

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. Friday, February 6, 1998 No. 11

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for February 12

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on Thursday, February 12th. Future session days are tentatively scheduled for February 18th and 19th.

The deadline for bills to be reported out of a first committee is February 11th, and the rest (except those in Finance) are due on February 20th. It is important that members attend scheduled executive sessions, not only to assure a quorum, but also to assure that your voice is heard.

We have scheduled a break the week of February 23-27th so that everyone can take a well deserved rest from the intensity of the session. During this time there will be no committee action.

More good news! In addition to the calendar and bills, the Legislature's website (www.state.nh.us/gencourt/gencourt.htm) now includes the bill status system. Anyone with Internet access can now check on the progress of legislation any time of day.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, February 12 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, February 12 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: Resources for Legislative Research

PRESENTERS: Kendall Wiggins, State Librarian, Myla Padden, Research Director, OLS

Date: Wednesday, February 11

Time: Noon to 1:30 p.m.

PLACE: Room 100, State House

There are manifold research facilities available to individual members and this dual presentation will provide you an interesting survey of them. Our in-house legislative research staff, headed by Myla Padden, can answer virtually any question to which a background answer is needed. This capability is augmented by the extensive storehouse of data present in our State Library, as Kendall Wiggin will describe. We think this session may inspire you to make more use of our readily available expertise than you may have heretofore.

Rep. Godfrey Howard

Legislative Continuing Education Coordinator

THURSDAY, FEBRUARY 12

CONSENT CALENDAR

COMMERCE

HB 1125, repealing laws relative to trading stamp companies and solar equipment warranties. OUGHT TO PASS

Rep. Keith R. Herman for Commerce: Finally, we have the opportunity to repeal two laws which are arcane and unenforced. The laws being repealed deal with trading stamp companies (RSA 357-A) and solar equipment warranties (RSA 358-L). The problems for which these laws were originally created no longer exist. No one testified in opposition to the bill. The Attorney General's Office is supportive of repealing these provisions. Vote 15-0.

HB 1186, requiring all-night convenience stores to have 2 attendants on duty during night hours. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: The committee felt this bill would have placed unfair

restrictions on owners of small businesses. Isolating one type of business and allowing government to determine minimum staffing is an inappropriate intrusion on a business owner's right to operate based on market conditions. Vote 15-0.

HB 1214-FN, encouraging employers to provide health insurance for their employees by providing a "New Hampshire Way" designation. INEXPEDIENT TO LEGISLATE

Rep. George Hurt for Commerce: This bill makes an onerous provision on an employer and businesses with a mandated subscription to provide certain confidential records on personnel policy provisions to the Department of Insurance. Further, this bill also discriminates from one employer to another on how an employer provides employee health insurance coverage. Vote 15-0.

HB 1546-FN, extending consumer protection rights to purchasers of farm equipment. REFER TO COMMITTEE FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: The purpose of this bill is to create a "lemon law" for farm equipment. The committee would like additional time to examine similar laws in other states and an existing federal regulation that provides an arbitration mechanism for disputes of this nature. Vote 15-0.

HB 1582-FN, extending small employer health insurance coverage to individuals, limiting annual premium rate increases, and eliminating minimum participation requirements for small employer groups. REFER FOR INTERIM STUDY

Rep. Keith R. Herman for Commerce: This bill would force HMOs into the individual health market and cap premium rates. This concept is part of the solution to the critical problem in New Hampshire's individual health insurance market. The overall solution will be studied extensively this summer with a myriad of alternative approaches to ensure that New Hampshire residents have access to affordable health care. Vote 16-1.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1101, requiring juvenile case and court records to be unsealed in certain cases. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This subject matter was reviewed extensively under HB 604 and it was determined that the sentencing judge already has access to the records for the purposes addressed in this bill. HB 604 was re-re-referred in the last session and will be before the senate later this session. Vote 17-0.

HB 1128-FN, relative to space heaters. OUGHT TO PASS

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: The committee heard from the manufacturers and the municipal association and they were in favor of this bill. It is just a housekeeping bill for the fire marshal's office and it eliminates a level of unnecessary bureaucratic regulation. Vote 14-1.

HB 1132-L, relative to the sale of fireworks. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill is not needed as it is already in the statute, RSA 160-B, but the committee has assured the sponsor that this will be looked at in HB 1108 which deals with fireworks and the Fireworks Review Committee. This is one town's problem and it can be done locally. There are only 26 dealers in this state who come under the local control. Vote 15-0.

HB 1197-FN, expanding the crime of felonious use of firearms to include felonious use of any deadly weapon and relative to the minimum mandatory and maximum sentences of imprisonment for felonies involving deadly weapons. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill seeks to amend our felonious use of a firearm statute to felonious use of a deadly weapon. This broadens the effect of the statute tremendously as shown by the following definition: "'Deadly Weapon' means any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of providing death or serious bodily injury. Making this change was something our committee saw no need to do. We believe the enhanced penalty should be reserved for the use of a firearm and not for the use of everything under the sun. There was no testimony from the police or the attorney general that this change was needed or wanted. We concur. Vote 17-0.

HB 1263, relative to the confidentiality of juvenile records. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill provides that all juvenile records, including court records and police files where the juvenile is 12 years of age or older, shall be part of the public record even if the juvenile is placed into a court diversion program. This subject matter was dealt with extensively under HB 604 which was voted Inexpedient to Legislate by the House and it was determined that requiring all juvenile records to be public was detrimental to the ability to rehabilitate, educate and reform. The criminal record of an adult is not public record. Therefore, we should not have a double standard for juveniles. Vote 17-0.

HB 1275-FN, relative to training for marine patrol officers. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill as introduced would have allowed a reduction of required hours for marine patrol certification from 100 hours to 80 hours. The goal was to allow more emphasis on training solely for marine patrol activities. The modules on motor vehicle laws would likely be dropped. In an agreement with the sponsors and the transportation committee, this bill will be incorporated into HB 1605 which sets up a study committee on the marine patrol. There will be a member from the criminal justice and public safety committee appointed to this study committee. The committee feels this bill is unnecessary. Vote 12-1.

