public hearing.

Executive session, if needed.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Subcommittee work session on ***HB 234-FN-LOCAL***, relative to disposition by counties of funds of deceased patients of county nursing homes, ***HB 774-FN***, relative to child support, custodial rights, and visitation, ***HB 793***, limiting the civil liability of persons engaged in equine activities and ***SB 197-FN***, relative to final dispositional orders in child protection cases.

PERMISSIBLE FIREWORKS REVIEW COMMITTEE (RSA 160-B:23), Room 204, LOB

10:00 a.m. Regular meeting.

WEDNESDAY, JUNE 4

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

1:00 p.m. Regular meeting.

MONDAY, JUNE 9

CRIMINAL JUSTICE AND PUBLIC SAFETY

8:00 a.m. Committee will meet in front of LOB for scheduled visit to various District and Superior Courts

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

9:00 a.m. Regular business.

RULES, Room 201, LOB

1:00 p.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.

FRIDAY, JUNE 27

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

9:30 a.m. Rescheduled 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 NOTICE

The Hillsborough County Executive Committee budget meetings will take place as follows: Friday, May 30 at the Department of Corrections at 8:30 a.m.; Monday, June 2 at the Hillsborough County Nursing Home at 8:30 a.m.

Rep. Frances L. Riley, Chairman

Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

The Strafford County Delegation will meet with Mr. Art Nickless of the Pease Development Authority on Wednesday, May 28 at noon in Room 305, LOB. Bring your lunch.

Rep. Deborah F. Merritt, Chairman

Strafford County Executive Committee

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 are available from the Sergeant-at-Arms office. All are welcome.

Rob Johnson, II, Sergeant-at-Arms

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

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, 440, 447, 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; 611, 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

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

Karen O. Wadsworth, Clerk of the House

UPDATE ON CALENDAR MAILINGS

It now appears there is nothing more that can be done about the late delivery of our Calendars. The Post Office can't guarantee next-day statewide delivery. For the last six weeks, we have monitored each mailing, hoping we would see a delivery improvement based on our efforts each Friday morning to hand-carry the 400 stamped envelopes to the Concord Post Office to meet the 11:00 am departure of the truck bound for the Manchester distribution center. This effort has not made a major impact. Calendars still arrive late throughout the state but, for the most part, the lateness is random with no discernable geographic pattern, except in the towns with zip codes starting with 035, 036 and 037. Late-delivery in those towns results primarily because that mail is shipped from Concord to Manchester to White River Junction for distribution. In general, some Calendars are delivered Saturdays; some delivered Mondays; some later. In one frustrating case, a Representative in one town receives his Calendar each Saturday but a second Representative from that same town frequently receives his Calendar on Monday. Part of the overall problem appears to rest in the Manchester distribution center. Another part of it results from local post offices closing at noon each Saturday before all of the mail is placed in the local boxes. In short, there is no guarantee you will receive your Calendar each Saturday following a Friday mailing. As you continue to receive

your Calendar later than Saturday each week, please continue to bring me your envelopes with the date of receipt notated.

Leo J. Callahan, Assistant Clerk

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.

There will be a meeting of the Manchester Mayor and Board of Alderman with inner city residents on May 28th at 7:00 p.m. at the Beech Street School. The topic will be combating drugs and gang violence. All legislators are invited to attend as this is fast becoming a statewide concern. For further information, contact Patricia Randall of Manchester Neighborhood Housing Services at 626-4663, ext. 13.

Rep. Peter F. Leonard

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 next meeting of the House Republican Alliance will be held at the Upham Walker House (Park Street across from the State House) on Wednesday, June 4 at 9:00 a.m. Refreshments will be served.

Rep. Thomas M. Colburn

Members of the NH House and Senate are cordially invited to join with other interested New Hampshire citizens to attend a live satellite broadcast by the Women's Bureau of the US Department of Labor as a National Working Women's Summit: "Economic Equity: Realities, Responsibilities and Rewards". June 5 from 1:00 to 3:00 p.m. at the New Hampshire Technical Institute in Concord. Call the Commission on the Status of Women at 271-2660 or the NH Women's Lobby at 224-9104 for information.

