

State of New Hampshire HOUSE RECORD

Second Year of the 155th Session of the General Court Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Thursday, January 29, 1998 No. 8

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for January 29

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House today welcomes Claire and Roland Jutras of Peterborough who are the 1997 National Parents of the Year. Congratulations!

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, January 29 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, January 29 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Points to Ponder

Objection made with reasonable promptness, even if the presiding officer has announced the action approved, defeats the request for unanimous consent and a regular vote is required. A single objection defeats a request for unanimous consent.

Mason's Legislative Manual

Section 537 Paragraph 4

Occasionally, at the end of the session, a member stands up and requests unanimous consent. This means he is requesting that everyone agree to listen to his remarks. If just one person objects, the consent of the House is not unanimous, and the matter will be put to a vote. If a majority votes in favor, then the member may have his say.

Donna Sytek, Speaker

NOTICE

Legislative Forum

House Continuing Education

Topics: Are the environmental risks that scare us the same as those that harm us?

PRESENTER: Katherine Hartnett, Executive Director, NH Comparative Risk Project.

Date: Wednesday, February 4

Time: Noon to 1:30 p.m.

PLACE: Room 100, State House

How can we determine which environmental risks pose the most hazard? The New Hampshire Comparative Risk Project can provide some answers. Come learn about how a diverse group of 55 ranked 53 environmental risks, combining science, judgment and values about what is important in NH. The results can guide government, businesses, environmental organizations, and citizens.

All members are encouraged to attend. For the members' convenience, the cafeteria will sell sandwiches, snacks and sodas outside the room.

Rep. Godfrey Howard

Legislative Continuing Education Coordinator

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee, at its meeting on January 28, 1998, voted to extend the deadline set forth in the "Special Report to the Speaker of the House of Representatives Regarding Complaint 97-1," to the beginning of the House session on January 29, 1998, at 10:00 a.m. Accordingly, the concluding paragraph of the Report printed below has been amended to reflect this modification.

SPECIAL REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES REGARDING COMPLAINT 97-1

I. Introduction

The Legislative Ethics Committee received nine separate complaints in March of 1997 regarding the actions of Representative Roland E. Hemon in filing House Resolution 16, a resolution urging that impeachment proceedings be instituted against Strafford County Probate Court Judge Gary R. Cassavechia.

Following a review of the complaints, the Committee conducted a preliminary investigation, in accordance with its procedural rules, and voted unanimously to institute formal proceedings to inquire into the complaint. A formal statement of charges and notice of hearing was first sent by certified mail to Representative Hemon on April 10, 1997. Representative Hemon refused receipt of the mail on three different occasions. On April 24, 1997, Representative Hemon was served by the Strafford County Sheriff's Department with the Notice of Hearing and Formal Statement of Charges. Because of the delay in service, the Committee rescheduled the hearing to May 27, 1997. On May 20, 1997, Rep. Hemon requested that the hearing again be rescheduled pending an appeal to the Governor and Council on his request for representation by the Attorney General's Office. The Committee granted his request on May 21, 1997. His appeal was subsequently denied by the Governor and Council and the Committee opened the hearing on June 2, 1997 and received evidence on June 2, June 4, and June 9. Midway through the first day of the hearing, the Ethics Committee granted Representative Hemon's request that he be represented by Representative William McCann.

II. Complaints

The complaints alleged that Rep. Hemon violated the principles set forth in the Ethics Guidelines, Section 1, I, Principles of Public Service, relating to the legislative office as a public trust and engaged in the prohibited activities set forth in Section 4, II (c) and III of the Ethics Guidelines.

III. Findings of Fact

House Resolution 16 was filed by Representative Hemon for consideration by the New Hampshire House of Representatives during its 1997 session. This resolution is the first step required in the process established under the Constitution for removing a current judge from office (Part II, Articles 17 and 38).

The House Committee on Judiciary and Family Law held a hearing on House Resolution 16 on February 24, 1997 and voted 13-0 to report it as inexpedient to legislate on March 6, 1997. On March 19, 1997, the House voted 286-51 against recommitting the bill. The committee report of inexpedient to legislate was then adopted by voice vote.

House Resolution 16 is the third attempt by Representative Hemon to seek the impeachment of Judge Cassavechia in the last 4 years. All of these resolutions result from rulings which Judge Cassavechia has issued in a Strafford County Probate Court case involving the guardianship and subsequent administration of the estate of Representative Hemon's mother.

At some time after the Probate Court proceedings began, Representative Hemon raised the question of the Court's personal jurisdiction over his mother, contending that she was a resident of Maine at the time the guardianship proceedings commenced. The Court ruled against him. Representative Hemon has filed at least thirteen appeals with the New Hampshire Supreme Court on this matter as well as seeking review in the Federal Court system. On the twelve occasions in which the New Hampshire Supreme Court has ruled, it has found no error in Judge Cassavechia's finding that the Probate Court had personal jurisdiction over Mrs. Hemon. The thirteenth appeal was filed this spring and is currently being considered by the Court. The Federal Court also found no error.

IV. Rulings

Section 1, Principles of Public Service, Section I, Public Office as a Public Trust, provides that :

Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

In filing House Resolution 16, Representative Hemon has again used his public office to pursue a private interest, that of penalizing the judge who made rulings unfavorable to Representative Hemon, in a manner incompatible with the public good. Although review of the judicial process and proposed court reforms are appropriate matters for consideration by this legislature, the continual filing of the same resolution based on the same set of facts against the same judge constitutes both harassment and retaliation by Representative Hemon. The power to file such a resolution derives directly from Rep. Hemon's membership in the House and is a clear conflict of interest due to the personal involvement of Representative Hemon in this matter.

Section 4, II (c) provides:

In dealing with state agencies, legislators shall not....threaten a state agency or its employees with reprisals or promised inducements of any kind to influence agency decisions so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

Although Representative Hemon contended that the Court would not be considered a state agency under these rules, the Committee found that this provision was intended to prevent the exertion of undue influence against any state agency regardless of the branch of government. Because the legislature has control over the appropriation of money to the judicial branch and indeed the power to remove judges from office, the application of this provision must necessarily extend to the courts.

Filing this resolution constitutes a reprisal against the judge who presided over the matter involving Representative Hemon's mother. Representative Hemon's unhappiness with the Court's order denying his request to be appointed his mother's guardian has resulted in over a decade of litigation and a protracted effort by Representative Hemon to seek retribution against Judge Cassavechia. Such actions clearly violate the prohibited activities provisions of the Guidelines.

Section 4, III provides:

Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

Although Representative Hemon argued that he would obtain nothing of value if House Resolution 16 were to pass, it is the Committee's finding that the value to him of the retribution might well outweigh any conceivable monetary benefit he might have received had he been appointed guardian. Because of his position as a legislator, Representative Hemon has been able to continually threaten Judge Cassavechia with impeachment based for the most part on actions which Judge Cassavechia took in 1984. Such a continued abuse of power is clearly violative of our Ethics Guidelines.

V. Conclusion

House Resolution 16 seeks the same result as the resolutions which Representative Hemon filed in 1996 and 1994. In 1994, the Committee recommended that Rep. Hemon be reprimanded, an action which the House took on June 18, 1994. In 1996, this Committee recommended that Representative Hemon be censured. Because that ruling was issued after the House had adjourned for the biennium, the

recommendation was never taken up by the House. The Ethics Committee finds by clear and convincing evidence that House Resolution 16 again violates the very same provisions of the Ethics Guidelines for which Representative Hemon was cited before.

In determining our recommendation for action based on these repeated violations, the committee has considered not only the repeated warnings of this committee, but also the effect of the continual filings of this resolution on Judge Cassavechia. (The Ethics Committee notes the advice which Representative Hemon received this session from the House Democratic Leader that if Representative Hemon persisted in this conduct, he might face expulsion by the House of Representatives. The Democratic Leader was called by Representative Hemon as a witness in the proceeding before the Ethics Committee with no notice and apparently to specifically address the advice he gave to Representative Hemon about the possible result of his actions.)

No State or Federal Court has found any ruling of Judge Cassavechia in Representative Hemon's matter to be in error; indeed, the rulings of Judge Cassavechia have been sustained at every appeal. The Ethics Committee does not have to reach the issue of what sort of ruling could be so wantonly and egregiously erroneous as to warrant impeachment. Accordingly, it appears to this Committee that the impeachment legislation is groundless.

The conduct of Representative Hemon in 1994 might charitably be viewed as misguided. Representative Hemon is not a lawyer and perhaps did not fully understand the case in which he is involved or the role of the judiciary in our form of government. He may have seen himself, as did some of his witnesses, as taking an appeal to another, perhaps more friendly forum. The Ethics Committee viewed his actions as an abuse of legislative power for personal ends and acted accordingly.

The subsequent actions of Representative Hemon have demonstrated that he has no intention of abating his involvement in legislation to impeach Judge Cassavechia, nor even of waiting until a federal or state court has found Judge Cassavechia in error in the underlying matter. Accordingly, given the uncontroverted evidence of Representative Hemon's conflict of interest in this matter, the Committee has been left with little choice but to recommend the following course of action:

If Representative Hemon were to represent to the Ethics Committee, Speaker of the House and Senate President in writing by 10:00 a.m. on January 29, 1998 that he would not introduce, sponsor or co-sponsor legislation to impeach Judge Cassavechia the Ethics Committee would recommend that he be censured by the House. Failing such a written commitment, however, the Ethics Committee recommends the expulsion of Representative Hemon from the New Hampshire House of Representatives.²

Dated at Concord, New Hampshire, this first day of July, 1997.

Respectfully submitted,

Representative Jeb E. Bradley

Chairman

THURSDAY, JANUARY 29

CONSENT CALENDAR

COMMERCE

HB 1110, prohibiting telemarketers from blocking their telephone numbers. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The sponsor of the bill was unaware that this committee has already passed this legislation last session and that bill is now in the possession of the Senate. This bill is currently not necessary. Vote 16-0.

HB 1205-FN, making technical corrections to the securities laws. OUGHT TO PASS

Rep. David T. Mittelman for Commerce: This bill clarifies the language and framework of transaction exemptions and fee structures under the securities laws. Vote 17-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1108, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks. REFER FOR INTERIM STUDY

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill transfers the authority to make rules relative to further classification of permissible fireworks from the commissioner of safety to the state fire marshal. It has been two years since the Department of Safety has presented the list of permissible fireworks to the Joint Legislative Committee on Administrative Rules as required under the present statute, RSA 160-B:23. The permissible fireworks review committee is made up of fire service personnel and members of the fireworks industry. There are voting members from the senate and house of representatives on the committee. During the last session and again during the present session the list of approved "safe and sane" permissible fireworks has been approved by passage of legislation which will sunset upon passage of the rules. The committee wants to find a better way to approve those firework devices that have been demonstrated to be safe and found to be permissible for sale to the public. This bill would have transferred the rule making authority to the fire marshal's office which has no personnel to fulfill this new responsibility. The commissioner of safety and the fire marshal have agreed to assist the committee in the writing of a new statute to better serve the public safety. Vote 17-0.

HB 1199, requiring that applicants for a concealed weapons license complete a gun safety course. INEXPEDIENT TO LEGISLATE

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill if enacted would require that applicants for a concealed weapons license complete a gun safety course. The sponsor was the lone support for the bill which drew hundreds of phone calls and over 150 citizens who were opposed to passage. The committee recognizes the value of instruction and training but courses of this type are currently available through a number of sporting clubs and many hundreds of firearms owners have taken the Hunter Safety Course offered through the state. This course teaches safe handling of firearms as part of its curriculum. The NRA and its affiliated sporting clubs offer courses for a minimum fee in most areas of the state. The National Safety Council reports that in 1950, there were 950 home accident deaths involving firearms out of 29,000 home accidental deaths reported for the entire nation. In 1994 the National Safety Council reported 900 home accident deaths involving firearms out of a total of 26,700 for the entire nation. The leading causes of home accidental deaths in each year were falls in the home, which for 1994 totaled 8,500. This is more than 9 times the total for firearm related deaths. The committee encourages all applicants for carry permits to seek training or instruction if they have had none, but does not feel that mandating a solution to a non existing problem is necessary. Vote 18-0.

HB 1200-FN, prohibiting the manufacture, possession, or transfer of large capacity ammunition magazines. INEXPEDIENT TO LEGISLATE

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill would mandate that owners of pistol magazines that have a capacity in excess of ten rounds give up their property with no provision for compensation. There is no provision in the bill for law enforcement personnel to possess these devices although they are presently in use in some law enforcement agencies. The public hearing on this bill drew hundreds of phone calls expressing opposition and over 150 citizens, including law enforcement personnel, testified against passage. The sponsor was the only witness in favor. The committee saw no benefit from passage of such an all encompassing restriction. Vote 18-0.

HB 1306, adopting a conditional post-conviction release act. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill would create a private "probation" entity. The new provisions call for conditional early release. Upon the decision of the releasing authority to return an inmate to society, the releasing authority may release a participant by requiring the posting of an early release bond by a surety. The releasing authority may set conditions of release, which conditions shall be appended and made part of the bond. Testimony from the Attorney General, the director of probation and parole, the state employees union representative and the Department of Corrections all agreed that this bill should not go forward. The sponsor, after hearing all testimony, agreed that the bill should not be passed. The committee agreed and voted Inexpedient to Legislate. Vote 14-0.

EDUCATION

HB 1394, extending the reporting date for the school building aid system study committee. OUGHT TO PASS

Rep. Susan B. Durham for Education: The study of school building aid is a joint effort of the

Finance Committee and the Education Committee. This joint study committee found that the state building aid service needs more time than anticipated. The Education Committee endorses this effort and would like this effort continued. This legislation extends the reporting time for the study committee from November 1, 1997 to November 1, 1998. Vote 15-0.

HB-1502, extending the reporting date for the statewide school technology plan study committee. OUGHT TO PASS

Rep. William A. Riley for Education: This bill merely extends the reporting date for the study committee. The Education Committee felt that the study committee genuinely needed more time. It extends the time from November 1, 1997 to November 1, 1998. Vote 14-0.

HB 1634, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. OUGHT TO PASS

Rep. Bernard J. Luebker for Education: This bill was requested by the state treasurer to enable the municipal bond bank to provide bonding services. "Educational institution" includes public and non-profit institutions. The bill will amend "educational institution" to include any New Hampshire institution which provides an educational program that is preparatory for secondary, postsecondary, or higher education. Vote 14-1.