HB 1279-FN-L, relative to the procedures for vacating uninhabitable or unsafe buildings. OUGHT TO PASS WITH AMENDMENT

Rep. Lori Cardin for Criminal Justice and Public Safety: This bill establishes procedures for vacating unsafe and uninhabitable buildings. The Fire Marshal and the New Hampshire Municipal Association requested this bill. The purpose of this is to protect the occupant if the conditions of a building constitutes a clear and imminent danger to the life and safety of the occupant or other persons. The amendment addresses the concerns of New Hampshire Legal Assistance regarding tenants rights being violated as it pertains to a municipalities assistance when a person is displaced by this type of action. Vote 15-0.

HB 1309, relative to an exemption from notification requirement for telemarketing firms. INEXPEDIENT TO LEGISLATE

Rep. Doris R. MacIntyre for Criminal Justice and Public Safety: It was the unanimous consensus of the committee to vote inexpedient to legislate on HB 1309. Testimony indicated a desire to allow telemarketing firms to "RANDOMLY" record incoming calls which would later be used for training purposes. Under questioning by the committee, a representative of a telemarketing firm indicated he wanted to be able to record all incoming calls for a record or resource. Eleven states prohibit recording of calls and 39 states allow recording with one party notification. Telemarketing firms should not be exempt from the wiretapping and eavesdropping laws. Everyone must be notified in advance if they are to be tape recorded. Vote 15-0.

HB 1515-FN, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill merely adds to RSA 618:8, Definition of Fine, two additional items (penalty assessments and administrative fees) that were not previously included. This omission results in petitions to the courts requesting that these assessments be waived since they were not covered by law. This bill will correct this situation. Vote 15-1.

HB 1550-FN, justifying the use of force against persons armed with deadly weapons engaging in illegal drug transactions and permitting life imprisonment as an enhanced sentence for persons who engaged in an illegal drug transaction while armed with deadly weapons. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: The committee felt that this bill could cause many more problems that it would solve. This bill would have justified the use of non deadly and deadly force, by "any" person, who had reasonable grounds to believe that another person was armed with a deadly weapon while engaged in an illegal drug transaction. This bill also enhanced the penalty for a person engaged in an illegal drug transaction while armed with a deadly weapon. The committee voted this bill inexpedient to legislate. Vote 14-0.

HB 1553-FN, prohibiting the possession or use of rohypnol, ketamine, and GHB. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill as amended will amend RSA 318B, the Controlled Drug Act to place the following three dangerous substances on New Hampshire's controlled drug schedules as follows: Flunitrazepam, trade name rohypnol, (a sedative/hypnotic with amnesiac effects) on Schedule I, gamma-hydroxy-butyrate (a sedative/hypnotic with amnesiac and hallucinogenic effects) on Schedule II, and ketamine hydrochloride (a veterinary anesthesia) on Schedule III in accordance with the recommendations of the New Hampshire Pharmacy Board. Extensive testimony in committee has overwhelmingly shown that the abuse of these three substances for date rape, assaults, robberies and as a means of altering consciousness is a growing problem in our state. Drug abuse treatment professionals and law enforcement officials attested that they are quickly becoming drugs of choice among our youth. Yet, because they are not properly covered by our controlled drug statutes, there is no current means available to our law enforcement community to charge those who sell, use or possess these dangerous, potentially deadly substances. The bill provides law enforcement with the tools they need to tackle and fight this new drug scourge. Vote 17-0.

HB 1557-FN, establishing the New Hampshire racketeer influenced and corrupt organizations act. INEXPEDIENT TO LEGISLATE

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: This bill as presented to the committee would have established a New Hampshire version of the federal racketeer influenced and corrupt organizations (RICO) statute. After a presentation by the bill's sponsor, the sponsor felt that he may have been misled on the intentions of proposed legislation. At the sponsor's request,

the bill has been reported out as inexpedient to legislate. Vote 15-0.

HB 1592-L, relative to the enhanced 911 data base. OUGHT TO PASS WITH AMENDMENT

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill, as amended, "encourages" municipalities to provide information to the bureau of emergency communications relating to street addresses for the purpose of maintaining the enhanced 911 data base. It also "requires" local telephone service providers to match street address information with the subscribers telephone number for use in maintaining the enhanced 911 data base. The resulting data base is an important tool for public safety. If the information is incorrect, important services such as emergency ambulances and other like services could be misdirected and therefore delayed. Our enhanced 911 system is only as good as the information that is immediately available. Vote 13-0.

HB 1647-FN, allowing a person to be sentenced to up to 2 years of electronically-monitored home confinement probation for a class A misdemeanor and relative to drug testing of persons on home confinement probation. INEXPEDIENT TO LEGISLATE

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation as proposed would increase the penalty of a class A misdemeanor to two years of electronically monitored home confinement where current law limits the sentence to one year under the sentencing statute RSA 651:2V(b). The probation and parole officer currently has the right to require drug and alcohol testing in most cases that require it. The offender is required to pay the cost of electronic monitoring whenever possible. This bill was properly motivated but cannot be implemented without current statutes. Vote 14-0.

EDUCATION

HB 1159, establishing a committee to study strategies for increasing parental involvement in public education. OUGHT TO PASS WITH AMENDMENT

Rep. Iris Estabrook for Education: This bill establishes a committee to study strategies for increasing parental involvement in public education. Research has identified parental involvement as a critical factor in children's school success. The amendment made the effective date to be upon passage. Vote 17-0.

HB 1293-FN-L, requiring school districts without a high school program to provide transportation for its resident students to an out of district high school. INEXPEDIENT TO LEGISLATE

Rep. David E. Larrabee, Sr. for Education: It is the opinion of the committee that this bill was an isolated request to solve a local problem. School districts are mandated to transport elementary pupils. Transportation for secondary pupils is determined by local school contracts. Legislative action is not required or necessary. Vote 16-0.

HB 1329, clarifying the in-state status of veterans for purposes of obtaining resident tuition rates within the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Warren Henderson for Education: The committee strongly supports the principle of counting time spent in the armed forces towards the residency requirement for in-state tuition status at a state university. Such a policy serves to honor military service. However, the testimony presented at the public hearing demonstrated that this is already in rules at the university system for those students who are "domiciliaries" of the state of New Hampshire. Defeating this bill will enable the university system to continue to count military service of those domiciled in New Hampshire towards in-state tuition while maintaining a clear distinction between those who intend to be permanent residents of New Hampshire and those who fail to meet such a standard. Vote 17-0.