Rep. Sandra B. Keans

Legislators representing New Hampshire's thirteen cities will meet in Representatives Hall on Tuesday, June 10th, during the lunch break. Mayor Donald Davidson of Nashua, Chairman of the NH Mayors' Forum, will address the group.

Reps. Joseph A. Foster and Lou D'Allesandro

The Merrimack County Democrats will meet on Tuesday, June 10 at 7:30 p.m. in Room 101, LOB.

Rep. Miriam D. Dunn

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.

Legislators are invited to the 1997 "Becoming An Outdoors Woman" workshop, cosponsored by NH Department of Fish and Game and NH Wildlife Federation. It will be held on September 5-7 at Rockywold-Deephaven Camps in Holderness. Information and applications can be obtained by contacting NHWF at 224-5953. Space is limited and the deadline is August 1.

Rep. Susan J. Clay

The Concord City Democrats will meet on Tuesday, July 1 at 7:00 p.m. in Room 101, LOB.

Rep. Miriam D. Dunn

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 Department of Transportation will hold the following meetings:

May 29 Fire Station, US Route 4, Grafton, 7:00 p.m. Combined public officials/public information meeting, Grafton, removal of RR bridge over Route 4.

May 29 Bow Town Hall, 10 Grandview Road, 7:00 p.m. Public hearing, Bow, alterations Bow Center Road, Logging Hill Road, Knox Road and White Rock Hill Road

Rep. Gene G. Chandler, Chairman

Public Works and Highways

WEDNESDAY, MAY 28

AMENDMENTS

(Listed in numerical order.)

1997-1561h

Amendment to SB 79

Corrected Committee Amendment Proposed by the Committee on Finance

Amend the bill by replacing section 3 with the following:

3 Gift Certificates and Store Credits. RSA 471-C:16 is repealed and reenacted to read as follows:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates under \$75, and store credits that were issued for store merchandise credit, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law provided that all gift certificates and store credits remitted to the state prior to January 1, 1998, shall remain in the custody of the state unless and until returned to the owner.

AMENDED ANALYSIS

This bill:

I. Prohibits gift certificates sold to purchasers from containing enforceable expiration dates.

II. Allows any person who repairs personal property items to have a lien on the property until charges for the repair have been paid. In the event the repair is unpaid after 60 days the holder of the lien may sell the property at public sale.

III. Provides that gift certificates under \$75 and store credits that were issued for store merchandise credit shall not escheat to the state.

1997-1542h

Amendment to SB 93

Proposed by the Committee on Finance

Amend RSA 167:82-a as inserted by section 1 of the bill by deleting paragraph IV.

AMENDED ANALYSIS

This bill prohibits the New Hampshire employment program or the alternative employment experience program from using participants in any way contrary to certain federal laws.

This bill prohibits requiring a participant to work under certain subsidized employment conditions or for more than a certain number of hours and requires that participants be afforded certain employment protections.

1997-1569h

Floor Amendment to SB 93

Proposed by Reps. Gary Daniels and Neal Kurk

Amend RSA 167:82-a as inserted by section 1 of the bill by deleting paragraph IV.

Amend RSA 167:91-a as inserted by section 2 of the bill by inserting after paragraph III the following:

IV. Participants in the alternative employment experience program administered by the state shall be considered employees of the state for workers' compensation purposes only, and any claims for workers' compensation thereunder shall be charged to the temporary assistance to needy families program.

AMENDED ANALYSIS

This bill prohibits the New Hampshire employment program or the alternative employment experience program from using participants in any way contrary to certain federal laws.

This bill prohibits requiring a participant to work under certain subsidized employment conditions or for more than a certain number of hours and requires that participants be afforded certain employment protections.

This bill also requires that participants in the alternative employment experience program shall be considered state employees for workers' compensation purposes only.