ELECTION LAW

HB 1103-LOCAL, relative to the state representative districts of towns. OUGHT TO PASS

Rep. Raymond C Buckley for Election Law : This bill corrects an inconsistency that exists in a law passed last year. It clarifies the selection of town redistricting commissions. Vote 17-0.

ENVIRONMENT AND AGRICULTURE

HB 1151-FN, relative to the testing of certain domestic animals. OUGHT TO PASS

Rep. Kenneth Marshall for Environment and Agriculture: The purpose of this bill is to authorize current practices of testing and establish fees for such testing. Vote 15-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1142, making technical corrections on behalf of the department of revenue administration. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of the bill is make changes to bring the state into compliance with the United States Internal Revenue Code of 1986, which became effective December 31, 1997. Section 1 amends 21-J:5 to specify that the director of document processing is an unclassified position as listed in 94:1-a, group N. Vote 18-0.

HB 1244-FN, relative to collusive bidding at auctions. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill more accurately defines the practice of collusive bidding at auctions and makes it a class A misdemeanor for a person found guilty of collusive bidding or a felony if other than a natural person. Vote 18-0.

HB 1271-FN, relative to the board of acupuncture licensing. OUGHT TO PASS

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill makes corrections to the board of acupuncture by having the board members nominated by the governor and confirmed by the executive council. The bill also changes the mileage payments to the state employees rate, which is the norm for all boards and commissions receiving mileage. Vote 18-0.

HB 1283, establishing a 4-year term for the commissioner of the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: This bill will standardize the term of the commissioner of the Department of Corrections by making it a specific term, as are the terms of most commissioners, in lieu of "at the pleasure of the governor". Vote 13-0.

FINANCE

HB 256-FN, establishing uniform adjudicative proceedings for state agencies. OUGHT TO PASS

Rep. Mary E. Brown for Finance: This bill establishes uniform adjudicative proceedings for state agencies. A pilot program was eliminated from this bill and the resulting costs were removed. Vote 19-0.

HB 579-FN-L, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill allows the payment of unemployment compensation to those persons who become unemployed as a result of required relocation to protect themselves from domestic abuse. Unemployment pay requires that the individual be in active job search in his or her new location. The amendment is to correct a gender neutral reference only. Payments, which are expected to be minimal, would be made from the Unemployment Trust Fund account, and will not be assessed against any individual employer. The Trust Account has more than adequate funds for this purpose. As there is no direct impact on state revenues or expenses the committee voted unanimously Ought to Pass as Amended. Vote 19-0.

HB 627-FN, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a conservation number plate trust fund and a special motor vehicle license plate to support New Hampshire's natural and cultural resources. The bill establishes a \$25 fee that will be paid in addition to the regular motor vehicle registration fee. The monies raised above the actual cost of the vanity plate will be placed in a fund for the promotion, protection and investment in the state's natural, cultural and historic resources. On July 1 of each year the fund will distribute the money to the Department of Transportation, the Department of Cultural Affairs, the Department of Fish and Game, and the Department of Resources and Economic Development as well as the state Conservation Committee. The bill will raise around \$825,000 annually. The amendment makes some technical corrections in the bill as well as limits the amount of money going to the Department of Safety to the actual cost of producing the plate and related administrative costs, all of which must be approved by the Fiscal Committee. Vote 19-0.

HB 736-FN, increasing the mileage rate for jurors. INEXPEDIENT TO LEGISLATE

Rep. Margaret A. Lynch for Finance: The intention of this bill, as amended by the House, was to increase grand and petit jurors' mileage rate from \$.20 to \$.31 per mile, when the juror is required to leave the town or city in which he/she resides. The change in mileage fees would increase state general fund expenditures by \$200,000. It is the belief of the Finance Committee that it is a citizen's civic duty, if called upon, to serve on a jury and that given the demands on the general fund at this point in time the \$.20 mileage fee should remain unchanged. Vote 15-2.

HB 774-FN, relative to child support, custodial rights, and visitation. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The intent of this legislation is to better define RSA 458-C, Child Support Guidelines. This bill as amended expedites court hearings on issues of rights of physical custody, visitation and non-payment of child support. It also clarifies the definitions of "Adjusted Gross Income", allowable child care expenses to include work-related costs and "net income." The child support formula has also been revised. The Department of Health and Human Services testified that the computer and printing costs associated with this initiative can be absorbed within the parameters of the current agency budget. In that the financial impact was minimal and required no additional appropriation, the majority of the committee support an "Ought to Pass" motion. Vote 18-1.

HB 1657, extending the consultant's reporting date for surveying the department of youth development services' facilities. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The amount of \$50,000 was appropriated under the terms of RSA 351:67 to engage a consultant to perform a site feasibility, architectural, and long-range needs survey of the Department of Youth Development Services' facilities. This bill merely extends the deadline for the submission of the consultant's report from January 1, 1998 to March 30, 1998. Vote 18-0.

SB 53-FN, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as sent to Finance extended medical benefits to group II members through June 30, 1995. It was determined in the committee after receiving an updated actuary's report that the policemen only had sufficient funds to fund their benefit through June 30, 1993 but the firemen had sufficient funding through June 30, 1995. The amendment changes the policemen's eligibility date to June 30, 1993. Vote 19-0.

SB 68-FN-L, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill provides health care coverage for the spouse and dependents of any group I or group II retirement system member, whether a state or local employee, who is killed in the line of duty. The amendment specifies that an opportunity to buy health insurance set forth under federal law (COBRA) not be considered a disqualifying event in the exclusion section of the bill. The funding to pay the premium for the benefits will come from the benefit adjustment fund, already appropriated in the budget. There may be a minor but indeterminable effect on general fund lapses. Vote 19-0.

SB 96-FN, relative to the priority of charges in probate of estates. OUGHT TO PASS

Rep. W. Gordon Allen for Finance: The Committee determined that the clarification and change in the

order of charges against estates had no significant impact on recoveries by the Department of Health and Human Services and therefore no significant fiscal impact. Vote 19-0.

SB 197-FN, relative to final dispositional orders in child protection cases. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill provides an appeal process relative to administrative hearings in children's neglect and abuse cases. The amendment provides that any guardian ad litem appointed in the de novo hearing would be from CASA (Court Approved Special Advocate) at no cost to the state. The effective date was changed to July 1, 1998. Vote 20-0.

JUDICIARY AND FAMILY LAW

CACR 35, relating to the nomination and appointment of judicial officers. Providing that all judicial officers shall be nominated and appointed by the governor with the advice and consent of the senate. INEXPEDIENT TO LEGISLATE

Rep. Susan J. Clay for Judiciary and Family Law: The majority of the committee believes that the current system of having the governor and the governor's council nominate and appoint all officers, including judges, provides for a check and balance system that works. This bill would require the governor to get the advice and consent of the senate, and would leave the governor's council completely out of the loop. Vote 15-2.

CACR 36, relating to probate and district court judges. Providing that all probate and district court judges shall be full-time employees and have no administrative functions. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This CACR provides that all probate and district court judges shall be full-time employees and have no administrative functions. This CACR has two parts. As to the first, converting to full-time judges, the committee believes that there is merit in this proposal; however, we currently have 15 full time and 60 part-time judges. The implications of this proposal are complex and costly. For example, in rural areas which could not justify the assignment of a full-time judge, how would we maintain meaningful contact between the community and the courts? The committee hopes that a thorough study of this proposal be undertaken by an appropriate legislative (or other) body. As to the issue of administrative functions, the committee concluded in this and several related CACRs that separation of powers appropriately affords to the courts the power to establish and administer their own rules as is the case in the legislative and executive branches. Vote 19-0.

CACR 38, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: The committee deems judicial experience to be important to the effective performance of New Hampshire judges, and that the alternative method of judicial selection proposed in this amendment will cause conflict, confusion, and chaos within our courts. Vote 19-0.

CACR 41, relating to clerks of court. Providing that beginning in 1999, clerks of the superior and district courts shall be elected instead of appointed and an elected clerk shall be removable upon petition by the governor with the advice and consent of the council. INEXPEDIENT TO LEGISLATE

Rep. Susan J. Clay for Judiciary and Family Law: The majority of the committee believes that the current system of judges appointing clerks works well. The committee sees no advantage to electing clerks as this CACR would require. Vote 19-0.

HB 1105, providing a cause of action for agricultural disparagement. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee, while sympathetic to those in the agricultural industry whose business is dependent on many unforeseeable conditions such as weather, market conditions and the like, believes this bill to constitute an attack on the First Amendment rights basic to our democracy. Particularly chilling was the comment of the Texas attorney in the "Oprah Winfrey" case relayed to our committee by the Farm Bureau representative in testimony before our committee that free speech must be "correct" speech based on scientific proof. Although the admirable concern of the sponsors that a farmer may be wiped out due to an unfounded "scare" campaign was not lost on the committee, the majority found that other remedies to that extreme situation already exist in law. The fundamental right of freedom of speech must, in this case, be our preeminent concern. Vote 14-1.

HB 1116, relative to division of property in no-fault divorces. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The court currently has broad discretion to look at all the issues involving the division of property during divorce proceedings. That is only one item the court considers. The property settlement is balanced by all other considerations including pensions, trusts and other assets. Vote 13-0.

HB 1194, prohibiting a minor child from being forced to have visitation with an incarcerated parent. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: As drafted, the bill seems to be all-encompassing, i.e., that the incarcerated parent may be imprisoned for a relatively minor offense. In such a circumstance, it seems to the committee excessive punishment to prevent this incarcerated parent from visits with his or her child. Vote 14-0.

HB 1202, establishing a study committee on probate court administration and procedures. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The sponsor testified that he proposed this legislation on behalf of a constituent who has been in court since 1989. The committee believes that it is inappropriate for the legislature to investigate an on-going court case while the parties still have many procedural remedies ahead of them. Vote 17-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1422-FN, changing unemployment compensation benefits. OUGHT TO PASS

Rep. Edgar H Mears for Labor, Industrial and Rehabilitative Services: This bill raises benefit levels significantly and adjusts the level at which employers receive reductions to their contribution rate. This bill is a request of the Department of Employment Security and is unanimously supported by the Advisory Council on Unemployment Security Compensation . Vote 17-0.

LEGISLATIVE ADMINISTRATION

CACR 39, relating to the subject matter of legislation which can be introduced by the general court in a second year session. Providing that the subject matter of legislation which can be introduced by the general court in a second year session be limited to proposed constitutional amendments, budget matters in the event of a fiscal emergency, and re-referred bills that have received a 2/3 vote for consideration in the second year session. INEXPEDIENT TO LEGISLATE

Rep. Peter H. Burling for Legislative Administration: The committee voted Inexpedient to Legislate. The sense of the committee was that, however one might feel about limiting bills in the second year, it is not appropriate to do the limitation through our constitution. Vote 13-0.

HB 1342, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Legislative Administration: This bill would allow members of the House and Senate to take courses at no cost and for no credit at state institutions of higher education. At a time when the costs of higher education are rapidly increasing and available scholarship and loan funds are not keeping pace, it did not seem fair to allow legislators to take the same courses at no cost. For that reason, the committee recommended that this bill be found inexpedient to legislate. Vote 12-1.

HB 1402-FN, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. OUGHT TO PASS

Rep. Robert L. Wheeler for Legislative Administration: This bill would allow members of the general court to participate in a group dental program afforded full time state employees as long as they cover their full expense. It also provides that the department of administrative services transfers excess appropriations for benefits to the employee benefit adjustment account for proper attention. Vote 13-0.

HB 1410-FN, relative to administrative control and transferring the budget of the state law library. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Legislative Administration: This bill would require that the House Legislative Administration Committee oversee the operation of the state law library. The committee, although flattered, found that determinations as to purchases of law-related materials could be more appropriately reviewed by the supreme court. In the event that the legislature feels that additional materials should be provided at the law library, the legislature can make its recommendations known. Vote 11-0.

HB 1413, relative to the membership and compensation of the general court. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Legislative Administration: This bill would reduce the membership of the House of Representatives to 375 and would put into statute the current language of the constitution concerning legislative compensation. The committee found no compelling reason to reduce the size of the House. Placing the language of the constitution in statute seemed redundant and unnecessary. The committee therefore, recommended that the bill be found inexpedient to legislate. Vote 12-0.

LOCAL AND REGULATED REVENUES

HB 1264, requiring legislative approval before lotteries and horse or dog race sweepstakes may be authorized by the sweepstakes commission. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had no desire to start micro-managing the sweepstakes commission. The commission assured the committee that any major

innovations such as keno or others, if any, will be coming before the legislature. Vote 14-0.

HB 1468, clarifying the legal status of home brewers of beer. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows home brewers to produce and transport beer to organized home brewing meetings, competitions, and exhibitions such as contests, tastings, and judgments. It limits production and prohibits sales of said products. It also has the support of the State Liquor Commission. Vote 17-0.

HB 1601-FN, authorizing simulcast off-track betting races at the town of Salem bingo hall. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee felt this bill is inappropriate because it would allow off-track betting for the first time. Vote 14-0.

HB 1641-FN, requiring the sweepstakes commission to receive prior approval from the legislative fiscal committee and governor and council before advertising for lottery ticket and other sweepstakes ticket sales and reducing advertising expenditures. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee did not feel that this bill was necessary to further the operation of the Sweepstakes Commission. One part of this bill would add the Fiscal Committee to the approval authority of the governor and council for any advertising of other than routine ticket sales. The Fiscal Committee already must approve any advertising contracts for ticket sales. The other part of the bill places a cap on advertising fund appropriations. The performance, to date, of the Sweepstakes Commission has certainly enhanced the funds that continue to flow into our education coffers. The committee did not want to limit the productivity of the commission by restricting its advertising capability, especially since the commission has a prime responsibility, according to the statutes, of "maximizing revenues". Vote 14-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill permits municipalities to amend their zoning ordinances to provide that the rental, lease, development or grant of an easement for the purpose of placing and maintaining wireless communications facilities shall be excluded from the definition of subdivision. The amendment also adds the word "unstaffed" to structure and increases the square footage from 200 to 500 square feet. Vote 12-0.