HB 1398-FN-L, relative to tuition reimbursement for kindergarten and eligibility criteria for school attendance. INEXPEDIENT TO LEGISLATE

Rep. Marie Rabideau for Education: The intent of this bill was to create a system of tuition reimbursement for kindergarten, under provisions of the kindergarten aid law, to parents in communities without either public or district contracted kindergarten programs. The committee believes it is premature to consider altering kindergarten statutes when HB 50, Chapter 348 from the 1997 session has had less than one year on the books. Also, perhaps inadvertently, the bill, as presented, would have excluded 5 year olds from attending public schools at all. Vote 17-0.

HB 1427-FN, relative to the availability of special education and related services to incarcerated youths. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: This bill is not needed because the subject of special education for incarcerated youth is covered by an amendment to SB 205 put forward by the Finance Committee. Special education in the state prison has been addressed by the House earlier in the session. Vote 18-0.

HB 1584, relative to the applicability of the youth access to and use of tobacco products law. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: Last session, this legislature passed a law relative to youth access to tobacco which took effect on January 1, 1998. This legislation would change that law to

allow adults to smoke 20 feet from a school facility during a non-school event such as a town meeting or a fund raiser, etc. The committee feels that it would be premature to change this law at this time. Vote 18-0.

ELECTION LAW

HB 1169-L, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. OUGHT TO PASS

Rep. Thomas I. Arnold, Jr. for Election Law: This bill defines the authority of the Ballot Law Commission to approve voting machines, by type, which read paper ballots. It further authorizes the Commission to prescribe the tests to be performed on each machine/program. These clarifications should eliminate the "reading" errors experienced in recent elections. Vote 13-0.

ENVIRONMENT AND AGRICULTURE

HB 1243-FN-A, relative to the regulation of pesticides and establishing a pesticide cleanup account in the hazardous waste fund. REFER FOR INTERIM STUDY

Rep. David L. Babson for Environment and Agriculture: The committee felt that there is merit to the idea of a pesticide clean up fund and a one tier registration system, but that this legislation does not achieve these goals. It was recommended that this bill go to interim study. Vote 15-0.

HB 1440-FN-A, establishing a current use land use change penalty assessment, and relative to an additional assessment on certain current use property, the funds from which shall be dedicated to the fish and game marksmanship and firearm safety fund. INEXPEDIENT TO LEGISLATE

Rep. Donald R. Philbrick for Environment and Agriculture: The Committee recommends ITL for this bill because of an opinion rendered by the justices of the New Hampshire Supreme Court on June 14, 1993 relating to additional penalties on land which is enrolled in the current use program stating that an increase in the penalty on land under current use which is changed to a non qualifying use is in violation of the New Hampshire State Constitution prohibition against retrospective laws. "Every statute which takes away or impairs vested rights, acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past" is a retrospective law. Vote 15-0.

HB 1466-FN-A-L, relative to current use and the real estate transfer tax. INEXPEDIENT TO LEGISLATE

Rep. Donald R. Philbrick for Environment and Agriculture: Legislation would have a negative impact on the current use program which is working very successfully in the state of New Hampshire. The effectiveness of the current use board would become watered down with the addition of four representatives and one senator to the board. Also, many towns have voted at their town meetings to use some or all of the moneys generated through land use change penalties to go to their conservation committee. This bill would eliminate that, taking away something people voted for at the local level. Vote 16-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1643-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Dodge for Executive Departments and Administration: At the request of the sponsor, the bill was voted inexpedient to legislate. Vote 16-0.

FINANCE

HB 605-FN-L, relative to procedures regarding delinquent children under RSA 169-B. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill is a product of a two-year study by the Juvenile Justice Task Force which included representatives from the judicial system, law enforcement, community advocates and Department of Health and Human Services. The policy committee reviewed their findings over the summer. The bill more clearly defines diversion, intervention and parental responsibility. The amendment provides that juveniles who commit violations, currently addressed in the CHINS (children in need of services) laws, will now be addressed at the first offense level through the court diversion program at no cost to the state. Vote 19-0.

HB 606-FN-L, relative to procedures regarding children in need of services under RSA 169-D. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill originates from the same report as HB 605-FN-L. It clarifies CHINS procedures to require parents and children to become more accountable and thus more responsible. Since juveniles who commit violations are addressed in HB 605-FN-L, the amendment removes them from the CHINS laws. As a result this bill will have no fiscal impact. The prime sponsors of this bill and HB 605-FN-L concur in the Committee's approach Vote 19-0.

HB 630-FN-L, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill as written will allow municipal employers, as well as employees, to make voluntary contributions to the retirement system to provide for early retirement. There is no additional cost to the state because all actuarial costs are paid by the participant. Vote 17-2.

HB 747-FN-A, establishing a wildlife habitat stamp for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a wildlife habitat account which is to be funded by a \$2.50 fee for a wildlife habitat stamp or license. The wildlife habitat stamp will be issued in the first year only, with \$2.00 going into the new fund and \$.50 going to the agent selling the stamp. In the second year and thereafter, all monies received for the license will go directly into the fund. Vote 19-0.

HB 784-FN-L, relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: When a school district has extraordinary increases after the budget has been finalized, it is usually due to large increases in Individual Education Programs (I.E.P.) under the special education laws. Existing state laws allow for borrowing these sums, since most of the costs will be covered by state payments for catastrophic aid. Catastrophic aid payments come after the end of the school year from money budgeted. Budget shortfalls may have to wait for the next cycle. It is reported that only one school district has made use of this borrowing authority. This bill allows borrowing to be accomplished at a lower I.E.P. cost (above 3 1/2 times average student cost), and spells out succinctly that the state will pay the interest of said borrowing. The amendment changes the effective date to the end of the biennium, thus avoiding costs to current budget. Vote 19-0.

HB 1249, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill requires the budget to include line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. There is no fiscal impact associated with implementing this bill. Vote 16-0.

HB 1349-FN, relative to using department of revenue administration income data in calculating foundation aid. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Finance: The bill concerns changing the source of income data as one of the several inputs for the calculation of Foundation Aid using the Augenblick formula. The bill was sponsored on behalf of the Department of Education. At the hearing the only person who appeared was from the Department of Education, and they asked that the bill be Inexpedient to Legislate, as any legislation associated with Augenblick this session be discontinued due to the likely changes in school funding that will grow out of legislative responses to the Claremont II Supreme Court decision. Vote 19-0.