1997-1553h

Amendment to SB 162-FN-A-LOCAL

Proposed by the Committee on Finance

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

1 Statement of Purpose. The purpose of this act is to make funds available to the department of resources and economic development for the purchase of a certain tract of land located in Piermont, New Hampshire on Lake Tarleton. The tracts total approximately 38 acres, including conservation easements, on the western shore of Lake Tarleton. Lake Tarleton is a water body that encompasses approximately 315 acres, and is located in an area that is currently targeted by the federal government for expansion of the White Mountain National Forest; under this federal plan, Lake Tarleton would become the largest lake in the White Mountain National Forest. The acquisition by the state of this tract in Piermont would secure state access to and assure future state participation in the White Mountain National Forest. Such acquisition would also keep the shores of Lake Tarleton, which have been targeted for development, in the public domain. The purchased property would be managed by the department of resources and economic development.

2 Authority.

I. The commissioner of the department of resources and economic development may, in the name of and on behalf of the state, purchase fee real estate and conservation easements in Piermont, New Hampshire consisting of approximately 38 acres along the western shore of Lake Tarleton, the fee purchase not to include any lot containing structures or subsurface sewage disposal systems. The conservation easements shall limit development on each lot to a single family home. The final sale price of the property shall be determined by appraisal, but may not exceed \$500,000.

II. The commissioner may develop, with appropriate public input, a master plan for the development and use or development or use of the property. Such master plan may include the operation of a state park.

III. The department of resources and economic development may enter into cooperative agreements for the operation of a park, a visitors' center, or a park and visitors' center. If, after 3 years, such cooperative agreements are not renewed or in the opinion of commissioner, do not prove to be successful, then the commissioner is authorized to resell the property or any portion thereof.

IV. The department shall not be required to operate a park or any facility on the property unless an appropriation has been made for such operation or to use any state park fund money for the purposes of development or maintenance of the Lake Tarleton property.

V. Any unbuilt but platted roadways servicing the tracts of land described in paragraph I shall be discontinued with the agreement of affected landowners and the town of Piermont.

3 Appropriation. The sum of \$500,000 is hereby appropriated to the department of resources and economic development for the purchase and development of a certain tract of land and conservation easements located in Piermont, New Hampshire on Lake Tarleton.

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6A.

5 Contingency. The issuance of the bond contemplated in section 4 of this act is contingent upon the donation to the state of an additional 43.23 acres of land and 5-acre conservation easement to the south of the land to be purchased under paragraph I of section 2 of this act, and the acquisition by the United States Forest Service of 3,400 acres in the vicinity of Lake Tarleton for the purpose of expansion of the White Mountain National Forest.

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

1997-1534h

Amendment to SB 169-FN

Proposed by the Committee on Finance

Amend RSA 195-H:2 as inserted by section 2 of the bill by replacing it with the following:

195-H:2 Advisory Commission Established; Reports.

I.(a) There is established the New Hampshire college tuition savings plan advisory commission which shall ensure the proper administration and management of the savings plan. The commission shall consist of the following members:

(1) The state treasurer.

(2) Two members of the house of representatives, one of whom shall be a member of the house finance committee, appointed by the speaker of the house.

(3) Two members of the senate, appointed by the senate president.

(4) The governor, or designee.

(5) Two public members, one of whom shall have business experience, appointed by the governor.

(6) One member representing the college and university system of New Hampshire, appointed by the chancellor.

(7) One member of the postsecondary education commission, appointed by the members of the commission.

(8) One member representing the regional community-technical college system, appointed by the commissioner.

(9) One member representing the New Hampshire college and university council, appointed by the members of the council.

(10) One member representing the New Hampshire Higher Education Assistance Foundation, appointed by the foundation.

(b) Except for the members appointed under subparagraphs (a)(1)-(4), members shall be appointed for 2-year terms.

II. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

III. The commission shall keep written records of all its proceedings.

IV. No member of the commission shall have any personal interest in the gains or profits of any investment made by the commission; nor shall any member of the commission, directly or indirectly, for such member or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the commission; nor shall any member of the commission become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the commission.

V. Members of the commission shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter.

VI.(a) The state treasurer shall make quarterly reports regarding the status of the savings plan to the commission.

(b)(1) At least annually, the commission shall issue to each participant, a statement which shall include the participant's beginning balance, contributions, and earnings credited to their account during the previous fiscal year.