HB 1119, relative to the town line between the towns of Groton and Plymouth. OUGHT TO PASS

Rep. Robert A. Lockwood for Municipal and County Government: Enactment of this bill will allow voters in the towns of Groton and Plymouth to adjust their common boundary by 2/3 votes at respective town meetings. The adjustments have been deemed necessary because modern surveying techniques have shown prior boundaries were inaccurate. Vote 13-0.

HB 1424, relative to the method for filling a vacancy in the position of county commissioner. OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Lockwood for Municipal and County Government: The committee determined that there is no compelling reason to change the appointment process for filling vacancies in the position of county commissioner based on testimony at its public hearing. The sponsor stated that he wanted the county delegation to make appointments instead of the Superior Court because he believed a new system would work better. The amendment deletes the language that would change the appointment process and updates language that would eliminate two uses of the word "commissioner" with different definitions. Vote 12-0.

HB 1460-L, allowing counties to establish capital reserve funds to be funded with unencumbered surplus funds for the purpose of extraordinary legal fees and expenses related to present or foreseeable litigation involving the county or its officers. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would have allowed counties, by majority vote of the county delegation, to establish capital reserve funds utilizing unencumbered surplus funds to reimburse a member town for legal expenses based on disparity of assessed valuation. Testimony was received that the intent of the sponsor was to establish a mechanism to reimburse towns if the assessed valuation changed during the budget year. This committee has an already established county study committee to study county government. This issue will be considered by that committee. Vote 14-0.

HB 1518-L, increasing the minimum purchase amount by a county requiring competitive bidding. OUGHT TO PASS

Rep. Thomas E. Rice for Municipal and County Government: This bill increases the maximum limit from \$1,000 to \$5,000 that the County Commissioners can spend without going through the competitive bidding process. The \$5,000 limit brings the \$1,000 limit into line with inflation since the present limit was approved in 1979, almost 20 years ago. The County Delegation still has the

authority to set a lower figure for the bidding process, if they so choose. Vote 10-2.

HB 1569-L, relative to voter approval for the issuance of bonds or notes for the operating and capital costs of the Gunstock recreation area. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Municipal and County Government: The committee found that the stated purpose of the bill, to have a county-wide referendum in which two-thirds of the votes would have to approve capital improvement bond issue for the Gunstock Ski/Recreation Area, instead of a majority vote of the Belknap County Delegation would be contrary to efficient business practice primarily because the votes could be taken only every two years. The committee was persuaded that Gunstock operations had improved significantly in recent years and believes the county delegation should continue to provide close oversight on all operations at Gunstock because it is funded primarily by property taxpayers in Belknap County. Vote 12-0.

HCR 20, recognizing the 100th anniversary of Old Home Day in New Hampshire OUGHT TO PASS

Rep. Joseph E. Stone for Municipal and County Government: This House concurrent resolution recognizes Gov. Frank W. Rollins's proclamation establishing Old Home Day in 1899. It requests the governor issue a proclamation and declare far and wide that August 1999 will be celebrated as the 100th anniversary of the origination of "Old Home Day", that the Governor use and develop the history and tradition of "Old Home Day" to the best possible effect in promoting the image of New Hampshire, enhancing the quality and quantity of tourism in the state and that those towns with the largest record of offering "Old Home Day" be widely recognized. Vote 12-0.

PUBLIC WORKS AND HIGHWAYS

HB 1177-FN, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways: After addressing the concerns of this bill and HB 1374, the committee voted to combine the provisions of both bills into HB 1374, thereby making this bill unnecessary. The amendment to HB 1374 includes all the provisions of HB 1177. Vote 18-0.

HB 1206, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Public Works and Highways: This bill would affirm the legislature's intent that new court construction costs reflect the needs and usage of the judiciary. The committee believes this bill is not necessary. We are already aware of the public desire not to construct "overly lavish structures" and have not abused that trust. The committee received and reviewed information regarding court construction costs in the last four years, ranging from \$94.15 per square foot for Rockingham Superior Court in 1994-95 to \$119.69 per square foot for Franklin District Court in 1997. These costs were deemed appropriate. Vote 18-0.

HB 1211-FN-A, appropriating startup funds for the Governors State Park in Laconia. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill, as presented, involved an appropriation of \$750,000 for Governors State Park located near the Laconia Correctional Facility, for the purpose of development of said park. One of the sponsors testified that a much lower figure, perhaps \$160,000, would suffice and subsequent to the hearing the prime sponsor submitted a revised request of \$220,000. The committee felt that since the whole issue of the park and the correctional facility is being discussed in other venues it would not be appropriate to make any appropriation at this time. The amendment replaces all of the original bill with language renaming Governors State Park to Ahern Park, which was the original dedicated name of the park from 1937 until 1983, when for whatever reason the name was changed to Governors State Park. William Ahern, a former Speaker of the House and highly recognized civic leader of his time, was appropriately and suitably honored with the original naming of the park, and the committee feels very strongly that we should correct this historical injustice. Vote 20-0.

HB 1272-LOCAL, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. OUGHT TO PASS

Rep. William E. Leber for Public Works and Highways: This legislation would provide that the Long Range Capital Planning and Utilization Committee (RSA 17M) and the Skyhaven Airport Operations Committee (RSA 422:47), which has membership from Rochester, Somersworth, Dover and local airport community, shall develop a plan to transfer land and buildings, contract obligations and benefits to a local public entity that will maintain the airport in satisfactory manner in accordance with federal and state statutes and regulations. Further, the new owner shall be one that is eligible for federal funding under the Airport Improvement Program and other federal programs. All income currently collected by the state from the property such as hanger rentals and contract fees shall accrue to the new owners who will be responsible for the airport maintenance and operations. Data provided the committee indicates the revenue from all airport sources is currently sufficient to cover operating expenses and the revenues are expected to improve as bonds are paid off. Skyhaven Airport shall continue to be eligible for state grants to match federal grants in the capital improvement program in the same manner as other major airports in the state. The effort to initiate action to develop the plan shall begin upon passage with completion and report due by July 1, 1999.

Skyhaven Airport, the only state-owned airport, is an important part of the State Airport System and the transfer to local control will be beneficial to the future development of both the airport and the community. Vote 18-0.

HB 1335-FN, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee. OUGHT TO PASS

Reps. William E. Leber and Marlene M. DeChane for Public Works and Highways : This bill is the result of a study committee in the Laws of 1997, Chapter 349:16. It provides authorization for the acceptance of donations, gifts and grants up to \$300,000.00 for funding a design for expansion of the Veterans' Home over the next decade with emphasis on construction of a fifty bed dementia ward in the fiscal year 2000 capital budget. The study committee is re-established as the patients' needs committee to oversee progress of expansion of the veterans' home. Vote 19-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1292-FN-LOCAL, relative to payment by public utilities for output of limited electrical energy producers. INEXPEDIENT TO LEGISLATE

Rep. Jeb E Bradley for Science, Technology and Energy: The sponsor of the legislation requested that it be found inexpedient as the subject matter has been dealt with in re-referred HB 485 already approved by the House. As it relates to this bill, HB 485 proposes to repeal the mandatory requirements for new electricity purchases from qualifying generation facilitates once competition exists in electricity markets. Vote 14-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1334-FN, establishing the position of deputy adjutant general. OUGHT TO PASS

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: The position of Deputy Adjutant General is part of a reorganization involving many positions within the Adjutant General's office. This reorganization will not affect currently staffed positions. The new Deputy Adjutant General position will require little or no budgetary increase. Currently, there is no one to take over for the Adjutant General in his absence. The committee, taking into account the precedent for the position throughout New England and other states, votes unanimously Ought To Pass. Vote 12-0.

TRANSPORTATION

HB 1216-FN, relative to motorcycle registration for drivers and riders who wear approved helmets. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill was crafted as an insurance provision for un-helmeted motorcyclists claiming that they were a burden to the government for their care and substance and that motorcyclists were disproportionately underinsured, more so than the rest of society. The committee heard no testimony, nor saw any data that supported that claim. The committee found that this bill discriminated against motorcyclists by asking that they purchase \$1,000,000 (one million) worth of liability insurance, while exempting all other vehicles from the requirement to have comparable insurance. Testimony indicated that two thirds of all crashes involving motorcycles and other vehicles are the consequence of the operator of the other vehicle violating the motorcyclist's right-of-way, that resulted in the motorcyclist's being injured or killed, yet this bill has no provision for other drivers to carry this exorbitant liability insurance. Further testimony from those in the insurance business indicated that this type of insurance may not be available to everyone and is considerably expensive. Additionally the committee heard testimony from an attorney, whose expertise is personal injury accident claims, that this type of insurance (liability) would not insure the policy holder, but rather the other party, thereby asking the victim to bear the cost of the liability, accordingly this bill would not achieve its goal. The penalty clause of a class B misdemeanor for first offense and a class A misdemeanor for a second offense would only be exceeded by a DWI for what is now a legal activity, seemed out of touch with reality. Other provisions in the bill such as a tiered registration, insurance cards, and inspection station training have an unknown fiscal impact on both the state and private companies. Finally the constitutionality of this bill is in doubt, due to its discriminatory language. Vote 16-0.

HB 1363-FN, relative to special license plates and related fees for emergency personnel with 2-way radio equipment in their vehicles. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill is almost identical to a bill killed by the committee last year. The ability for this group to apply and start the process to receive a plate already exists in RSA 261-A. The bill does nothing but ask that these plates be given a reduced price as compared to other affinity plates granted under RSA 261-A, which process this group can apply through. Vote 16-0.

HB 1620, relative to the issuance of walking disability placards. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: The sponsor asked that people receive as many placards as they request. The commissioner already has the authority to grant extra placards to a person who has shown that he/she needs them. The committee felt that this privilege has been greatly abused by people who borrow the cards from other family or friends and do not need them. An excess of cards

does not need to be in the public. Vote 16-0.

THURSDAY, JANUARY 29

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 66, allowing a state resident to obtain a license for a pistol or revolver for life. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill as it came to the committee would have established a "Lifetime Carry Permit" for concealed weapons. There was no support from the law enforcement community as it required a licensing entity, usually the chief of police at the local level, to declare that a person is a "suitable person" for the duration of the license, which under SB 66, would be the rest of that person's life. Would a licensing entity or a police chief who may be uneasy granting a four year permit be likely to embrace liability for a lifetime? Comments were made that the Vermont system, which has no provisions for a carry permit in its statutes, had experienced no problems and would be preferable to a permitting system for a lifetime. It is assumed that only law abiding citizens would avail themselves of a legal method of carrying a concealed weapon, therefore, the only persons affected by such laws are not the problem that the law is created to control. The committee was offered an amendment to repeal the current system of requiring a police chief to affirm that an applicant is a suitable person. Again, there was little support for a complete repeal of the concealed carry statutes. During the original testimony citizens were commenting about the penalty for carrying after the license expired which currently is a misdemeanor for the first offense and a class B felony for a subsequent offense. It was agreed by the committee to support a repeal of the current penalties to be replaced by a lesser penalty. The amendment offered today changes the penalty for carrying a concealed weapon with an expired permit to a violation and leaves the rest of the carry statutes intact. Vote 13-0

EDUCATION

HB 1350-FN-A, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. OUGHT TO PASS

Rep. Richard L. Hill for Education: There is a need for Vocational Service Organizations' (VSO's) advisors to provide opportunities in leadership development in nationally recognized vocational service organizations. The appropriation is necessary to continue the program to support the advisors. The Carl Perkins Act provides federal money for this program and the Department of Education will supply money to this program. Vote 15-0.

ELECTION LAW

HB 1134, relative to the voting hours for the town of Sugar Hill. INEXPEDIENT TO LEGISLATE

Rep. Raymond C Buckley for Election Law: This legislation is similar to bills the committee heard last year. Following the passage of uniform voting hours by an overwhelming margin in the Town of Sugar Hill, this bill would repeal the voters' action. The committee supports uniform voting hours and the majority vote of Sugar Hill. Vote 16-1.

HB 1430, relative to political expenditure limitation amounts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Thomas I Arnold, Jr for the Majority of Election Law: This bill increases the voluntary limitation on campaign expenditures to \$625,000 (for each, primary and general election) for governor and for US Senator and to \$350,000 for Representative to Congress. The amendment establishes the effective date. This is intended to compensate for inflation and increase cost of advertising over the four (4) years since the previous figure was set. This committee believes that this increases the viability of our spending limits. Vote 12-5.

Rep. Raymond C Buckley for the Minority of Election Law: This bill fails to address the basic reason why the voluntary spending limit has failed. The dramatic and uncontrolled rise in independent expenditures has caused candidates to forego the voluntary limit option. While the sponsors may believe raising the limit by the arbitrary amount proposed will dissuade independent expenditures, no testimony was given to prove their position.

FINANCE

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

Rep. Arthur P. Klemm, Jr. for Finance: This bill changes the method for compiling the master jury list. The voter lists as well as the drivers' license list will both be used annually by the Administrative Office of the Courts (AOC) to form a master jury list. The bill also repeals most jury exemptions, a decision of the policy committee. The amendment states that the voter lists and the Department of Safety lists as well as the master jury list are confidential documents and are to be used for purposes of jury selection only. The AOC indicated that it will absorb any costs

required to implement this bill. As a result, there will be no impact on the general fund. Vote 15-4.

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

Rep. Frances L. Riley for Finance: This bill preserves the intent of the Health and Human Services Committee and the wishes of the House regarding assistance to day care centers. The amendment (a) eliminates the appropriation from the general fund and (b) permits \$17,500 of already appropriated funds plus loan repayments under the current program to be used for interest rate subsidies on future loans for child day care facilities. Vote 20-0.

JUDICIARY AND FAMILY LAW

HB 1324, requiring parental notification before abortions may be performed on certain minors. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: This bill would not result in improving communication within families. More than 70% of minors do inform their parents. Those who do not, often have sound reasons. Finally the bill does not protect the constitutional right of a minor to have an abortion without the notice of both parents if she is mature enough to make her own decision or an abortion is in her best interests. Vote 12-4.