HB 1442, repealing the held harmless practice codified in the Augenblick formula. INEXPEDIENT TO LEGISLATE

Rep. Kevin L. Camm for Finance: This bill proposes the elimination of some archaic verbiage relative to foundation aid funding. However, the sponsor testified his intention was to prohibit special considerations on behalf of any given district that are used to manipulate the formula to provide more favorable results at the expense of other districts. The Committee agreed the concept is warranted and should be scrutinized in the future. With Claremont II and Augenblick funding hanging in the balance, the Committee felt it prudent to wait until the dust settles to best determine how we will adjust formulas and disbursements. Vote 20-0.

HB 1615-FN-A, relative to the restoration and preservation of the colonial era state house presently stored by the department of cultural affairs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have authorized \$95,000 to fund a study to restore and preserve the colonial-era state house currently being stored by the Department of Cultural Affairs. The Committee felt that we could not afford the amount requested at this time but that the money could come from HB 627, already passed by the House, which established a conservation license plate fund with some of that money going to Cultural Affairs. Vote 16-0.

HB 1627, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill was a request of the State Treasurer to allow the Treasurer to pay for costs of securities transaction fees and investment management fees from income generated by the Treasury Department. This puts into law what is the current practice. The bill also requires amounts due unknown creditors or shareholders of a corporation undergoing dissolution to be reported as unclaimed and abandoned property. Vote 16-0.

SB 205-FN-L, establishing a special school district to provide special education for eligible

inmates in the state prison system. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The Finance Committee has reviewed the bill as amended by the House Education Committee and subsequently by the House and concurs with the concept that a special school district should be established at the state prison for regular education programs as well as for special education programs. The Finance Committee amendment makes technical corrections to the bill and also places a limitation on the eligibility of those prisoners who may seek special education programs at the state prison. This limitation adopts the language found in the federal statute and ensures that no prisoner will be afforded special education programs which the federal government does not require. The costs of these special education programs, which are now funded by local municipalities, will now be absorbed by the state. The amendment does not include an appropriation as the Committee believes that the additional costs imposed by this bill in FY 1999 can be absorbed by the Department of Corrections within its current budget. Vote 16-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB-1167-L, relative to a reapproval process for community mental health programs and area agencies. OUGHT TO PASS

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: This bill establishes the legislative authority for actions currently in progress by the Department of Health and Human Services under the rules process concerning community mental health programs Vote 16-0.

HB 1174, establishing a committee to study the state substance abuse treatment delivery system. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia M. O'Keefe for Health, Human Services and Elderly Affairs: Substance abuse remains a serious health concern for NH citizens. This study committee will be charged to review gaps in the delivery system of substance abuse treatment, to look at treatment options as well as the economic impact of substance abuse in the workplace. The Department of Health and Human Services and the Bureau of Substance Abuse Services are in full support of this bill. Vote 15-1.

HB 1182, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a permanent oversight committee of the legislature to review and make recommendations about funding actions of the administration concerning persons with A and B priorities who are developmentally disabled and have been placed on the Department of Health & Human Services waitlist Vote 17-1.

HB 1316, establishing a commission to study minimum staffing guidelines in nursing homes for certified nursing assistants, registered nurses, and licensed practical nurses. INEXPEDIENT TO LEGISLATE

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill established a commission to study staffing guidelines for nursing homes. The intent is laudable, but with federal guidelines, levels of severity in illness, public and private homes (with variations in funding), it was felt that very little would be accomplished in passing this bill. The Department of Health and Human Services has recently published a report on long term care. Staffing guidelines will undoubtedly be addressed in any follow-up studies. Vote 18-0.

HB 1421, relative to review of drugs by the board of nursing and the joint health council. OUGHT TO PASS

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill simplifies the work of the joint health council by requiring the review of new drug entities, not modifications of the original drug. At the present time the council is reviewing all new drugs, which was not the intent of the original legislation. This change will reduce the work load of the council and still provide oversight for the public. Vote 16-0.

HB 1457, permitting physician assistants to possess, compound, administer or distribute prescription drugs. OUGHT TO PASS WITH AMENDMENT

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill, as amended, allows physician assistants to give out sample prescription drugs. This codifies into law what was in rule. All this bill does is add physician assistant to the list of health professionals who are allowed to dispense sample prescription drugs. Vote 18-0.

HB 1464-L, relative to the priority of municipal liens for aid to assisted persons. INEXPEDIENT TO LEGISLATE

Rep. Joseph Guthrie for Health, Human Services and Elderly Affairs: Changing the priority of liens on real property could cause difficulty for those requiring second mortgages, increase interest rates, or impact on loans. Vote 17-1.

JUDICIARY AND FAMILY LAW

HB 1102, barring perpetrators of crimes from recovering civil damages for injuries sustained during

criminal conduct. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: This bill is an attempt to bar perpetrators from recovering civil damages for injuries sustained during criminal conduct. The bill, as written, did not fully address the problem. Currently, New Hampshire does not have a problem with perpetrators of crime recovering damages for injuries sustained during criminal conduct. If this situation was to occur, the victim would be covered under the common law of comparable negligence. Vote 14-1.

HB 1173, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: Since certain training programs for firefighters are compulsory, and since others are necessary for advancement in grade, training, even dangerous forms of training, is an unavoidable component of firefighters service. It is essentially wrong to force individuals into harm's way and then relieve those responsible for instructing in dangerous environments and procedures from all responsibility for the harm which might befall involuntary participants. Vote 15-1.

HB 1190, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases. OUGHT TO PASS WITH AMENDMENT

Rep. David C. Allison for Judiciary and Family Law: The committee concurs that mediation is often helpful to both parties in domestic resolution cases. Thus, the committee supports the intent of this bill which states that the court may, when deemed appropriate, encourage the parties to consider mediation as a means toward the resolution of their conflict. Vote 16-4.