(2) At least annually, the commission shall make annual reports regarding the status of the savings program to each participant in the savings plan and to the state library.

1997-1437h

Amendment to SB 180-FN-A

Proposed by the Committee on Finance

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

AN ACT relative to establishing a revolving fund for loans for the maintenance, enhancement, and rehabilitation of local rural airport service.

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

2 New Subdivision; Rural Airport Capital Fund Established. Amend RSA 423 by inserting after section 10 the following new subdivision:

Rural Airport Capital Revolving Loan Fund

423:11 Rural Airport Capital Revolving Loan Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the rural airport capital revolving loan fund which shall be kept separate and distinct from all other funds. Moneys in the fund shall be nonlapsing and shall be continually appropriated to the department of transportation, and shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public in municipalities with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.

II. The operator of the rural airport provided a loan under this section shall furnish assurance to the director of the division of aeronautics by a signed agreement that the rural airport intends to operate as an airport and will remain open to the public for the life of the capital improvement.

III. The operator of the rural airport shall repay any loan made pursuant to this section upon such terms and conditions as are recommended by the department of transportation, director of the division of aeronautics. The term of the loan shall be no less than 5 years and no longer than 20 years, and shall to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the rural airport and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan. All money received through reimbursement shall be deposited by the state treasurer in the rural airport capital revolving loan fund.

IV. A lien on the property of the rural airport shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the owner or sponsor of the rural airport. The lien shall be recorded in the registry of deeds of the county or counties in which the property is situated and shall not supersede any pre-existing lien created by a mortgage affecting such property. The lien shall expire only when the loan has been fully repaid.

V. To provide funds for the revolving loan fund established pursuant to this section, the state treasurer, as may be requested from time to time by the division of aeronautics, department of transportation, is authorized to borrow from time to time upon the credit of the state such amounts so that the total state obligation shall at no time exceed \$750,000 and for said purposes may issue bonds and notes at such time in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The department shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied from sums in the fund established in paragraph I.

VI. The payments of principal and interest on the bonds issued under paragraph V shall be made when due from the special fund established by paragraph I.

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

AMENDED ANALYSIS

This bill establishes a revolving loan fund to be used to provide loans to enhance and rehabilitate certain airports and authorizes bonds to be issued by the treasurer with principal and interest paid for from the fund for the purposes of the revolving loan program.

1997-1551h

Amendment to SB 202-FN-A-LOCAL

Proposed by the Committee on Finance

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

AN ACT relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

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

1 New Section; Tests of Academic Knowledge; Prerequisite to Teacher Certification. Amend RSA 189 by inserting after section 13-a the following new section:

189:13-b Tests of Academic Knowledge; Prerequisite to Teacher Certification.

- I. The state board of education and the department of education shall establish, from preexisting resources, suitable tests of academic knowledge to be administered as a prerequisite for certification, and periodically for recertification as determined by the state board and the department, of teachers, supervisors, and administrators in New Hampshire.
- II. Such tests shall be germane to the subject matter and major field of study in which a prospective teacher seeks certification or recertification.
- III. Costs of such tests shall be incorporated into the cost of the certification or recertification fee.

2 Application of Section 1.

- I. Testing shall be required for all initial certifications beginning with the 1999-2000 school year.
- II. Testing shall be required of all applicants not previously tested as a requirement for certification or recertification for the applicant's first recertification beginning with the 1999-2000 school year.

3 Failure to Meet Time Frames; Hearings Relative to Failure to be Renominated or Reelected. Amend RSA 189:14-a, I(b) to read as follows:

(b) Any such teacher who has taught for 3 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of ~~[said]~~ **such** request, shall provide for a hearing on the request to be held within ~~[+5]~~ **30** days. The school board shall issue its decision **to the teacher** in writing **by certified mail** within ~~[+5]~~ **30** days of the close of the hearing.

4 Failure to Meet Time Frames; Review by State Board. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the ~~[issuance]~~ **receipt** of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[+5]~~ **60** days after the request for review is filed~~[-and]~~. The decision of the state board shall be final and binding upon both parties.