Rep. Evelyn S. Letendre for the Minority of Judiciary and Family Law: The minority of the committee believes that at the most critical time in a woman's life she should have the support and guidance of a family member. In addition, since there are numerous things that a minor cannot do or have done to her without parental permission, it seems absurd to us that a minor can have an abortion without even so much as notification. This bill provides for parental notification not permission. In the event that the minor is a victim of sexual abuse, physical abuse, or neglect, notification can be made to a sibling over the age of 21, a stepparent or grandparent.

HB 1587-FN, creating the woman's right to know law. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Andrew R. Peterson for the Majority of Judiciary and Family Law: The majority of the committee found this bill to have implications which go well beyond the stated intent of its sponsors. We questioned if, as a practical matter, it would be possible for a doctor to perform an abortion in New Hampshire should this bill become law, as it so greatly expands liability for those performing this constitutionally protected procedure. The bill states, among other things, that a pre-abortion interview and consultation should be videotaped and shifts the standard of proof in a resulting dispute to place the preponderance of the burden on the physician as defendant. This bill, which the majority believes to be poorly drafted and conceived, will likely lead to unnecessary litigation and constitutional challenges if passed into law. Vote 13-2.

Rep. Thomas M. Colburn for the Minority of Judiciary and Family Law: It is inconceivable to the minority of the committee why any person, pro-choice or pro-life, would object to requiring that a pregnant woman be fully informed of all her options with respect to her pregnancy.

LEGISLATIVE ADMINISTRATION

CACR 43, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, multiplied by the most recent decennial federal census figure for the state of New Hampshire, divided by the number of legislators for the term elected. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: While this legislation as written presents a new and interesting twist on increasing pay for the members of the General Court, it is most blatantly flawed by lack of a funding mechanism. Using the formula contemplated in this CACR each member would receive approximately \$7,400 per year - a \$6,000,000 appropriation over the biennium. At present, we potentially face raising millions in new revenues to fund education, the majority of the committee felt asking our constituents for additional pay was both untimely and unfair. The sponsor's intent in proposing said CACR was to open up the possibility of more citizens running for House seats by paying a reasonable wage. The committee discussed the basic premise of a citizen legislature and the majority of the committee did not want to change the basis of what has been a two century tradition. The committee also wants to place some historical perspective on this issue and remind each member of the General Court the last salary treatment effected by the citizens was a decrease in pay, albeit more than 100 years ago. Vote 11-2.

HB 1180, relative to the composition of the legislative ethics committee. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Legislative Administration: This bill would remove the requirement that one member of the legislative ethics committee be an attorney. There was no evidence presented to the committee that a problem existed with the current statute. The legislative administration committee found that the ethics committee would benefit from having an attorney on the committee to insure that the rights of the complainant and the individual complained against were protected. In the past, the Attorney General or his designee had been a member of the committee, but that office expressed concerns about possible conflicts of interest and they are no longer statutory members. Vote 11-1.

HB 1289-FN, relative to meals for legislators on session days. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for Legislative Administration: It would be tempting to dismiss this bill solely on the basis of the well-known expression "there is no such thing as a free lunch". While that expression certainly applies in this case, the bill has other problems as well. The bill requires the state house cafeteria to offer a free lunch to legislators on session days. Such a benefit would seem to conflict with the New Hampshire Constitution which limits legislative compensation to our \$100 annual salary and mileage. In addition, the expense of providing paid lunches for legislators could cost \$53,000 or more per year. Further, such a practice would clearly represent unfair competition for area businesses providing noontime meals. For these and other reasons, the committee voted Inexpedient to Legislate. Vote 7-4.

HB 1366, establishing a committee to study the possibility of televising sessions and selected hearings of the house of representatives. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: The committee reviewed this legislation along with a historical review of similar legislation and found HR48 located on page 534 of the House Journal from the consent calendar dated 15 March 1994. HR 48 of 1994 encouraged the Speaker of the House to establish a study committee to review the feasibility and cost of televising sessions and committee meetings. A representative of this committee discussed HR 48 of 1994 with the Speaker and she stated she would follow the spirit and intent of the resolution. Vote 9-4.

HB 1375, establishing a legislative accountability act, requiring that certain laws apply to the legislature. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Warren C. Henderson for the Majority of Legislative Administration: This bill has very broad implications. While it is called the Legislative Accountability Act, it would apply laws which are not currently applicable to state employees to legislative employees. It would also allow an executive branch official to determine the rules under which legislative employees would work. If the legislature at some point in the future wished to establish other rules to apply to its own employees, it would require the approval of the Governor to enact a law permitting this. Finally, this bill could restrict the rights of some of our current legislative employees. We should act deliberately when we look at the rules which govern our employees. Vote 9-4.

Rep. Amanda A. Merrill for the Minority of Legislative Administration: This legislation sets out basic areas of employee protection that should be available in all work places, including the New Hampshire Legislature. While the Legislative Personnel Manual addresses issues unique to legislative employees, it does not cover the areas of protection currently available to other New Hampshire workers through existing state law.

HB 1405-FN, including the legislature and judiciary as public employers under the public employees labor relations act. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for of Legislative Administration: This bill would establish a collective bargaining process for legislative and judicial employees. Unlike the law governing other bargaining units of public employees, this bill does not establish an election process to determine whether legislative or judicial employees would like to unionize but rather establishes a bargaining committee on their behalf. The bill also does not appear to allow for individual administration of House and Senate employees by their respective bodies. It would therefore require Senate approval to establish certain conditions or salaries for House employees. It is important to consider that the membership of the House and Senate change every two years. The collective bargaining process could then produce an agreement which would bind future legislatures. We should give flexibility to each legislature to determine the conditions under which its employees will work. Vote 9-4.

HB 1625-FN, relative to financial disclosure by elected officials. INEXPEDIENT TO LEGISLATE

Rep. Loren J. Jean for Legislative Administration: This bill would have required a twice annually disclosure of gifts, testimonials and honoraria. The majority of the committee felt the requirements in place were adequate and to further burden the legislators and facilities of the Secretary of State's office is unwarranted. Vote 8-5.

HB 1645, to eliminate secrecy in the handling of complaints by any state ethics committee or conduct board or commission. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Legislative Administration: This bill would provide that all complaints and investigations before any state ethics committee or conduct board or commission are public and open, except during a related criminal investigation. This bill would allow an individual to file a complaint against another which would become public before the subject of the complaint even knew of its existence. The harm to an individual's reputation might not be repaired if the complaint was later determined to be unfounded. For these reasons of fairness and equity, the committee recommended that this bill be voted Inexpedient to Legislate. Vote 12-1.

SCIENCE, TECHNOLOGY AND ENERGY

HB 643-FN, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E Bradley for Science, Technology and Energy: Since the floor debate on this bill, the

committee has attempted to incorporate the constructive criticisms that members voiced during that debate. The new amendment changes several major provisions of the bill. First: heavy-duty diesel vehicles have been removed from the reporting requirements as well as the studies envisioned in the bill. Second: a statement has been added to the bill's purpose to express the intent that further categories of pollution reductions not be considered in New Hampshire until such time as other states in the region have adopted this type of legislation. Thirdly: the amendment allows draft rules to be prepared by the Departments of Safety and Environmental Services and the Public Utilities Commission, but does not allow such rules to be proposed to the Joint Legislative Committee on Administrative Rules until the legislature has approved. Lastly, language has been added to make clear that any utility affected by this legislation be allowed to recover costs of compliance. Since the floor debate, there have been discussions among the Department of Environmental Services, the state's largest utility, and the Environmental Protection Agency about reducing power plant emissions through regulation, not this legislation. The committee's hope is that pollution reductions achieved from power plants can be combined with a visual auto emissions test (which would become part of normal safety inspections) to eliminate the need for auto emissions tail pipe testing. Such a test would be much less expensive and involve significantly fewer hassles for motorists. While there is not yet agreement from all parties, there is reason for cautious optimism. As these discussions between the DES, EPA, and utilities are on-going, the committee will support a motion to table this legislation at this time. Should there be an acceptable agreement, the legislation could be found inexpedient in the future. Should there be no agreement, the legislation could be removed from the table and reconsidered as a means to avoid the more rigorous requirements of auto emissions tail pipe testing. Vote 14-0.

COMMITTEE HEARINGS

FRIDAY, JANUARY 30

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 308, LOB (Please note room change.)

1:00 p.m. Regular meeting.

EDUCATION, Rooms 205-207, LOB

10:00 a.m. Full committee work and executive session.

IDENTIFY GRIEVANCE PROCEDURES RELATED TO MANAGED CARE STUDY (SB 122, Chapter 230, Laws of 1997), Room 105A, State House

10:00 a.m. Regular meeting.

LONG-TERM CARE BOARD (RSA 126-I:3), Rooms 210-211, LOB

10:00 a.m. Regular meeting.

STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT COMMITTEE (RSA 193-C:7), Room 105A, State House

1:00 p.m. Rescheduled work session.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:00 a.m. Rescheduled regular meeting.

MONDAY, FEBRUARY 2

CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 202-204

1:30 p.m. *HB 1025-FN*, relative to capital murder, first degree murder, and second degree murder.

6:30 p.m. *HB 1025-FN*, relative to capital murder, first degree murder, and second degree murder.

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

**DEVELOPING AND IMPLEMENTING A STATEWIDE SCHOOL TECHNOLOGY PLAN OVERSIGHT COMMITTEE
(HB 262, Chapter 191, Laws of 1997), Room 207, LOB**

10:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **HB 1321-FN-A**, to provide marine patrol officers with adequate communications systems and making an appropriation therefor.

11:00 a.m. **HB 1303-FN-A-L**, continually appropriating boating fees and other revenues to the division of safety services.

1:00 p.m. **HB 1349-FN**, relative to using department of revenue administration income data in calculating foundation aid.

1:30 p.m. **HB 1442**, repealing the held harmless practice codified in the Augenblick formula.

2:15 p.m. **HB 1581-FN-A-L**, relative to the payment of school building aid.

3:00 p.m. **HB 1403-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor.

Executive session on pending legislation to follow.

TUESDAY, FEBRUARY 3

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 1286-FN**, establishing a "no sales solicitation calls" list, **HB 1176**, prohibiting charges for the use of electronic customer service terminals, **HB 1179**, limiting fees charged by financial institutions for use of electronic customer service terminals and **HB 1348**, limiting fees for use of electronic customer service terminals.

9:30 a.m. Subcommittee work session on **HB 1633**, restricting unsolicited commercial electronic mail and **HB 1235-FN**, relative to the small business innovation research program and **HB 1541-FN-A**, creating a position in the insurance department.

9:45 a.m. Subcommittee work session on **HB 1540-FN**, allowing non-banks to establish cash dispensing machines.

10:00 a.m. **HB 1147**, relative to corporate filings with the secretary of state.

10:30 a.m. **HB 1311**, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities.

11:15 a.m. **HB 1604**, relative to ownership of shares of professional corporations and relative to shareholders of firms practicing public accountancy.

1:15 p.m. **HB 1203**, establishing a committee to study methods of increasing the funding for the insurance fraud investigation unit.

2:00 p.m. **HB 1212**, prohibiting the use of credit reports to deny property or casualty insurance.

2:30 p.m. **HB 1391**, requiring insurance coverage for the screening and treatment of glaucoma.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1635-FN**, establishing the crime of criminal storage of a firearm.

10:30 a.m. **HB 1515-FN**, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee.

11:00 a.m. **HB 1543-FN-LOCAL**, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility.

1:30 p.m. **HB 1490**, requiring defendants charged with certain crimes to turn over firearms to law enforcement agencies; requiring a protective order for surrender of firearms in cases of abuse; and allowing protective orders on behalf of public servants and witnesses who are victims of stalking or criminal threatening.

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

EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee work session on **HB 1230-FN-LOCAL**, establishing a teacher improvement and evaluation program.

10:00 a.m. **HB 1416-FN-LOCAL**, requiring the state to pay for special education costs and to make tax information on special education services available to the public.

11:00 a.m. **HB 1597-FN**, relative to providing more cost-effective special education services.

1:00 p.m. **HB 1209**, revising the interagency agreement for special education.

2:00 p.m. **HB 1215**, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education.

2:30 p.m. **HB 1320**, amending provisions of the advisory committee on the education of students with disabilities.

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

ELECTION LAW, Room 308, LOB

10:00 a.m. **HB 1169-LOCAL**, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes.

10:30 a.m. **CACR 33**, relating to a minimum age restriction on New Hampshire house members. Providing that the minimum age shall be 21.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:15 a.m. Rescheduled subcommittee work session on **HB 1229**, exempting biological control agents from registration requirements for pesticides.

9:30 a.m. Subcommittee work session on **HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund.

10:00 a.m. Full committee briefing from the Department of Environmental Services to be followed by subcommittee work sessions.

11:00 a.m. Subcommittee work session on **HB 1238**, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural character, and environmental quality.

1:00 p.m. Subcommittee work session on ***HB 1576-FN-A***, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund.

1:30 p.m. Subcommittee work session on ***HB 1606-LOCAL***, relative to liability for response to hazardous materials accidents.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Subcommittee work session on ***HB 1294-FN***, establishing the propane and natural gas board and regulating propane and natural gas installers and ***HB 1508-FN***, regulating the practice of hypnotherapy.

10:00 a.m. ***HB 1415***, relative to the regulation of the practice of optometry.

10:45 a.m. ***HB 1450***, relative to standards for certification of soil scientists and wetland scientists.

11:30 a.m. ***HB 1361***, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers.

1:00 p.m. ***HB 1653***, relative to the composition of the board of barbering, cosmetology, and esthetics.

2:30 p.m. Subcommittee work session on ***HB 1377-FN***, establishing a state commission on the status of men.

3:00 p.m. Subcommittee work session on ***HB 1522-FN***, establishing the offices of inspector general.

3:30 p.m. Subcommittee work session on ***HB 1524-FN***, licensing bail recovery agents.

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

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee executive session on re-referred bills.

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

10:00 a.m. All day executive session on pending legislation.

2:00 p.m. Subcommittee work session on ***HB 1658-FN***, relative to prohibiting the cloning of human beings in New Hampshire.

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:45 a.m. ***HB 1504-FN***, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court.

10:15 a.m. ***HB 1538-FN-A***, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor.

11:00 a.m. ***HB 1593-FN***, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary.