HB 1191, relative to limiting the liability of governmental units under certain circumstances. OUGHT TO PASS WITH AMENDMENT

Rep. Paul M. Mirski for Judiciary and Family Law: This bill expands certain immunities which municipalities presently enjoy to governmental units such as School Administrative Units and school districts. The subject matter of the bill concerns procedures for removal of snow and ice and attendant liabilities and puts school districts/SAUs on the same level as municipalities. Vote 13-0.

HB 1251, concerning the recovery of costs and expenses to a defendant agricultural operation in a nuisance suit. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: The committee, while sympathetic to the farmers, feels that current anti-nuisance laws on the books are adequate to cover concerns. Vote 11-2.

HB 1267, relative to membership on the professional conduct committee and the judicial conduct committee of the supreme court. INEXPEDIENT TO LEGISLATE

Rep. Irene A. Pratt for Judiciary and Family Law: The sponsors of this bill indicated recent rule changes regarding the composition of the professional conduct and the judicial conduct committees of the Supreme Court negated the need for this bill. They requested inexpedient to legislate action. Vote 12-0.

HB 1269, requiring beneficiaries to file statements of receipt with the probate court when money is received from an estate after a final account of the estate has been filed. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: Recent changes made by the probate court make this bill unnecessary. Vote 16-0.

HB 1270, requiring verification of assets when an account is filed with the probate court by an administrator or executor. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: In November of 1997, following the filing of this bill, the Probate Court changed its procedures to insure that proof of the existence of assets could be assured by the court. The purpose of the bill has been achieved by a change in court reporting procedures. Vote 15-0.

HB 1317, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. REFER FOR INTERIM STUDY

Rep. Sandra B. Keans for Judiciary and Family Law: The committee supports the intention of the bill which is to drop from 18 months to 12 months the waiting period for the termination of parental rights. We are concerned that children do languish much too long in foster care. However, the committee wants to be sure that no parental rights are removed inadvertently. Vote 17-1.

HB 1323, requiring probate judges to impose the same accounting requirements on attorney and non-attorney fiduciaries. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: Uniform reporting procedures may be desirable for use by fiduciaries. However, other legislation having similar objectives appears to be available

for further consideration. So, this matter need not be taken up at this time. Vote 14-0.

HB 1332, requiring probate court judges to issue a contempt citation when an auditor's request for records is refused. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: The sponsors requested that the committee kill this bill feeling that the goals of the legislation could not be achieved. This was due to questions raised concerning the constitutional right of due process which might be violated in the process of issuing contempt citations to third parties who withhold information from auditors. Vote 13-1.

HB 1358, relative to failure to cooperate with proceedings of the supreme court committee on professional conduct or the judicial conduct committee. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor testified that both the professional conduct committee and the judicial conduct committee have all the powers necessary to enforce cooperation and, therefore, asked the committee to declare the bill inexpedient to legislate. Vote 14-0.

HB 1370, abolishing the judicial council. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: No evidence was offered at the hearing that provided any reason to abolish the Judicial Council. Vote 18-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: Although not reflected in the title, this bill addresses two separate issues: the ability of the chief justice of the supreme court to assign superior court judges to hear cases in the district court, and provisions for jury trials in the district court. In each case, recent legislative action has provided for pilot projects to test the efficacy of these efforts. The committee would prefer to give these projects some time before we evaluate their success and consider changes. The committee would look with favor upon timely progress reports from the courts. Vote 14-2.

HB 1505-FN, removing judges from the state defense and indemnification provisions. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: Testimony was given that if judges were removed from the provisions of RSA 99-D which allows state officers and employees to be defended by the attorney general and indemnified by the state, the judicial branch would have to hire an additional full-time staff attorney and support staff as well as purchase an indemnification policy that would cover each judge in the state. The Administrative Office of the Court estimates the cost of indemnification and a legal staff would cost the state \$429,000. Vote 15-1.

HB 1516, requiring a criminal background investigation for all department of health and human services personnel who deal directly with children. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew R. Peterson for Judiciary and Family Law: This worthwhile piece of legislation requires Health & Human Services to perform a criminal background check on all new employees who regularly work with children. The amendment clarifies the definition of which employees will be affected and includes employees transferred from within the department or other agencies of government. The committee urges swift passage of this bill, which, according to HHS, will have little or no impact. Vote 19-0.

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. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: The committee has been diligently studying the issue of judicial pensions, but has still not come to a conclusion as to the proper system and a way to fund it. Currently, the payments are made as a direct draw against the general fund. As the state grows and more judges are hired, it would be in the best interests of the state to have a pension system. Extending the reporting date and making an appropriation would cover the hiring of an actuary. Vote 14-0.

HB 1570-FN, relative to establishing the legislative committee on the oversight of the practice of law. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: While it is appropriate for the legislature to have oversight over the practice of law, it would not be appropriate for the legislature to take on responsibility for disciplining lawyers. The Judiciary and Family Law committee has been briefed on the operation of the Professional Conduct committee and notes continued efforts on the part of the Professional Conduct committee to ensure its effective oversight of professional conduct. Vote 19-0.

HB 1599-FN, allowing the custodial parent with legal custody of a child to change the child's name. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor identified a problem which the

committee considered to be significant within the context of conflicting demands arising out of changes in family structure caused by divorce. However, the sponsor also noted this bill had not been drafted correctly. An amendment would be required and a judicial solution might be crafted. Vote 15-0.

HB 1613-FN, limiting the liability of registers of deeds and counties for recording fraudulent documents and establishing a criminal penalty for knowingly filing a fraudulent document with a register of deeds. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: Under existing law a register of deeds acting in good faith and within the scope of official duty is afforded protection from both civil and criminal liability. This legislation is unnecessary. Vote 18-0.

HB 1637-FN, repealing the requirement that the commissioner of the department of employment security maintain a state directory of new hires. INEXPEDIENT TO LEGISLATE

Rep. Susan J. Clay for Judiciary and Family Law: The committee heard compelling testimony from the Department of Employment Security office that repealing this bill, which was just passed in 1997, would lead to a huge financial penalty to New Hampshire employers. That penalty could exceed \$170 million dollars. The director also informed the committee that the process to report new hires is simple and has caused no problems for employers. He further testified that the security of all information in the computers is well guarded and safe from outside tampering. Vote 14-2.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1148, relative to review of eligibility for a workers' compensation award where compensation was by lump sum agreement. OUGHT TO PASS

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: The bill essentially closes a loop-hole that makes the law clear that review of denials or the award of lump-sum compensation cannot be re-opened except in the case of fraud, undue influence, or coercion. Vote 16-0.