5 Statement of Purpose. The purpose of sections 6-9 of this act is to:

- I. Identify, encourage, and provide recognition to students who excel academically by awarding them a New Hampshire certificate of advanced academic achievement.
- II. Establish the high school graduation assessment as a widely accepted and meaningful indicator of educational achievement.
- III. Develop and maintain the academic assessment in concert with the statewide education improvement and assessment program.

6 Advocates for Educationally Disabled to be Consulted. Amend the introductory paragraph of RSA 193-C:3 to read as follows:

There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the state board of education and the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, **representatives of educationally disabled pupils**, business people, government officials, community representatives, and parents.

7 New Section; High School Graduation Assessment Required. Amend RSA 193-C by inserting after section 6 the following new section:

193-C:6-a High School Graduation Assessment.

- I. The high school graduation assessment shall measure what pupils know and are able to do in terms of high standards required for success in postsecondary education, the work place, and the community. The New Hampshire standards shall be comparable to the standards of the world's top performing nations.
- II. High school graduation assessment results shall be reported at the individual pupil, school, and district levels in a manner consistent with that employed at the other 3 grades assessed. Performance levels shall be benchmarked, to the extent possible according to the achievement demonstrated by pupils from the world's top performing nations.

III. A New Hampshire certificate of advanced achievement shall be awarded to those otherwise qualifying for high school graduation who perform at the advanced level in each of the academic areas assessed.

IV. Notwithstanding any other provision of law, no public school, public academy, or charter school pupil shall be awarded a high school diploma by a local school board or board of trustees unless such pupil has taken the high school graduation assessment. In no case shall a pupil's level of performance on the high school graduation assessment be cause to deny a diploma to such pupil.

V. The high school graduation assessment shall be administered annually at state expense to all public school, public academy, and charter school twelfth grade pupils with suitable provision for taking a make-up assessment by pupils who are unavoidably absent. A pupil may take the high school graduation assessment at an earlier grade level when it is administered at his or her school if granted permission to do so by the school principal or administrator. A pupil who has graduated from a New Hampshire public secondary school, public academy, or charter secondary school and has not reached the age of 21 may take the high school graduation assessment when it is administered at any convenient location provided that he or she makes suitable arrangements with the principal or administrator of the school or academy in advance of taking the assessment.

VI. New Hampshire certificates of advanced academic achievement shall be signed by the governor and awarded to the pupil.

VII. Other than as specifically required in this section, the standards and benchmarks referenced in paragraphs I and II shall be used solely for the purpose of measuring achievement and shall in no way be construed to impose any requirements applying to any school district.

8 Pilot Program; High School Graduation Assessment. The high school graduation assessment shall be piloted during the school year beginning in 1999. The department of education shall determine the school districts in which the pilot assessment shall be administered.

9 Statewide Implementation; High School Graduation Assessment. Annual statewide administration of the high school graduation assessment shall be implemented during the school year beginning in 2000.

10 Statement of Purpose. It is the purpose of section 11 of this act that the legislature encourage year round schooling.

11 School Building Aid. Amend RSA 198:15-b, I to read as follows:

I.*(a)* The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

(b) For any district, the added cost of renovating equipment necessary for air conditioning, to make new or existing buildings suitable and used for year round schooling shall be entitled to aid at 75 percent of the cost of such renovations for so long as the district maintains a year round school program in the building receiving aid. Fifty percent of the aid shall be reimbursed if a town abandons year round schooling within 5 years of the first year of receipt of such aid.

12 Application. Section 11 of this act shall apply only to school building aid grants approved on or after July 1, 1997.

13 Committee Established.

I. There is established a committee to study issues relating to school discipline and manifest educational hardship.

II. The members of the committee shall be as follows:

(a) Three members of the senate, 2 of whom shall be members of the senate education committee, appointed by the president of the senate.

(b) Three members of the house, 2 of whom shall be members of the house education committee, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall examine issues relating to school discipline and manifest educational hardship.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Four members of the committee shall constitute a quorum.

VI. 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, 1997.

14 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 1998.