1:00 p.m. ***HB 1433-FN***, relative to physician aid-in-dying for certain persons suffering from a terminal condition.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

- 10:00 a.m. Public hearing on the proposed amendment to **HB 1423-FN**, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant’s child support obligations. (The proposed amendment relates to unemployment compensation for part time workers. Copies of the amendment are available from the Sergeant-at-Arms Office.)
- 1:30 p.m. Subcommittee work session on **HB 1423-FN**, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant’s child support obligations.
- 2:00 p.m. Rescheduled executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1638-LOCAL**, relative to the work program requirement for assisted persons who are single parents.
- 10:30 a.m. **HB 1533-LOCAL**, requiring court diversion programs to provide an accounting of funds appropriated by municipalities, requiring municipalities to publish such accounting in the annual report of the municipality, and requiring municipalities to separately state anticipated expenditures for court diversion programs in the budget.
- 1:30 p.m. Rescheduled public hearing on **HB 1192**, permitting the city of Concord to combine the positions of tax collector and treasurer.
- 2:00 p.m. Rescheduled public hearing on **HB 1447-LOCAL**, relative to approval by the legislative body of cost items in a collective bargaining agreement.
- 2:30 p.m. Rescheduled public hearing on **HB 1373**, enabling towns and cities to adopt a procedure allowing for the denial of a planning board application by a vote of the municipality.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 205, LOB

- 3:00 p.m. Regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

- 2:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 1656**, relative to the law enforcement memorial.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:30 a.m. Subcommittee work session on **HB 1341**, relative to temporary seasonal docks on lakes and ponds.
- 10:00 a.m. Subcommittee work session on **HB 1240-FN**, establishing wetlands permits for slips-only marinas.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

9:30 a.m. Radioactive Waste subcommittee work session on ***HB 1630-FN***, relative to the transportation of high level radioactive waste.

10:30 a.m. Radioactive Waste subcommittee work session on ***HB 1651***, establishing a committee to study the protection of consumers relative to cable television rates and services.

11:00 a.m. ***HB 1659***, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants.

1:00 p.m. Telecommunications subcommittee work session on ***HB 1632-FN-A-LOCAL***, promoting the development of telecommunications planning and coordination at a statewide level, establishing incentives for local government investment in telecommunications infrastructure, and permitting local governments to franchise or otherwise levy and collect payments for use of the rights-of-way, ***HB 1535***, relative to local telephone calling areas and long distance access charges and ***HB 1527***, relative to unauthorized switching of service providers by utilities and clarifying the definition of "telephone cloning paraphernalia."

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

TRANSPORTATION, Room 203, LOB

10:00 a.m. ***HB 1135***, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee.

11:00 a.m. ***HB 1152***, permitting municipalities to further restrict watercraft on great ponds wholly within the municipality.

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on ***HB 1481***, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters.

11:15 a.m. Subcommittee work session on ***HB 1409-FN***, relative to licenses for taking lobster and crab.

Rooms 305-307, LOB

1:00 p.m. ***HB 1196***, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses.

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

WEDNESDAY, FEBRUARY 4

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on ***HB 1214-FN***, encouraging employers to provide health insurance for their employees by providing a "New Hampshire Way" designation.

9:30 a.m. Subcommittee work session on ***HB 1336-FN***, defining medical necessity for insurance purposes.

10:00 a.m. ***HB 1257***, authorizing landlords to conduct criminal background checks on prospective tenants with the consent of the prospective tenants.

11:00 a.m. ***HB 1654***, relative to consumer credit solicitations.

1:15 p.m. **HB 1380-FN**, relative to energy costs for persons dependent upon life-support equipment.

2:00 p.m. **HB 1551-FN**, adding dental insurance to the continuing insurance coverage for certain employees.

2:30 p.m. **HB 1536**, establishing a committee to study women's health care and relative to breast feeding a baby.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1552-FN-LOCAL**, relative to standards for juvenile court diversion programs.

10:30 a.m. **HB 1614**, relative to tobacco use violations by minors and establishing a committee on educational programs on tobacco use for minors.

11:00 a.m. **HB 1547-FN-LOCAL**, relative to mandatory incarceration for violators of protective orders.

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

EDUCATION, Room 207, LOB

9:30 a.m. **HR 52**, encouraging school districts to include special education students in drug education programs.

10:00 a.m. **HB 1428**, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students including disabled students.

11:00 a.m. **HB 1429**, amending state board of education rulemaking authority relative to certain educational personnel.

1:00 p.m. **HB 1478**, recognizing American sign language as the primary language of deaf citizens.

2:00 p.m. **HB 1441**, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

1:00 p.m. Subcommittee work session on **HB 1145**, relative to the definition of "livestock."

2:00 p.m. Subcommittee work session on **HB 1160**, relative to the definitions of the terms "farm," "agriculture," and "farming."

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

8:30 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Subcommittee work session on **HB 1525-FN**, establishing an office of administrative hearings.

10:00 a.m. **HB 1185**, creating a committee to study the feasibility of establishing an audit division

within the department of justice to audit and review state contracts.

10:45 a.m. **HB 1438**, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools.

11:30 a.m. **HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor.

1:15 p.m. **HB 1299**, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements.

2:00 p.m. **HB 1344-FN**, relative to state employees receiving workers' compensation benefits.

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

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee executive session on re-referred bills.

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. Informational meeting.

10:30 a.m. **HB 1370**, abolishing the judicial council.

11:15 a.m. **HB 1594-FN**, transferring the authority of the judicial conduct committee to the legislature.

1:00 p.m. **HB 1267**, relative to membership on the professional conduct committee and the judicial conduct committee of the supreme court.

1:45 p.m. **HB 1358**, relative to failure to cooperate with proceedings of the supreme court committee on professional conduct or the judicial conduct committee.

2:30 p.m. **HB 1500**, relative to powers of appointment.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements.

11:00 a.m. Rescheduled public hearing on **HB 1250-FN-LOCAL**, providing that beginning with the tax year 2002, the education portion of a property taxpayer's tax bill shall not exceed 50 percent of the total tax due and establishing a committee to recommend legislation necessary to implement this act.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

2:00 p.m. Subcommittee work session on **HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Clean Air subcommittee work session on **HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services, **HB 1513-FN-LOCAL**, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program and **HJR 23**, supporting the state’s petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution.

1:00 p.m. Utilities subcommittee work session on **HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants, **HB 1560-FN-A**, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire, **HB 1368**, relative to distribution services and metering and billing in electric utility restructuring, **HB 1496**, relative to energy facility evaluation and **HJR 20**, finding that the contract requiring Public Service Company of New Hampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law.

TRANSPORTATION, Representatives Hall

9:00 a.m. **HB 1367**, requiring motorcyclists to wear protective headgear.

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:30 a.m. **HB 1436**, exempting resident or landowner permissions for applications and permits for wildlife reductions on Long Island from the right to know law.

10:30 a.m. Full committee work session on pending legislation.

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

THURSDAY, FEBRUARY 5

ELECTION LAW, Room 308, LOB

10:00 a.m. Rescheduled subcommittee work session on **HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, **HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act, **HB 1204**, relative to political party expenditures, **HB 1218**, requiring the secretary of state to print a question to the voters relative to the public financing of political campaigns on the 1998 general election ballot and **HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **HB 1217**, relative to balancing the operating budget.

10:45 a.m. **HB 1300**, relative to the revenue stabilization reserve account.

11:30 a.m. **HB 1644-FN-A**, relative to general fund operating budget surpluses.

1:30 p.m. **CACR 40**, imposing limitations on state government spending. Providing that the legislative and executive budgets cannot be more than 98 percent of the previous year's revenues, with the remainder being placed into a stabilization fund.

2:30 p.m. **CACR 30**, relating to the levy of taxes. Providing that no taxes shall be levied without the consent of the people through a referendum vote.

3:15 p.m. **CACR 34**, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited.

Executive session on pending legislation to follow.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. All day executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Briefing on time lines for voting/official ballot.

11:00 a.m. Subcommittee work session on **HB 1252**, relative to the right to farm, **HB 1383-LOCAL**, relative to zoning for small businesses in rural areas, **HB 1388**, establishing a committee to study commercial, suburban, and rural sprawl, **HB 1532**, establishing a committee to study the village plan alternative to municipal subdivision procedures for the purpose of retaining open space in the development process.

1:30 p.m. County Committee study work session.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Clean Air subcommittee work session on **HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services, **HB 1513-FN-LOCAL**, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program and **HJR 23**, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution, if needed.

1:00 p.m. Utilities subcommittee work session on **HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants, **HB 1560-FN-A**, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire, **HB 1368**, relative to distribution services and metering and billing in electric utility restructuring, **HB 1496**, relative to energy facility evaluation and **HJR 20**, finding that the contract requiring Public Service Company of New Hampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law, if needed.

TRANSPORTATION, Room 203, LOB

9:00 a.m. Subcommittee work session on ***HB 1345***, relative to school crosswalks.

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

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

FRIDAY, FEBRUARY 6

ALAN B. SHEPARD PARK COMMISSION (HB 687, Chapter 94, Laws of 1997), Room 305, LOB

9:30 a.m. Regular meeting.

MONDAY, FEBRUARY 9

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

10:00 a.m. Regular meeting.

EDUCATION, Rooms 205-207, LOB

9:00 a.m. ***CACR 42***, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections.

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

EDUCATION (JOINT HEARING WITH SENATE EDUCATION), Rooms 205-207, LOB

10:00 a.m. ***HB 1476-LOCAL***, enabling school districts to allow parental choice among public and nonpublic schools and ***SB 456***, enabling school districts to allow full parental choice in education..

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

FINANCE, Rooms 210-211, LOB

10:00 a.m. ***HB 1400-FN***, relative to the powers and duties of the commissioner of health and human services.

1:00 p.m. ***HB 1497***, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes.

1:45 p.m. ***HB 1362***, requiring a vote of 2/3 of the house and senate to pass any bill approving the issuance of bonds which would increase state indebtedness.

2:30 p.m. ***HB 1555-FN***, relative to including revocable trusts for medicaid estate recovery purposes.

3:00 p.m. ***HB 1521-FN-A***, making supplemental appropriations to certain academic institutions within the university system of New Hampshire for fiscal years 1998 and 1999.

Executive session on pending legislation to follow.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 10

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1472**, relative to employment of prisoners.
- 10:30 a.m. **HB 1227-FN**, authorizing extended terms of imprisonment for persons who assault emergency medical personnel and fire services personnel.
- 11:00 a.m. **HB 1248-FN**, establishing the crime of assault against a sports official.
- 1:00 p.m. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 1631-FN**, extending the moratorium on new nursing home beds.
- Division work and executive session to follow.
- Full committee executive session on pending legislation to follow.

JUDICIARY AND FAMILY LAW, Room 208, LOB

- 9:45 a.m. **HB 1144**, relative to protecting personal privacy.
- 10:15 a.m. **HB 1302**, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather.
- 11:00 a.m. **HB 1325**, relative to the rooms and meals tax and occupants of rooming houses.
- 1:00 p.m. **HB 1382**, requiring a court order or a power of attorney executed by a beneficiary for sale of estate assets by the administrator of the estate.
- 1:45 p.m. **HB 1406**, increasing the maximum amount for a small claim action.
- 2:30 p.m. **HB 1408**, requiring a criminal background investigation for certain child care agencies.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1113**, relative to reports of town and school district meetings to be certified to the department of revenue administration.
- 10:30 a.m. **HB 1112**, relative to the placement of articles on the official ballot.
- 11:00 a.m. **HB 1434-LOCAL**, simplifying the charter amendment procedure for the purpose of establishing official ballot voting.
- 1:00 p.m. **HB 1482**, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures.
- 2:00 p.m. **HB 1491**, making the second Tuesday in April, rather than the second Tuesday in March, the election day for all local offices and for official ballot voting.
- 3:00 p.m. **HB 1343**, relative to multiple and contingent warrant articles under the official ballot voting process.
- Executive session on pending legislation may be held throughout the day, time permitting, from the

time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

1:00 p.m. Utilities ubcommittee work session on **HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants, **HB 1560-FN-A**, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire, **HB 1368**, relative to distribution services and metering and billing in electric utility restructuring, **HB 1496**, relative to energy facility evaluation and **HJR 20**, finding that the contract requiring Public Service Company of New Hampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law, if needed.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on **HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters.

11:15 a.m. Subcommittee work session on **HB 1409-FN**, relative to licenses for taking lobster and crab.

WEDNESDAY, FEBRUARY 11

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1448**, relative to confidential communication between victims and counselors.

10:30 a.m. **HB 1561-FN**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws.

11:00 a.m. **HB 1378-FN**, making the penalty for the offense of official oppression a felony,

1:30 p.m. **HB 1183**, relative to use of force to prevent an unlawful taking of property.

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

FINANCE, Rooms 210-211, LOB

1:00 p.m. Rescheduled public hearing on **HB 1295-FN**, relative to reimbursing the state medical assistance program.

1:45 p.m. Rescheduled public hearing on **HB 1228**, relative to notice required upon an agency's receipt of federal funds.

2:15 p.m. Rescheduled public hearing on **HB 1310**, relative to legislative approval of expenditure of federal and other funds.

3:00 p.m. Rescheduled public hearing on **HB 1326**, relative to applications for exemption to the state hiring delay.

Executive session on pending legislation to follow.

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

9:00 a.m. Regular business.

9:30 a.m. Audits: (1) New Hampshire Retirement System Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1997

1. State of New Hampshire Retirement System Management Letter for the Year Ended June 30, 1997.
1. State of New Hampshire Single Audit of Federal Financial Assistance Programs for the Year Ended June 30, 1997.
2. State of New Hampshire Health Services Planning and Review Board Performance Audit Report January 1998.

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. **HB 1511-FN**, requiring registers of probate to send a notice to each beneficiary when a fiduciary is delinquent in filing an inventory or account.

10:15 a.m. **HB 1519**, requiring registers of probate to be consistent and uniform in the enforcement of delinquency notices, citations, and contempt charges.

11:00 a.m. **HB 1554-FN**, allowing punitive damages in actions for domestic violence and sexual assault.

1:00 p.m. **HB 1565-FN-A**, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor.

1:45 p.m. **HB 1610**, relative to back wages owed by employers.

2:30 p.m. **HB 1622-FN**, relative to remedies and appeals under the whistleblowers' protection act.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1483**, authorizing secret ballot voting at annual meeting.