HB 1181, relative to the waiting period for workers' compensation benefits for undisputed claims. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: This bill was intended to shorten the waiting period before receiving the first compensation payment in accidents that are not contested by the employer. The committee discussed the many questions raised about liability and reporting in a timely fashion. We could not clearly define how we could accomplish the sponsor's objective without lengthening the process and therefore, the committee voted Inexpedient to Legislate. Vote 17-0.

HB 1353-FN-A, relative to additional unemployment benefits for persons with dependents. INEXPEDIENT TO LEGISLATE

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: The committee unanimously believed that unemployment compensation is an insurance benefit paid for by employers and not a social welfare program. Inasmuch as the Unemployment Compensation Advisory Council, in its study, acknowledged the need to address changes in Department of Employment Security policy, and recommended a 24% increase in benefits over two (2) years, which helps all claimants, the committee found the bill inexpedient to legislate. Vote 17-0.

HB 1385, relative to clarifying independent medical examinations under the workers' compensation law. INEXPEDIENT TO LEGISLATE

Rep. Lorraine R. Palmer for Labor, Industrial and Rehabilitative Services: The committee felt that the standard established by the American Board of Medical Specialties provides a better quality evaluation for the workers' compensation patient. In addition, passage of this bill would set workers' compensation back at least two (2) years in regards to independent medical examinations in that it would negate HB 1331, Chapter 231, Laws of 1996, which put the current statute in place. Vote 17-0.

HB 1463, encouraging New Hampshire citizens to engage in public service. INEXPEDIENT TO LEGISLATE

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: The intent of this bill was to prohibit employers from preventing employees from service in the legislature. This bill is similar to HB 298 from the 1997 session, which would have permitted legislators to take time off from their regular employment to fulfill public responsibilities and which the House voted Inexpedient to Legislate. Likewise, the committee unanimously voted this bill Inexpedient to Legislate, in part because of the burden and additional expense that would be placed upon employers who would need to train temporary employees to cover the position and time gaps created when an employee was not fulfilling his or her regular employment duties because of legislative service. Vote 16-0.

HB 1489, eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization. INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill would have allowed unions the right "not" to represent those who chose not to pay dues to the union. The committee found this would create confusion under current federal and state statutes. Vote 16-1.

HB 1589, prohibiting employers from requiring employees to work in excess of 8 hours a day or 40 hours a week. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The bill as printed intends to allow family members more free time to spend with loved ones by removing requirements to work in excess of forty hours. The committee believes it will have no effect on employees having more time at home with family since we can not control how the time saved is used. Attempts to strictly restrict total numbers of hours worked in a week will affect municipal services, utilities, and emergency situations. One business testified this bill would prevent them from continuing an innovative program that allows employees to have three day weekends every other week. Vote 16-0.

HB 1650-FN, relative to benefits under the unemployment compensation laws. OUGHT TO PASS

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The bill changes the base period and extended benefit period from a calendar year to a one-year period beginning the day an individual files for benefits. The Department of Employment Security will apply for federal grants to change the computer system program to be ready to implement the change by 2001. The intent of the committee is to have unemployment compensation benefits more accurately reflect the individual's most recent earnings. Vote 16-0

LOCAL AND REGULATED REVENUES

HB 1278, prohibiting the use of instant redeemable coupons for the purchase of beverage. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Local and Regulated Revenues: The sponsors of this bill asked that it be withdrawn. Since withdrawal is impossible, the committee unanimously voted the bill Inexpedient to Legislate. Vote 15-0.

HB 1339-FN, regulating the sale by mail of liquor, wine, and beer. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill, as amended, allows New Hampshire consumers to purchase liquor, wine and beer directly from out of state shippers as, for example, in so-called "wine-of-the-month" programs. However, direct shippers are not permitted to sell alcohol to persons under age 21, and the Liquor Commission receives revenue from the sale of these products and licensing of the shippers similar to the amount that would be realized if the products were sold by the Commission or New Hampshire based licensees. Vote 16-0.

HB 1602-FN, allowing electronic games of chance at bingo halls. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelokos for Local and Regulated Revenues: The state does not currently allow legal betting on any video poker and slot machines and the committee is opposed to allowing bingo halls to have this authority. Vote 14-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1154, establishing a committee to study the issue of updating New Hampshire laws related to fences. OUGHT TO PASS

Rep. Joseph E. Stone for Municipal and County Government: Laws pertaining to fences are found in numerous state statutes and the committee feels that based upon all the testimony given to the committee a recodifying of the laws should be done. Vote 15-0.

HB 1168-L, relative to municipal economic development and revitalization districts. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: RSA 162-K:5 states that 60% of any development district must consist of land which has been platted and developed. This bill removes the 60% requirement and will enhance municipal economic development planning for our communities. Vote 16-0.

HB 1192, permitting the city of Concord to combine the positions of tax collector and treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Paul McGuirk for Municipal and County Government: This bill states that the city of Concord may by referendum vote combine the positions of tax collector and treasurer. The city of Concord shall have until June 30, 2005 to adopt this provision through a duly adopted charter change. Vote 17-0.

HB 1213-L, relative to the authority of a town to name a trustee to expend funds for certain purposes. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Griffin for Municipal and County Government: This bill allows towns to appoint agents to expend any funds in the trust funds for maintenance and operation of the town. An annual

accounting and report of activities of the trust funds shall be presented to the selectmen and published in the annual report. Vote 18-0.

HB 1221-L, relative to the acceptance of personal property donated to towns or village districts. OUGHT TO PASS

Rep. Marilyn A. Fraser for Municipal and County Government: This bill simply removes the requirement for a public hearing before the selectmen or commissioners of a town or village district accept a gift with a value of \$250 or less on behalf of the town or village district. Vote 18-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would have allowed the towns and cities by vote of the municipality to overrule the planning board by denying a planning board application. Testimony was received that this bill would lead to spot zoning in reverse and could create constitutional issues. The committee feels that this bill could seriously impair planning boards' ability to conduct their business and could hamper the appeals process. Vote 16-0.