II. Section 13 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Requires the state board and the department of education to establish, from preexisting resources, suitable tests of academic knowledge to be administered as a prerequisite for certification and certain recertification of teachers, supervisors, and administrators in New Hampshire

II. Establishes a high school graduation assessment program.

III. Revises the provisions relative to the amount of annual grants for school building aid.

IV. Establishes a committee to study issues relating to school discipline and manifest educational hardship.

1997-1564h

Floor Amendment to SB 202-FN-A-LOCAL

Proposed by Rep. Peter Hoe Burling

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

AN ACT relative to high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

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

1 Failure to Meet Time Frames; Hearings Relative to Failure to be Renominated or Reelected. Amend RSA 189:14-a, I(b) to read as follows:

(b) Any such teacher who has taught for 3 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of ~~[said]~~ **such** request, shall provide for a hearing on the request to be held within ~~[+5]~~ **30** days. The school board shall issue its decision **to the teacher** in writing **by certified mail** within ~~[+5]~~ **30** days of the close of the hearing.

2 Failure to Meet Time Frames; Review by State Board. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the ~~[issuance]~~ **receipt** of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[+5]~~ **60** days after the request for review is filed~~[, and]~~. The decision of the state board shall be final and binding upon both parties.

3 Statement of Purpose. The purpose of sections 4-7 of this act is to:

I. Identify, encourage, and provide recognition to students who excel academically by awarding them a New Hampshire certificate of advanced academic achievement.

II. Establish the high school graduation assessment as a widely accepted and meaningful indicator of educational achievement.

III. Develop and maintain the academic assessment in concert with the statewide education improvement and assessment program.

4 Advocates for Educationally Disabled to be Consulted. Amend the introductory paragraph of RSA 193-C:3 to read as follows:

There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the state board of education and the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, *representatives of educationally disabled pupils*, business people, government officials, community representatives, and parents.

5 New Section; High School Graduation Assessment Required. Amend RSA 193-C by inserting after section 6 the following new section:

193-C:6-a High School Graduation Assessment.

I. The high school graduation assessment shall measure what pupils know and are able to do in terms of high standards required for success in postsecondary education, the work place, and the community. The New Hampshire standards shall be comparable to the standards of the world's top performing nations.

II. High school graduation assessment results shall be reported at the individual pupil, school, and district levels in a manner consistent with that employed at the other 3 grades assessed. Performance levels shall be benchmarked, to the extent possible according to the achievement demonstrated by pupils from the world's top performing nations.

III. A New Hampshire certificate of advanced achievement shall be awarded to those otherwise qualifying for high school graduation who perform at the advanced level in each of the academic areas assessed.

IV. Notwithstanding any other provision of law, no public school, public academy, or charter school pupil shall be awarded a high school diploma by a local school board or board of trustees unless such pupil has taken the high school graduation assessment. In no case shall a pupil's level of performance on the high school graduation assessment be cause to deny a diploma to such pupil.

V. The high school graduation assessment shall be administered annually at state expense to all public school, public academy, and charter school twelfth grade pupils with suitable provision for taking a make-up assessment by pupils who are unavoidably absent. A pupil may take the high school graduation assessment at an earlier grade level when it is administered at his or her school if granted permission to do so by the school principal or administrator. A pupil who has graduated from a New Hampshire public secondary school, public academy, or charter secondary school and has not reached the age of 21 may take the high school graduation assessment when it is administered at any convenient location provided that he or she makes suitable arrangements with the principal or administrator of the school or academy in advance of taking the assessment.

VI. New Hampshire certificates of advanced academic achievement shall be signed by the governor and awarded to the pupil.

VII. Other than as specifically required in this section, the standards and benchmarks referenced in paragraphs I and II shall be used solely for the purpose of measuring achievement and shall in no way be construed to impose any requirements applying to any school district.

6 Pilot Program; High School Graduation Assessment. The high school graduation assessment shall be piloted during the school year beginning in 1999. The department of education shall determine the school districts in which the pilot assessment shall be administered.