11:00 a.m. **HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board.

1:00 p.m. **HB 1236-LOCAL**, relative to limitations on the amendment of warrant articles in official ballot voting.

1:30 p.m. Rescheduled public hearing on **HB 1568**, relative to the timing of special school district meetings.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. **HB 1571**, relative to the acquisition of abandoned or inactive rail lines in the city of Lebanon.

10:15 a.m. **HB 1585**, requiring the state to notify the town or city in which state-owned real estate is located prior to a change in use of such real estate.

11:00 a.m. **HB 1591**, relative to a width exception for highway building and maintenance equipment owned by private businesses and used for winter snow removal.

Executive session on pending legislation may be held throughout the day, time permitting, from the

time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

1:00 p.m. Subcommittee work session on ***HB 1531-FN***, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

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

TUESDAY, FEBRUARY 17

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. ***HB 1559***, legalizing the possession and cultivation of marijuana for medicinal purposes.

10:30 a.m. ***HB 1562***, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use.

11:00 a.m. ***HB 1646-FN***, removing the intent requirement for crimes of possession under the controlled drug law and increasing penalties for violations of the controlled drug law involving marijuana and hashish.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

WEDNESDAY, FEBRUARY 18

EDUCATION, Representatives Hall

9:30 a.m. Meeting with Vocational Institute Students.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

THURSDAY, FEBRUARY 19

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

FRIDAY, FEBRUARY 20

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

9:00 a.m. Regular meeting.

FRIDAY, FEBRUARY 27

JUDICIAL COUNCIL (RSA 494), Room 208, LOB

3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Cheshire County Executive Committee will meet on Monday, February 2 at 9:30 a.m. in the Commissioners’ Office in Keene to continue hearings on the 1998 budget.

Rep. Paul A. McGuirk, Chairman

Cheshire County Executive Committee

COUNTY DELEGATION NOTICE

Hillsborough County Delegation will meet on Thursday, January 29 in Room 105A, State House immediately following the close of the House session.

Rep. Frances L. Riley, Chairman

Hillsborough County Delegation

COUNTY DELEGATION NOTICE

The Executive Committee of the Merrimack County Delegation will meet on the following dates: Monday, February 2 at 10:00 a.m. in the 3rd floor Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to review the 1998 Delegation, Treasurer, Administration, Concord Complex Maintenance, Registry of Deeds and Miscellaneous Budgets.

Monday, February 2 at 1:00 p.m. in the 3rd floor Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to review the 1998 Merrimack County Department of Corrections Budget.

Friday, February 6 at 10:00 a.m. in the Lower Level Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to review the 1998 Human Services, Adult Diversion, Juvenile Diversion, Bridge Program, Grant Agencies and Cooperative Extension Budgets.

Monday, February 9 at 10:00 a.m. in the Lower Level Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to review the 1998 County Attorney, Medical Referee, Sheriff and Dispatch Budgets.

Friday, February 13 at 10:00 a.m. in the Lower Level Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to review the 1998 Nursing Home and Residential Properties Budgets.

Friday, February 20 at 10:00 a.m. in the Lower Level Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to vote on the approval of the total County Budget.

Rep. Robert A. Lockwood, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Sullivan County Finance Committee will meet on Friday, January 30th at 12:30 p.m. in the Commissioners’ Conference Room in Newport to review FY’98 second quarter budget figures and conduct any other business that may be required.

Rep. Gordon B. Flint, Chairman
Sullivan County Executive Committee

COUNTY DELEGATION NOTICE

Sullivan County Delegation will meet on Friday, January 30th at 1:30 p.m. in the Commissioners’ Conference Room in Newport to review second quarter budget operations and conduct other business as necessary.

Rep. Merle W. Schotanus, Chairman
Sullivan County Delegation

The hard-cover 1997 Permanent House Journals have been delivered. Those Representatives who ordered copies can pick them up anytime at the Sergeant-at-Arms counter.

Leo J. Callahan, Assistant Clerk

On House session days and committee days Representatives who do not have reserved LOB or reserved street parking please park in the Storrs Street Parking Garage.

Rob Johnson, Sergeant-at-Arms

Pursuant to 1996 HR 62, the Finance Committee has prepared a report dated November 1, 1997, of its study of alternatives to fund public, primary and secondary education. Copies of the report are available from the Sergeant-at-Arms office. Members will find it both interesting and enlightening.

Rep. Neal M. Kurk, Chairman
Finance Committee

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, February 2 at 6:30 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 111, 467, 552, 565, 579, 587, 616, 630, 651, 670, 697, 707, 734, 736, 747, 753, 1350, 1545, 1579, 1582, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617 and 1644.

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

Robert W. Foster, PO Box 602, Moultonborough, New Hampshire 03254-0602

Leo P. Pepino, 73 Walnut Street, Manchester, New Hampshire 03104-4848

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

Robert H. Turner, 44 Winnicooash Street, Laconia, New Hampshire 03246-3040.

Karen O. Wadsworth, Clerk of the House

MEMBERS’ NOTICES

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

A summary of the November meeting of the Judicial Conduct Committee is available at the Sergeant-at- Arms counter for those who may be interested.

Donna Sytek, Speaker

NH Senators and Representatives may receive complimentary ski privileges for themselves and one guest upon presentation of proper credentials at the ticket window. The elected official must be present to personally present the credentials, unless prior arrangement has been made with Commissioner Thomson. *(Lift tickets are to be picked up at Guest Services at Sunapee; and at Guest Services or the Ticket Window at Cannon.)*

Rep. Gene G. Chandler

Please advise me by note at 945 East Rumney Road, Rumney, NH 03266 or by phone at 786-9562 if your town celebrates "Old Home Day" (OHD) or equivalent annually or occasionally. In HCR 20 we will ask the House to recognize the upcoming 100th anniversary of OHD and seek knowledge now of your town or city participation in that New Hampshire tradition. Thanks for your help.

Rep. John R.M. Alger

Perspectives on Assessment. All legislators are invited to a presentation and discussion about educational assessment to be presented by Peg Lusik, a nationally known advocate for responsible and accountable student testing. Ms. Lusik, an educator and former Pennsylvania gubernatorial candidate, will explain the content, purpose and uses of various assessment systems now in vogue throughout the country. Date/Time: Saturday, January 31, 2:30-4:30 p.m. at the Bedford Town Hall. Sponsored by the Citizens Education Association. For further information please call 638-4701 or 669-6621.

Rep. John M. Root

The Legislative Caucus for Young Children will meet on Tuesday, February 3 and Tuesday, February 17 from 8:30 to 9:30 a.m. in the Upham Walker House.

Reps. Julie M. Brown, Iris W. Estabrook, Mary Stuart Gile and James P. Pilliod

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on Wednesday, February 4th and Wednesday, February 18th. Refreshments will be served.

Rep. Robert K. Boyce

The Judicial Council is holding its Annual Administration of Justice Conference on February 6 beginning at 9:00 a.m. in the LOB. The topic of this year's conference is "Getting Tough on Crime: Understanding Sentencing Options and Alternatives." This interactive seminar program will include presentations on juvenile diversion, sentencing to the House of Corrections and the Academy program and what sentencing to the NH State Prison really means. Participants in the panels will include district and superior court judges, experts from diversion and academy programs, graduates of these programs, prosecutors, and police. Please save this date and plan to attend this very worthwhile program. The program will be interactive and include an opportunity for questions to the panelists.

Information on the program will be sent to each legislator. The Judicial Council will ask legislators to reply to their invitation so that they can plan the program to meet the needs and number of those attending. Please watch for this material.

Reps. Nick Hart and Sandra B. Keans

On Monday, February 9, 1998, the Department of Corrections will host a tour of the Lakes Region Correctional Facility in Laconia. Transportation will be provided, meeting at 9:30 a.m., in front of the LOB for those members not wishing to provide their own transportation.

Please call 271-3565, or stop by Room 201 on Tuesday, February 3 or Wednesday, February 4 by noon, if you are going to use the provided transportation.

Members driving themselves should meet at the Correctional Facility at 10:15 a.m.

Rep. Gene G. Chandler

The New Hampshire Society of CPAs invites all legislators and staff to a reception on Wednesday, February 11 from 4:00 to 7:00 p.m. at the Holiday Inn, Concord.

Reps. Robert L. Wheeler and Peter Hoe Burling

The New Hampshire Psychological Association invites all legislators and staff to a breakfast on Thursday, February 12th from 8:00 to 10:00 a.m. in the basement of St. Paul’s Church.

Reps. Robert L. Wheeler and Peter Hoe Burling

All legislators are cordially invited to attend a Legislators for Limited Spending Buffet Breakfast on Thursday, February 12 at 8:30 a.m. at the Eagles Nest, Eagle Square, Concord. Noted author and lecturer, Mr. Grover Norquist, President of Americans for Tax Reform, Washington, DC will be the guest speaker. For tickets contact Rep. Sylvia A. Holley at 882-1891 or Rep. Don White at 886-8267.

Rep. Sylvia A. Holley

The Department of Transportation will hold the following meetings:

Jan 29 - Chesterfield Elementary School Gymnasium, 535 Old Chesterfield Road, Chesterfield, 7:00 p.m. Public hearing (Special Committee), Chesterfield, NH - Brattleboro, VT, NH Route 9.

Feb 11 - The Birches Restaurant, Gorham, 6:00 p.m. Working Group Meeting, Route 16 Corridor Study.

Feb 12 - Roberge Center, Rochester, 6:00 p.m. Working Group Meeting, Route 16 Corridor Study.

Feb 17 - Runnell’s Hall, Chocorua, 6:00 p.m. Working Group Meeting, Route 16 Corridor Study.

Feb 17 - Newport Opera House, 20 Main Street, Newport, 7:00 p.m. Public hearing, Newport, Central Street.

Feb 18 - Stratham Municipal Center, 10 Bunker Hill Avenue, Stratham, 7:00 p.m. Public hearing (Commission), Newfields-Stratham, NH Route 108.

Feb 18 - Town Office Building, Route 3, West Stewartstown, 6:00 p.m. Public informational/officials meeting, Stewartstown, NH Route 145 over Bishop’s Brook.

Feb 19 - Room 201, LOB, 2:00-5:00 p.m. and 6:30 p.m. Committee meeting. Transportation Enhancement (TE) Advisory Committee.

Mar 5 - Room 201, LOB, 3:00-5:00 p.m. Committee meeting. Transportation Enhancement (TE) Advisory Committee.

Mar 10 - Room 201, LOB, 3:00-5:00 p.m. Conjection Mitigation Air Quality Meeting (CMAQ).

Mar 19 - Room 201, LOB, 3:00-5:00 p.m. Committee meeting. Transportation Enhancement (TE) Advisory Committee.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of school groups visiting the State House in January 1998. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with our School Visitation Program.

Kenneth Leidner, Director

DATE TIME GROUP CLASS/Size

1/30 10:00 & 11:30 Woodman Park School - Dover 4 / 80

thursday, january 29

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-0392h

Amendment to HB 529

Proposed by the Committee on Municipal and County Government

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Wireless Communication Facilities. Amend RSA 672:14 by inserting after paragraph III the following new paragraph:

IV. The zoning ordinances of a municipality may provide that the rent, lease, development, or grant of easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions.

AMENDED ANALYSIS

This bill permits municipal zoning ordinances to allow property owners to rent, lease, develop, or grant easements for the purpose of constructing wireless communication facilities without having the interest in the land considered a subdivision. This bill also increases the square footage allowed for unstaffed structures of a public utility.

1998-0302h

Amendment to HB 579-FN-LOCAL

Proposed by the Committee on Finance

Amend the introductory paragraph of RSA 282-A:32, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) ~~[He]~~ ***The individual*** left ~~[his]~~ work voluntarily without good cause in accordance with rules of the commissioner. This section shall not apply and benefits shall be paid without regard thereto where:

1998-0359h

Amendment to HB 616-FN

Proposed by the Committee on Finance

Amend RSA 500-A:1, VI as inserted by section 2 of the bill by replacing it with the following:

VI. "Voter lists" means the official record of persons registered to vote in the most recent state general election and town lists, which are the combined and alphabetically arranged lists prepared by the selectmen and city wards for their respective jurisdictions made up of all adults listed on the voter registration lists, and provided to the office by the selectmen and city wards.

Amend RSA 500-A:2 as inserted by section 3 of the bill by replacing it with the following:

500-A:2 Preparation of Master Jury List. The [department] **office** shall annually prepare and deliver to the clerk of court a master jury list for each county or judicial district thereof. A duplicate list shall be retained by the [department] **office**. ***Voter lists and department of safety lists, as well as the master jury list, are confidential documents to be used by the office and the respective trial courts only for purposes of jury selection.***

AMENDED ANALYSIS

This bill changes the method for compiling the master jury list. The voter lists and the driver's license list will be blended annually into a master jury list by the administrative office of the courts.

The bill specifies that the master jury list, voter lists, and driver's license list are confidential documents.

The bill also repeals the most jury exemptions. The bill prohibits a convicted felon whose conviction has not been annulled or is not eligible for annulment under New Hampshire law from serving on juries.

1998-0303h

Amendment to HB 627-FN

Proposed by the Committee on Finance

Amend RSA 261:91-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:91-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a \$25 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

Amend RSA 261:91-a, III as inserted by section 2 of the bill by replacing it with the following:

III. Plates shall be renewed on an annual basis for \$25 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:91-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

Amend the bill by replacing section 4 with the following:

4 Date for Implementation; Issuance of Conservation Number Plates. The director shall begin issuing special conservation number plates under RSA 261:91-a on or before January 1, 1999.

1998-0291h

Amendment to HB 643-FN

Proposed by the Committee on Science, Technology and Energy

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

1 New Chapter; Industry Average Performance System for Air Pollution Control. Amend RSA by inserting after chapter 125-K the following new chapter:

CHAPTER 125-L

Industry Average Performance System

for Air Pollution Control

125-L:1 Purpose.