HB 1451, requiring the office of state planning to coordinate planning assistance to municipalities with state laws and rules adopted pursuant to state laws. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: RSA 4-C:7 establishes a program of regional and municipal assistance within the office of state planning for local communities. This bill required the development of a uniform state policy in areas related to growth management and resource protection. The committee feels that planning, zoning and related regulations have been and should continue to be the responsibility of municipal government. Vote 15-0.

HB 1539, relative to property tax billing procedures for land parcels having multiple owners. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: A distinct ownership on a parcel of land occurs when percentage owned is stated in the deed, i.e. 25%, 75%. If a tax lien is executed on the parcel of land involving distinct interests the tax collector is required to execute 100% of the entire parcel even if one owner has paid the distinct interest. This bill changes that requirement and allows the tax collector to execute 100% only on the distinct interest that has not been paid. Vote 16-0.

HB 1609, permitting municipal elections to be held on biennial election day. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: Traditionally local elections have not been held at the same time as state biennial elections. This bill would enable cities and wards elections (RSA 44:11) and town elections (669:1) to hold the balloting on the biennial election day. However, the committee felt a municipality has a local way to address the number of elections held. Vote 18-0.

HB 1638, relative to the work program requirement for assisted persons who are single parents. INEXPEDIENT TO LEGISLATE

Rep. Norma A. Sabella for Municipal and County Government: This bill would have lowered the children's age exemption from five years to three years for a single parent to participate in a municipal work program. To lower the age to two years with no safety nets would be an undue burden on the parent and detrimental to the children who would be involved. It may also require the local communities to fund child care and transportation costs. Vote 16-0.

PUBLIC WORKS AND HIGHWAYS

HB 1137, establishing a study committee on controlling the spread of graffiti. INEXPEDIENT TO LEGISLATE

Rep. James A. Whittemore for Public Works and Highways: Although well intentioned and superbly presented by the sponsor, the committee concluded a committee to study graffiti statewide is unnecessary, and the problem of perpetrators is covered under existing criminal mischief laws. It was further concluded that the sponsor has gathered sufficient information through very thorough research to propose, if he desires, a bill which deals with the problem of controlling graffiti in New Hampshire. The committee recommends that local authorities take action to control graffiti in communities where it is found objectionable. Vote 15-1.

HB 1143-FN, reclassifying Ayers Road in Northfield and Canterbury as a class III recreational road. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works and Highways: Ayres Road is currently a town road located in the towns of Northfield and Canterbury which the sponsors of this bill proposed becoming a state road, including the considerable cost of upgrading the road at state expense. Testimony showed that the road was in terrible condition, even impassable at times, but the road was a proper responsibility of the towns. The fact that the road passes through a state forest and is a town

road is not uncommon throughout the state. One good outcome of this bill was to enable the sponsors, road agents and police chief to meet with the Department of Transportation and discuss ways to utilize the towns' block grant funds to upgrade this road. Vote 16-0.

HB 1157, relative to the layout of highways. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: Due to the complexities of today's highway and environmental regulations, it has become increasingly important for the state to purchase or take certain properties beyond the scope of what was necessary a few years ago. Rest areas, park and rides, drainage, landscaping and mitigation are but a few of the areas we now need to have authority to use funds to acquire either by purchase or eminent domain. The language contained in this bill is vital if the state is to proceed into the next century with sound highway planning tools. The amendment simply adds easements to the other forms of acquisition. Vote 16-0.

HB 1193-FN, relative to installing vending machines at welcome and tourist information centers on state highways. OUGHT TO PASS

Rep. Steve Vaillancourt for Public Works and Highways: This bill was requested by the Department of Transportation as a means for installing vending machines at welcome and tourist information centers on the state highway system. Such machines are currently located at the centers which receive the greatest volume of traffic (i.e., Hooksett, Salem, Hampton). With passage of this bill, funds would be moved around to provide these conveniences for visitors to less frequented centers (i.e., Canterbury on I-93 North, and Sanbornton on I-93 South). This would involve no capital expense to the state, and the committee applauds the efforts to equalize services to the traveling public. Vote 14-1.

HB 1330-FN, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. OUGHT TO PASS WITH AMENDMENT

Rep. Bernard J. Raynowska for Public Works and Highways: This bill authorizes that a bridge on Rt. 104 in the town of Bristol, NH be named the Richard W. Musgrove bridge. The amendment requires that signage on the bridge be approved by the Department of Transportation and installed at no cost to the state. The Public Works and Highways Committee will establish an ad-hoc committee to propose future legislation which establishes state policy for naming state real assets. Vote 16-0.

HB 1340-L, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire. OUGHT TO PASS

Rep. Paul I. LaMott for Public Works and Highways: This bill establishes a committee to study the upgrade of Dean Memorial Airport in North Haverhill. The committee will consist of 3 members of the House and 3 members of the Senate, and report by November 1, 1998. The study shall include potential for growth, the potential role of the airport in the state airport system plan, improvements necessary to meet design and safety standards, timetable for development and funding an airport master plan, and avenues of state and federal funding for improvements. Testimony received by the committee indicated an active local airport committee is working to increase activity and expanded use of the airport, and it has strong local support. Vote 16-0.

HB 1374, relative to contracts for major capital projects of the departments of fish and game and resources and economic development. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Public Works and Highways: The amendment replaces the contents of the original bill and contains the provision of HB 1177-FN which was reported in the House Consent Calendar, No. 7, on January 23, 1998, and voted Inexpedient to Legislate by the House on January 29, 1998, in order to combine it with HB 1374. The amendment before you today raises the minimum amount of state capital improvement projects requiring competitive bidding from \$10,000.00 to \$25,000.00, thereby saving an estimated \$33,000 each year beginning in Fiscal Year 2000 (HB 1177). The amendment also allows the departments of Fish and Game and Resources and Economic Development to increase the amount of capital projects excluded from competitive bidding requirements from \$150,000 to \$250,000, and to exclude those or "for those" which are done on a force account contract basis, or through short term equipment rental, or a combination of both methods (HB 1374). Vote 16-0.