7 Statewide Implementation; High School Graduation Assessment. Annual statewide administration of the high school graduation assessment shall be implemented during the school year beginning in 2000.

8 Statement of Purpose. It is the purpose of section 9 of this act that the legislature encourage year round schooling.

9 School Building Aid. Amend RSA 198:15-b, I to read as follows:

I.(a) The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education, provided that any school district may receive an annual

grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

(b) For any district, the added cost of renovating equipment necessary for air conditioning, to make new or existing buildings suitable and used for year round schooling shall be entitled to aid at 75 percent of the cost of such renovations for so long as the district maintains a year round school program in the building receiving aid. Fifty percent of the aid shall be reimbursed if a town abandons year round schooling within 5 years of the first year of receipt of such aid.

10 Application. Section 9 of this act shall apply only to school building aid grants approved on or after July 1, 1997.

11 Committee Established.

I. There is established a committee to study issues relating to school discipline and manifest educational hardship.

II. The members of the committee shall be as follows:

(a) Three members of the senate, 2 of whom shall be members of the senate education committee, appointed by the president of the senate.

(b) Three members of the house, 2 of whom shall be members of the house education committee, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall examine issues relating to school discipline and manifest educational hardship.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Four members of the committee shall constitute a quorum.

VI. 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, 1997.

12 Effective Date.

I. Sections 3 and 4 of this act shall take effect January 1, 1998.

II. Section 11 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Establishes a high school graduation assessment program.

II. Revises the provisions relative to the amount of annual grants for school building aid.

III. Establishes a committee to study issues relating to school discipline and manifest educational hardship.

1997-1540h

Amendment to SB 203-FN-LOCAL

Proposed by the Committee on Finance

Amend the bill by replacing section 1 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 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.

~~[(e)]~~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.

~~[H. The]~~ III. *For the purposes of this section, a* school ~~[district]~~ *district's* liability for 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.

1997-1547h

Amendment to SB 207-FN

Proposed by the Committee on Finance

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

1 New Chapter; New Hampshire Digital Signature Act. Amend RSA by inserting after chapter 294-C the following new chapter:

CHAPTER 294-D

NEW HAMPSHIRE DIGITAL SIGNATURE ACT

294-D:1 Short Title. This chapter shall be known and may be cited as the New Hampshire digital signature act.

294-D:2 Purpose. This chapter shall be construed consistent with what is commercially reasonable under the circumstances and shall effectuate the following purposes:

- I. To set standards and provide credibility for digital signatures used in dealings involving state entities in New Hampshire.
- II. To avoid the state's direct involvement as a certification authority or repository.

294-D:3 Definition. In this chapter "digital signature" means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

294-D:4 Verification of Digital Signatures.

I. In any written communication in which a signature is required or used when the communication is between the state of New Hampshire and any agency or instrumentality of the state, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

- (a) It is unique to the person using it.

- (b) It is capable of verification.
- (c) It is under the sole control of the person using it.
- (d) It is linked to data in such a manner that if the data is changed, the digital signature is invalidated.
- (e) It conforms to the rules adopted under RSA 294-D:5.

II. The use or acceptance of a digital signature shall be at the option of the parties. Nothing in this section shall require an entity to use or permit the use of a digital signature.

294-D:5 Rulemaking and Implementation. The commissioner of administrative services shall implement the provisions of this chapter. The commissioner may utilize the services of other state departments and agencies. The commissioner of administrative services shall adopt rules pursuant to RSA 541-A relative to the administration of this chapter.

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

AMENDED ANALYSIS

This bill establishes the New Hampshire Digital Signature Act which is to be administered by the commissioner of administrative services. The commissioner of administrative services is granted rulemaking authority for the purposes of this bill.

1997-1565h

Floor Amendment to SB 209-FN

Proposed by Reps. Neal Kurk and Lawrence Emerton

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

AN ACT relative to a residential care services program.

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

2 Residential Care Services Program. The commissioner of the department of health and human services shall forthwith request an amendment to the Home and Community Based Care waiver for the Elderly and Chronically Ill to create a program for residential care services. If the waiver is approved, the commissioner may establish a program for residential care services. If the commissioner establishes the program, the commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of the program.