- I. The general court finds that the general level of air pollution in New Hampshire is greater than desirable for public health and ecological integrity, and that considerable reduction of air pollutant emissions from current levels, at a rate consistent with the continued well-being of the state's economy, is a desirable goal.
- II. The general court further finds that based on current scientific evidence, there is no threshold level at which air pollution reduction ceases to be of benefit. Therefore, the goal of the state's air pollution control strategy shall be to provide for continual improvement in air quality and continuing reduction in air pollutant emissions at an appropriate rate given the relative costs and benefits of air pollution emission reductions, rather than setting specific goals and terminating programs upon reaching those goals.
- III. The purpose of this chapter is to establish a cost-effective system of air pollution control which can provide for continual improvement in air quality and maximize air pollution emission reductions for every dollar spent.
- IV. The legislature has identified two categories of pollution sources, electric utilities and light motor vehicles, which produce more total pollution than other categories of pollution sources, and where cost-effective pollution reductions can be achieved. Even though future legislation would be necessary to add additional categories of pollution sources, it is the intent of the legislature that no additional categories of pollution sources be added, due to interstate considerations, until similar pollution reduction initiatives are adopted in other states.

125-L:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of environmental services.
- II. "Light motor vehicle" means a motor vehicle of less than 8,500 pounds gross vehicle weight.
- III. "Major air pollutant" means:
 - (a) Carbon monoxide;
 - (b) Nitrogen oxides; or
 - (c) Sulfur dioxide.
- IV. "Nitrogen oxides" means nitric oxide (NO) or nitrogen dioxide (NO2).
- V. "Ton" means 2,000 pounds.

125-L:3 Principles and Goals.

- I. To provide cost-effective flexibility for air pollution emission reductions, and to allow for differing circumstances, differing existing equipment, and differing available pollution reduction options, polluters shall be allowed the option of reducing pollution from their own sources or paying into a fund that will directly or indirectly pay for air pollution reductions by others. To provide maximum benefit for every dollar spent, all economic incentives shall be strictly connected to actual physical reductions in amounts of air pollutant emissions. An integrated system shall be established for regulating all air pollutants, so that air pollution control expenditure decisions for all pollutants can be considered as a package.
- II. Because under this chapter the state collects and distributes funds within individual categories of polluters, the legislature may choose to include separate categories of polluters in this regulatory system one at a time.
- III. The goal for improvement in air pollutant emissions is 3 to 5 percent compounded reduction per year. At this rate, air pollutant emissions will be halved every 15 to 25 years. Pollution control fee rates shall be set to achieve overall emission

reduction of that magnitude.

IV. The pollution control fee rates for various major air pollutants should be based on the best available scientific data for relative damage done by the major air pollutants. Such evidence may include, but shall not be limited to, federal Environmental Protection Agency standards for the various major air pollutants, current levels of air pollution concentrations, other public health data, and other environmental and ecological integrity data.

V. The pollution control fee rates shall be set by the legislature.

VI. Since many air pollution controls require significant capital expenditures with sizable lifetimes, the state hereby adopts a stable, slowly changing air pollution control regulatory system. New major air pollutants shall be added only after they have been accepted as a serious problem for several years, and after their relative toxicities have been established by repeated scientific research. Pollution control fee rate ratios among major air pollutants should be adjusted slowly, and only on the basis of repeated scientific research. Changes shall be announced in advance so that adequate time is available to plan and execute additional pollution reduction measures prior to the change. The goal of this regulatory system of economic incentives is to encourage air pollution reduction, not to collect reparations.

125-L:4 Pollution Control Fee Rate.

I. A pollution control fee rate shall be established for each major air pollutant, in terms of dollars per ton to the nearest whole dollar. The rate shall be calculated by multiplying the base pollution control fee rate of paragraph II by any automatic adjustments in accordance with paragraph III, and multiplying the total by the inflation adjustment provided for in paragraph IV.

II. The base pollution control fee rate for each major air pollutant shall be:

(a) For carbon monoxide, \$175 per ton.

(b) For nitrogen oxides:

(1) \$2,275 per ton during the months of May through September, inclusive; and

(2) \$775 per ton during the months of October through April, inclusive.

(c) For sulfur dioxide:

(1) \$455 per ton during the months of May through September, inclusive; and

(2) \$275 per ton during the months of October through April, inclusive.

III. If the actual total annual major air pollutant emissions in any odd-numbered year, starting in 2001, calculated in dollars based on the pollution control fee rates listed in paragraph II, exceed the target upper limit for any year, specified in paragraph V, then all base pollution control fee rates shall be permanently increased by the ratio of the actual total annual major air pollutant emissions for that year to the target upper limit for that year.

IV. Whenever the commissioner determines that the cost of living, as measured by the federal CPI-U index, or its successor, as determined by the Bureau of Labor Statistics, shall have increased by 5 percent or more from January 1, 1998, or from the date used for the previous adjustment under this paragraph, the commissioner shall establish a corresponding inflation adjustment which shall take effect at the beginning of the next calendar month.

V.(a) The target upper limit for the year 2001 shall be the total of the following amounts, evenly distributed by month throughout the year, calculated in dollars based on the base pollution control fee rates listed in paragraph II:

(1) 300,000 tons of carbon monoxide,

(2) 56,000 tons of nitrogen oxides, and

(3) 48,000 tons of sulfur dioxide.

(b) The target upper limit for any odd-numbered year after 2001 shall be 92 percent of the target upper limit for the year 2 years prior to that year.

125-L:5 Categories of Polluters; Implementation.

I.(a) There is established a retail electricity pollution control fund for the purposes of collecting money from electricity generation sellers who generate electricity within New Hampshire and distributing all money collected to end-user consumers of electricity within the state on a monthly basis.

(b) The commissioner shall determine emissions for all electricity generation sellers who generate electricity within New Hampshire and 1996 average emission rate levels for each facility in New Hampshire. For facilities without continuous emission monitoring, emission rates shall be determined based on the scientifically best available data.

(c) All electricity generation sellers who generate electricity within New Hampshire shall pay into the fund the amount determined in RSA 125-L:4 for all emissions in New Hampshire on or after the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), less the following credits and exemptions:

(1) A credit against this payment shall be allowed for existing electricity generation sellers who generate electricity within New Hampshire. For the Public Service Company of New Hampshire, or its assignees or successors in interest, the total of credit per month for all facilities shall be, for each of the following periods, calculated in dollars based on the pollution control fee rates established in RSA 125-L:4 for that month:

May, 1999 through April, 2000 900 tons of nitrogen oxides
and 4300 tons of sulfur dioxide

May, 2000 through April, 2001 880 tons of nitrogen oxides
and 4200 tons of sulfur dioxide

May, 2001 through April, 2002 860 tons of nitrogen oxides
and 4100 tons of sulfur dioxide

May, 2002 through April, 2003 840 tons of nitrogen oxides
and 4000 tons of sulfur dioxide

May, 2003 through April, 2004 820 tons of nitrogen oxides
and 3900 tons of sulfur dioxide

After April, 2004 800 tons of nitrogen oxides
and 3800 tons of sulfur dioxide

(2) Any unused credits may be carried over to future months, without expiration date, and may be transferred or assigned to any other entity. They may only be used as credits against payments to the fund established in subparagraph I(a).

(3)(A) Between the effective date of this chapter and the day before the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), any facility that reduces its emission rate from 1996 average emission rate levels shall receive a credit against future payments due under this chapter.

(B) The credit earned for any day for a facility shall be equal to the number of kilowatt-hours sold from that facility's production, times the credit earned per kilowatt-hour sold. The credit earned per kilowatt-hour sold shall be the amount by which the emissions payment per kilowatt-hour sold, calculated under RSA 125-L:4, based on actual emissions, is less than the emissions payment per kilowatt-hour for that facility, calculated for that day under RSA 125-L:4, if its emissions were 90 percent of its average emissions per kilowatt-hour sold during the year 1996, or 90 percent of its maximum allowable emissions per kilowatt-hour sold under current federal and other state regulations, whichever is less.

(4) Any facility existing as of May 21, 1996 that, as of that date, was selling 50 percent or more of its annual output under a qualified facility rate order or contract pursuant to RSA 362-A shall be exempt from making any payments into the retail electricity pollution control fund for the duration of that rate order, contract, or any renegotiated arrangement thereto approved by the public utilities commission. Between the effective date of this chapter and the expiration of that rate order, contract, or arrangement, any such facility that reduces its emission rate to less than 90 percent of its 1996 average emission rate levels

shall receive a credit against future payments under this chapter, calculated as provided in subparagraph I(c)(3)(B), which may be transferred in accordance with subparagraph I(c)(2).

(d) All amounts received by the retail electricity pollution control fund each month shall be distributed to all end-user consumers of electricity within the state based on consumption during that month. Funds shall be distributed as a lump sum to each electricity distribution service provider for all of its customers and applied as a credit against customer bills.

(e) The commissioner shall be responsible for determining all amounts due to the fund, and for notifying the public utilities commission of these amounts. The public utilities commission shall be responsible for calculating all amounts due from the fund.

(f) The public utilities commission shall be responsible for collecting all amounts required by this paragraph, depositing them to the retail electricity pollution control fund, and distributing the funds in accordance with this chapter.

(g) No money shall be collected or distributed from the retail electricity pollution control fund until any rules required to be adopted to implement this paragraph become effective, or May 1, 1999, whichever is later.

(h) All payments made pursuant to this paragraph by a public utility shall be recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law.

II.(a) There is established a light motor vehicle pollution control account for the purpose of accounting for all net funds collected from any increases or discounts established pursuant to this chapter from all motor vehicle registrations of light motor vehicles under RSA 261:141, III(g).

(b) The commissioner of the department of safety, after consulting with the commissioner, shall determine the dollar amount of discounts in motor vehicle registration fees for different categories of light motor vehicles in accordance with the pollution control fee rates and other provisions of this chapter. This determination shall include procedures for handling different weight classes which have been assigned differing emission limits under the federal Clean Air Act.

(c) Any light motor vehicle manufactured to a standard less stringent than 1998 federal standards shall be treated for purposes of this chapter the same as a vehicle meeting the 1998 federal standards.

(d) The commissioner of the department of safety shall provide that emissions category information be added to the motor vehicle registration form of light motor vehicles to identify categories of vehicles with pollution emissions at rates less than 1998 federal standards.

(e) The commissioner of the department of safety shall determine the necessary increase in the motor vehicle registration fee for light motor vehicles not qualifying for a discount. This increase shall be sufficiently large to accommodate the discounts determined in subparagraph II(b) and retain a positive or zero balance in the light motor vehicle pollution control account, and may be large enough so that registration fees will not need to be changed more often than once every 12 months. The commissioner of the department of safety shall then determine the necessary dollar amount adjustments in motor vehicle registration fees under RSA 261:141, III(g) in accordance with this chapter. All adjustments in motor vehicle registration fees shall be in multiples of \$.60 per year (\$.05 per month).

(f) Light motor vehicle registration fees shall not be changed pursuant to this chapter until after the effective date of any rules required to be adopted to implement this chapter; or the date on which the commissioner of the department of safety certifies that at least 10 percent of all light motor vehicles registered in New Hampshire, or at least 50 percent of all light motor vehicles of a completed model year registered in New Hampshire, qualify for a registration fee discount of at least \$5 per year; or April 1, 2000, whichever is latest.

125-L:6 Rulemaking Authority; Contingent Authority for Chapter.

I. The commissioner may prepare draft rules, pursuant to RSA 541-A:

(a) For the determination of emissions for each facility generating electricity pursuant to RSA 125-L:5, I(b).

(b) To calculate payments and credits, and determine amounts due to the retail electricity pollution control fund.

(c) For such other purposes as necessary to implement this chapter.

II. The commissioner of the department of safety may prepare draft rules, pursuant to RSA 541-A:

- (a) To add emissions category information to motor vehicle registration forms pursuant to RSA 125-L:5, II(d).
- (b) To determine discounts in motor vehicle registration fees pursuant to RSA 125-L:5, II(b).
- (c) For the determination of changes in motor vehicle registration fees under RSA 125-L:5, II(e).
- (d) To determine the percentage of light motor vehicles qualifying for registration fee discounts.
- (e) For such other purposes as necessary to implement this chapter.

III. The public utilities commission may prepare draft rules, pursuant to RSA 541-A:

- (a) To determine all amounts due from the retail electricity pollution control fund.
- (b) To provide for the collection and distribution of funds in accordance with RSA 125-L:5, I.
- (c) For such other purposes as necessary to implement this chapter.

IV.(a) The addition of emissions category information to motor vehicle registration forms as described in RSA 125-L:5, II(d) and any necessary rulemaking, may begin on the effective date of this chapter.

(b) All other rulemaking under RSA 541-A authorized by this chapter shall not begin until the commissioner has:

- (1) Certified that the federal Environmental Protection Agency will allow the state to substitute emission reductions achieved under this chapter for part or all of federal motor vehicle emission testing requirements which would otherwise be necessary;
 - (2) Studied the emissions reductions expected under this chapter and compared them with those required to substitute for motor vehicle emission testing; and
 - (3) Submitted a report on this study to the speaker of the house, senate president, governor, and state library.
- (c) Fund collections, fund payments, and changes in motor vehicle registration fees pursuant to this chapter, and the submission of any draft rules for approval by the joint legislative committee on administrative rules, shall not begin until the legislature has received the study required by this paragraph and authorized implementation in future legislation.

125-L:7 Integration with Other Air Pollution Control Programs. Any payment under this chapter shall not excuse anyone from the obligation to comply with all other applicable laws.

125-L:8 Annual Report. The department of environmental services shall study possible modifications to this chapter, and shall annually report findings and recommendations of the study to the governor and council, speaker of the house, senate president, house clerk, senate clerk, and state library by October 31. This study shall include recommendations on:

I. Any desirable changes to the base pollution control fee rates, based on scientifically valid evidence, including studies of pollutant transport, differences in pollutant impact depending on location, and differences in pollutant impact depending on temperature or other meteorological variables.

II. The practicality and desirability of adding additional major air pollutants to this chapter.

2 Motor Vehicle Registration Fees; Reference Added. Amend RSA 261:141, III(g) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. \$19.20 (\$1.60 per month)

3001-5000 lbs. \$31.20 (\$2.60 per month)

5001-8000 lbs. \$43.20 (\$3.60 per month)

8001-73,280 lbs. \$.84 per hundred lbs. gross

weight[-], ***provided that***

the fees may be adjusted

pursuant to RSA 125-L:5, II.

3 Initial Report by the Department of Environmental Services. In addition to the requirements of RSA 125-L:8, the department of environmental services report due October 31 , 1998 shall include specific recommendations on:

I. The practicality and desirability of making pollution control fee rates for nitrogen oxides depend on outdoor air temperature rather than just the month of the year.

II. The current state of knowledge regarding differences among different physical and chemical components of particulate matter and differences among volatile organic compounds, and the additional information needed before they could be considered for addition to the list of major air pollutants.

III. The current state of knowledge regarding mercury and the additional information needed before it could be considered for addition to the list of major air pollutants.

4 Legislative Intent; Report of Department of Environmental Services Due October 31, 2001. It is the intent of the legislature that the credits described in RSA 125-L:5, I(c)(1) for the periods following April, 2004 are subject to legislative review. The department of environmental services, in the annual report due October 31, 2001 pursuant to RSA 125-L:8, shall include specific recommendations for appropriate dollar amounts for the credits for the periods following April, 2004.

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

1998-0403h

Amendment to HB 686-FN-A

Proposed by the Committee on Finance

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

an action has been filed with the commission. (Dawe, Hills 33; Franks, Hills 26; Hoadley, Merr 24; Akins, Graf 14; Keans, Straf 16: Judiciary and Family Law)

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as sections 3-6 respectively.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect ~~[July 1, 1998]~~ ***upon its passage.***

AMENDED ANALYSIS

This bill establishes a non-profit child day care loan program through the department of health and human services.

1998-0477h

Floor Amendment to HB 1194

Proposed by Reps. Robert R. Cushing and Barbara L. Spear

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

AN ACT preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent.

Amend the bill by replacing sections 2 and 3 with the following:

2 New Subparagraph; Visitation With Incarcerated Parent Not Required. Amend RSA 458:17, II by inserting after subparagraph (c) the following new subparagraph:

(d) No minor child shall be required to have visitation with a parent who is incarcerated for causing the death of the other parent under RSA 630:1-a, 630:1-b, or RSA 630:2.

3 Visitation With Incarcerated Parent Not Required. Amend RSA 458:17, IV to read as follows:

IV. In those cases where joint legal custody is awarded to the parents and physical custody of the child or children is awarded to one of the parents, the other parent shall be awarded physical custodial rights during all periods of the time heretofore referred to as visitation. ***Under no circumstances shall a minor child be required to have visitation with a parent who is incarcerated for causing the death of the other parent under RSA 630:1-a, 630:1-b, or RSA 630:2.***

AMENDED ANALYSIS

This bill would prevent a child from being required to have visitation with a parent incarcerated for the murder of the other parent.

1998-0381h

Amendment to HB 1211-FN-A

Proposed by the Committee on Public Works and Highways

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

an action has been filed with the commission. (Dawe, Hills 33; Franks, Hills 26; Hoadley, Merr 24; Akins, Graf 14; Keans, Straf 16: Judiciary and Family Law)

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

1 Ahern State Park. Amend the chapter heading of RSA 216-H to read as follows:

[Governors] ***Ahern*** State Park

2 Ahern State Park. Amend RSA 216-H:3 to read as follows:

216-H:3 [Governors] ***Ahern*** State Park. Pursuant to RSA 4:43, the general court~~[in honor of all former governors of the state,]~~ hereby designates and names this tract of land, upon its availability and development as a park under RSA 216-H:2, ~~[the~~ [the ~~Governors~~] ***Ahern*** state park.

3 Ahern State Park Advisory Committee. Amend the section heading and paragraph I of RSA 216-H:5 to read as follows:

216-H:5 [Governors] ***Ahern*** State Park Advisory Committee.

I. There is established an advisory committee to advise the department of resources and economic development on the development of ~~[the~~ [the ~~Governors~~] ***Ahern*** state park.

4 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill re-designates Governors state park in Laconia as Ahern state park.

1998-0368h

Amendment to HB 1283

Proposed by the Committee on Executive Departments and Administration

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

2 Applicability; Incumbent Commissioner. The commissioner in office on the effective date of this act shall be deemed to have a term of 4 years, such term commencing on the effective date of this act.

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

1998-0308h

Amendment to HB 1424

Proposed by the Committee on Municipal and County Government

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

AN ACT relative to filling a vacancy in the position of a county officer.

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

1 Vacancy in Office of County Officers. Amend RSA 661:9 to read as follows:

661:9 County Officers. If a vacancy occurs in the office of county commissioner, sheriff, county attorney, register of deeds, or county treasurer, the superior court shall ~~appoint a commissioner to~~ fill the vacancy for the unexpired term. If any person holding a county office enumerated above becomes temporarily absent or incapacitated, the superior court may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment. Any officer of a county, including the register of probate, may be removed by the superior court for official misconduct.

2 Layout of Highways; Gender Neutral. Amend RSA 232:3 to read as follows:

232:3 Disqualification of County Commissioner. If any commissioner is interested in the petition ~~[he]~~ ***the commissioner*** shall not serve; and the vacancy shall be filled, upon motion or petition, by any judge of the superior court.

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

AMENDED ANALYSIS

This bill clarifies the authority of the superior court to fill a vacancy in the office of a county officer.

1998-0316h

Amendment to HB 1430

Proposed by the Majority of the Committee on Election Law

Amend the bill by replacing section 2 with the following:

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

1998-0393h

Amendment to HB 1468

Proposed by the Committee on Local and Regulated Revenues

Amend RSA 175:5-b, III as inserted by section 1 of the bill by replacing it with the following:

III. Beer produced under the provisions of paragraph I may be removed from the premises where made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions, such as homebrewer's contests, tastings, or judgments. Beer used under this paragraph shall not be sold or offered for sale.

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

This bill allows persons to produce a limited amount of beer for personal or family use without a license from or payment of fees to the liquor commission. The bill permits such persons to remove beer from the premises where it was made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions.

1998-0404h

Amendment to SB 53-FN

Proposed by the Committee on Finance

Amend the bill by replacing section 1 with the following:

1 Additional Medical Benefits. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, ~~[1988]~~ **1993, except for active or retired permanent firemen members to whom the additional benefits shall apply as of June 30, 1995;** to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen **or permanent firemen** members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, ~~[1991]~~ **1993 or permanent firemen members of group II after June 30, 1988, but before July 1, 1995.** Such additional benefits shall not apply to other persons who become members of group II after June 30, ~~[1991]~~ **1993, or in the case of permanent firemen members, after June 30, 1995,** without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill extends the payment of medical benefits to certain persons who were active or retired group II members as of June 30, 1993, to permanent firemen members as of June 30, 1995, and to permanent firemen on disability retirement who became permanent firemen after June 30, 1988, but before July 1, 1995.

1998-0356h

Amendment to SB 66

Proposed by the Committee on Criminal Justice and Public Safety

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

AN ACT relative to the penalty for carrying a loaded pistol or revolver without a license.

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

1 Penalty; Carrying Without License. Amend RSA 159:4 to read as follows:

159:4 Carrying Without License. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall~~[, for the first such offense,]~~ be guilty of a ~~[misdemeanor]~~ **violation.** ~~[For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.]~~

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

AMENDED ANALYSIS

This bill changes the penalty for carrying a loaded pistol or revolver from a misdemeanor for a first offense and a class B felony for a subsequent offense to a violation for both first and subsequent offenses.

1998-0480h

Floor Amendment to SB 66

Proposed by Rep. William V. Knowles

Amend the bill by replacing section 1 with the following:

1 Penalty; Expired License; Carrying Without License. Amend RSA 159:4 to read as follows:

159:4 Carrying Without License.

I. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. ***Except as provided in paragraph II,*** whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor[-] ***and*** for the second and for each subsequent violation of the provisions of this section, ~~such person~~ shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

II. Notwithstanding the provisions of paragraph I, a person whose license has expired for not more than 60 days shall be guilty only of a violation. Such a violation shall not be considered a first offense under this section.

AMENDED ANALYSIS

This bill provides an exception from the penalty for carrying a loaded pistol or revolver without a license for a person whose license has expired for less than 60 days.

1998-0466h

Floor Amendment to SB 66

Proposed by Rep. Mark A. Cegelis

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

AN ACT eliminating the license requirement for state residents to carry a pistol or revolver and establishing criminal penalties for unlawful use of a loaded pistol or revolver.

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

1 Reference Change; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license or, ***if a nonresident,*** a valid license to carry firearms issued pursuant to RSA 159.

2 Carrying Without License; Penalties for Unlawful Use. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License; Penalties for Unlawful Use.

I. In this section, a loaded pistol or revolver includes any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges.

II. No person who is a nonresident of this state shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without obtaining a valid license pursuant to RSA 159:6. A nonresident who violates the provisions of this paragraph shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

III. It shall be unlawful for any person to use a loaded pistol or revolver to commit a felony which includes the use of violence against another person and results in severe bodily harm to that person. A person who violates the provisions of this paragraph shall be guilty of a class B felony for a first offense and a class A felony for a subsequent offense.

IV. No person shall have or carry, on or about his or her person, openly or concealed, with the intent to unlawfully injure another person or commit a crime of violence, a loaded pistol or revolver. A person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

3 Resident Requirement for License to Carry Eliminated. Amend RSA 159:6 to read as follows:

159:6 ***Nonresidents***, License to Carry. ~~[The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or]~~ The director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the ~~[people issuing the same]~~ ***director of state police*** for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the ~~[person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses;]~~ ***director of state police***. The fee for licenses ~~[granted to out-of-state residents]~~ shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses ~~[and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns].~~ The cost of the forms shall be paid out of the fees received from ~~[nonresident]~~ ***the*** licenses.

4 Repeal. The following are repealed:

- I. RSA 159:6-a, relative to confidentiality of licenses.
- II. RSA 159:6-b, relative to suspension or revocation of license.
- III. RSA 159:6-c, relative to appeal from denial, suspension or revocation.
- IV. RSA 159:6-e, relative to violations of licensing provisions.
- V. RSA 159:6-f, relative to remedies.

5 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill eliminates the license requirement for a New Hampshire resident to carry a loaded pistol or revolver. The bill retains the license requirement for nonresidents.

The bill also establishes new criminal penalties for unlawful use of a loaded pistol or revolver.

1998-0405h

Amendment to SB 68-FN-LOCAL

Proposed by the Committee on Finance

Amend RSA 21-I:30-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The additional benefits provided under this section shall not be available to any employee, teacher, police officer, or firefighter of a political subdivision of the state if the political subdivision belongs to an organization or association that offers, through the organization or association or its affiliate, insurance coverage with the exception of insurance coverage required to be offered by the Consolidated Omnibus Budget Reconciliation Act (COBRA).

1998-0402h

Amendment to SB 197-FN

Proposed by the Committee on Finance

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

1 New Paragraph; Attorneys and Guardians ad Litem; Appointment and Representation. Amend RSA 169-C:10 by inserting after paragraph III the following new paragraph:

IV. Any provision of law notwithstanding, no attorney shall be appointed by the court to represent any individual in connection with any administrative hearing, or any de novo hearing pursuant to RSA 169-C:28 arising out of an administrative hearing. Any guardian ad litem appointed in connection with a de novo hearing arising from an administrative hearing shall be a CASA guardian ad litem.

2 Appeals; Dispositional Orders; Administrative Hearings Included. Amend RSA 169-C:28 to read as follows:

169-C:28 Appeals. An appeal under this chapter may be taken to the superior court by the child or [his] ***the child's*** authorized representative or any party having an interest, including the state, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar. For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. ***Final dispositional order shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.***

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

-----Clip and Post-----

NOTICE

HOUSE EMERGENCY NOTIFICATION SYSTEM

In past sessions, a plan was developed for the House Leadership to communicate with members of the House at night and at such other times as the members are at home.

In most emergencies the individual member will be aware that an emergency exists, though may be in doubt as to its extent.

The following procedure has been developed:

- 1. Notice of an emergency message will be given to State Police Headquarters in Concord and commercial wire services.
- 2. State Police Headquarters will send the message via computer to the stations listed.
- 3. Reliance will be placed on each individual legislator to call the terminal station nearest his or her home and inquire for any emergency message to legislators in times of emergency or suspected emergency. This will include, but not be limited to cancellation of sessions due to severe weather conditions.

Gilford	Police Station	528-3800
Laconia	Police Station	524-5252
Keene	Police Station	352-2222
Lebanon	Police Station	448-1212
Manchester	Police Station	668-8711
Nashua	Police Station	594-3500
Concord	Police Station	225-8600
Rockingham County	County Sheriff	679-2225

Portsmouth	Police Station	436-2145
Dover	Police Station	742-4646
Claremont	Police Station	542-9538
Newport	Police Station	863-3232
Merrimack	Police Station	424-2222
Salem	Police Station	893-1911
Ossipee	County Sheriff	539-2284
Derry	Police Station	432-6111

In addition to the above listed numbers you can also call the numbers listed below nearest you.

State Police Headquarters	
Department of Safety	
10 Hazen Drive	
Concord, NH 03305	
Tel: 271-3333	
Rockingham & Strafford Counties	Hillsborough County
Troop - A	Troop - B
Route 125	4 Meadowbrook Drive
Epping, NH 03042	Milford, NH 03055
Tel: 679-3333	Tel: 672-3333
Cheshire & Sullivan Counties	Merrimack County
Troop - C	Troop D - Department of Safety
Box 272	10 Hazen Drive
Keene, NH 03431	Concord, NH 03305
Tel: 358-3333	Tel: 271-3333
Belknap & Carroll Counties	Coos & Grafton Counties

Troop - E	Troop - F
Box 235	Box 440
W. Ossipee, NH 03890	Twin Mountain, NH 03595
Tel: 323-3333	Tel: 846-3333

Also in the event members wish to obtain road or weather conditions during periods of inclement weather they should call the nearest Troop Station to their residence or Headquarters Communications in Concord. When calling Headquarters Communications, they should ask to speak with the Communications Supervisor. When calling a Troop Station, inquiries will be handled by the Communications Specialist on duty at the time.

The caller should specify the information he or she wishes to obtain. This information should be readily available to communications personnel and every effort will be made to accommodate these requests in a timely manner.

Please be advised when calling State Police Headquarters to call **271-3333** and not any of the emergency lines.

A toll-free 24-hour weather and traffic hotline is now available at 1-800-918-9993. If you have to call from out-of-state, the number is 1-603-271-6900.