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

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to request an amendment to the Home and Community Based Care waiver for the Elderly and Chronically Ill to create a program for residential care services. Under this bill, if the waiver is approved, the commissioner may establish a residential care services program.

1997-1539h

Amendment to SB 216-FN-A

Proposed by the Committee on Finance

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

1 Pari-Mutuel Pools. RSA 284:22 is repealed and reenacted to read as follows:

284:22 Pari-Mutuel Pools. During the calendar years of 1941-2009, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

I. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other parimutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

II. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

III. For the purposes set forth in this section, an "agricultural fair" means an association which provides for and pays premiums of \$5,000 or more, annually, as is determined by the commissioner of agriculture, markets, and food, in accordance with RSA 284:25.

IV. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live dog racing after written notice to the commission and, in the absence of such written notice, at the rate of 26 percent of each dollar wagered in such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

2 Tax. RSA 284:23 is repealed and reenacted to read as follows:

284:23 Tax.

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 11/4 percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/2 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

II.(a) Each person, association, or corporation licensed to conduct a harness horse race or harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/2 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

III.(a) Each person, association, or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 2-1/4 percent of so much of the total contributions to all pari-mutuel pools conducted, made, or sold at any dog race or dog race meet licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association or corporation licensed to simulcast a dog race or simulcast a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 2-1/2 percent of all pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

IV. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing, whether such day includes live racing only, simulcast racing only, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below, based upon the aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on each such day. This rate is provided if said person, association, or corporation has a license to conduct races or race meets for more than 10 days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for 10 days or less, the per diem fee shall be determined by the commission.

(a) Each Weekday including Saturday

Pari-mutuel pool Fee

Under \$300,000 \$ 300 per day

\$300,000 or more \$ 350 per day

(b) Each Sunday

Pari-mutuel pool Fee

Under \$350,000 \$ 400 per day

\$350,000 but under \$500,000 \$ 800 per day

\$500,000 or more \$1,200 per day

V. The tax rates established by paragraphs I and II of this section shall remain in effect only until the bonds obtained by any entity for reconstruction of Rockingham Park have been paid off, unless such bonds are refinanced by the entity which owns Rockingham Park, and in such latter event, until such refinancing is paid off, but in no event later than December 31, 2009.

VI. During each calendar year, by March 31, each licensee shall make a report to the commission with regard to such licensee's efforts to enhance live racing at such licensee's race track. Such report shall include, but not be limited to, licensee's enhancement of purses, capital improvements, promotion, advertising, and other activities determined by the licensee to enhance live racing. The report shall be in writing and shall be in sufficient detail as determined by the commission. The report shall be distributed to the commission and each member of the fiscal committee.

VII. For the purposes of this chapter, "racing program" means live racing with any number of individual races as determined by the pari-mutuel commission. A live race or racing program may include a combined live and simulcast race where the combination contains at least one more live race to simulcast in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.

3 Repeal. The following are repealed:

I. 1989, 219:2, relative to a prospective amendment to RSA 284:22, IV which would have been effective July 1, 1998, at 12:01 a.m. pursuant to 1989, 219:9, I as amended by 1992, 185:5.

II. 1989, 219:5, relative to a prospective amendment to RSA 284:23, II-a which would have been effective July 1, 1998, at 12:01 a.m. pursuant to 1989, 219:9, I as amended by 1992, 185:5.

III. 1993, 358:85, relative to a prospective amendment to RSA 284:22, IV which would have been effective July 1, 1998 at 12:01 a.m.

IV. 1995, 224:2, relative to a prospective amendment to RSA 284:23, V which would have been effective July 1, 1997, pursuant to 1995, 224:3, I as amended by 1996, 201:9.

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

AMENDED ANALYSIS

This bill:

- I. Revises the commission structure on pari-mutuel pools and the tax on contributions to parimutuel pools. The new structure of the tax lowers and standardizes the overall rate of tax for running horse races, harness horse races, and dog races.
- II. Repeals a number of prospective amendments to the tax and commission structure which are no longer appropriate in light of this bill.

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