HB 1517-FN-A-L, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire. OUGHT TO PASS

Rep. William E. Leber for Public Works and Highways: This bill is the result of study committee work on SB 158, which looked into the dredging of harbors and erosion problems in Hampton and Seabrook. Dredging harbors must be done to maintain the flow of boat traffic, just like the highways need to be plowed of snow. It's a maintenance item and funds to pay for it should be in the operating budget. With annual set-asides into a dredging projects fund, funds will be available when needed without the cost of bonding in the capital budget. The Port Authority shall not encumber, obligate or expend any funds from the fund without the prior approval of the Capital Budget Overview Committee. The committee is continuing study of the fee structure and revenue flow on the Seacoast to determine if further action is needed to establish or revise fees to assist in funding the dredging projects. Vote 15-0.

HB 1575-FN, relative to highway modifications on lands acquired through the land conservation investment program. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Public Works and Highways: This bill establishes a major public policy in that it sets a methodology by which the formal Department of Transportation (DOT) may obtain for state highway purposes, interests in land currently held in public trust. As a result of lands protected under the Land Conservation Investment Program (LCIP), the amendment adds provisions relative to municipal level hearings and compensation which were omitted in the bill drafting process. This bill was developed over a two year period by the major private sector conservation associations, the Office of State Planning and DOT. Vote 18-0.

HB 1596-A, authorizing a state welcome center in the town of Bradford and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Public Works and Highways: The committee heard this request for a welcome center in the Sunapee area and determined that while it would be nice to have more welcome centers throughout the state we simply do not have the funds for this. The construction costs of \$500,000 plus an annual operating cost of \$80,000 was not deemed warranted. Neither the Department of Transportation, which operates welcome centers, nor the Department of Resources and Economic Development requested this center which would be situated only 25 miles or so from similar centers, one in Antrim, one in Springfield on I-89 northbound and one in Sutton on I-89 southbound. The committee further determined that requests such as this should come as part of the 10-Year Plan. Vote 16-0.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1104, relative to building a certain dam in Windham. INEXPEDIENT TO LEGISLATE

Rep. Robert H. Rowe for Resources, Recreation and Development: Rock Pond is a great pond having a water supply from underground springs. The pond is connected to Simpson Pond (Moeckel Pond) to the south west. At periods of low water the flow is from Rock Pond to Simpson Pond; at high water in the spring the flow is through Simpson Pond to Rock Pond. The association wishes to control the water level in Rock Pond by constructing a dam between the two ponds. The owner of the dam at the outflow of Simpson Pond possesses vested rights to control the flow and level of water in both ponds. The recommendation is based on three factors. The first is that it appears that the property on which the dam is to be located is owned by the owner of the dam and not the applicants. Second the construction of the dam would interfere in the riparian rights of the dam owner. Third, there is a fence obstruction in place on the dam site to prohibit access between the ponds contrary to state law. Vote 20-0.

HB 1133-L, enabling the town of New Boston to rebuild or replace a dam on the Piscataquog River. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Resources, Recreation and Development: Testimony from the sponsor and the Department of Environmental Services was that this bill was unnecessary. Mistakenly, the sponsor believed that the Parker Mill Dam in the Town of New Boston was located on a portion of the Piscataquog River designated as protected under New Hampshire law. The dam is actually located on a section of the river designated as a rural river. That designation allows for the repair of a structural failure of a dam in place at the time the river was designated, if the replacement is in the same location, with the same impoundment level and if repair takes place within six years of the date of failure. Vote 20-0.

HB 1155, relative to wastewater in low flow areas. OUGHT TO PASS

Rep. H. Charles Royce for Resources, Recreation and Development: This bill was a request of the Department of Environmental Services. The department works with the U.S. Environmental Protection Agency which issues all discharge permits to municipalities from their wastewater treatment facilities. The Department of Environmental Services felt and the Resources, Recreation and Development Committee agreed that in the spirit of the Clean Water Act this section of RSA 485-A:8 pertaining to low flow Temporary Partial Use (TPU) should be deleted to help protect our surface waters. Vote 19-0.

HB 1231, relative to greywater recycling. INEXPEDIENT TO LEGISLATE

Rep. Williams E. Williams, Jr. for Resources, Recreation and Development: The committee felt that there were far superior methods available to the sponsor to have the subject of the legislation incorporated in the rules at the Department of Environmental Services. Vote 16-0.

HB 1246, relative to enforcement of oil spillage laws. OUGHT TO PASS

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill expands the Department of Environmental Services enforcement powers to include any violation of the laws relative to oil discharge or spillage in surface water or groundwater. HB 1246 makes the level of penalties and enforcement consistent for both above ground storage tanks and underground storage tanks. Vote 17-0.

HB 1624-FN, relative to the membership of the wetlands council. INEXPEDIENT TO LEGISLATE

Rep. H. Charles Royce for Resources, Recreation and Development: This bill would have added one more private sector individual to the Wetlands Council. The Resources, Recreation and Development Committee felt that the Wetlands Council has only been in existence for a little over a year. The council has not experienced great difficulty in handling the cases coming before them, adding

another member at this time would not be necessary. Vote 19-0.

HB 1642-FN, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program. OUGHT TO PASS

Rep. Michael W. Downing for Resources, Recreation and Development: This bill changes the water testing laboratory certification program to an accreditation program recognized by the National Environmental Laboratory Accreditation Conference. This is a nationally recognized process that will allow New Hampshire Labs to compete with out of state labs. This bill will also save the department time and money in that staff will no longer be required to travel out of state to certify labs. There is no increase in fees, they will remain the same as currently exists under the present certification process. Vote 16-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1274-FN, relative to enforcement of air pollution laws by the department of environmental services. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This housekeeping bill, requested by the Department of Environmental Services, clarifies ambiguities in the language describing which stationary sources of air pollution are subject to the Air Pollution Control Act. The bill also adds to the Acid Rain Control Act enforcement and variance procedures comparable to those already existing under the more general Air Pollution Control Act. Since the variance procedures are most likely to be used during summer months, the bill was amended to make it effective on passage. The committee discussed requiring a study of steam locomotives exempted by statute from these air pollution control statutes, such as the Cog Railway, but after being assured that these emissions and possible emission controls will be studied by the operator and the Department of Environmental Services, believes that no statutory study is necessary at this time. Vote 18-0

HB 1351-FN, extending "The Laboratory for New Ideas in Information Technology" pilot project. OUGHT TO PASS

Rep. Godfrey G. Howard for Science, Technology and Energy: This bill extends the "Laboratory for New Ideas in Information Technology" pilot project for two years, until June 30, 2000. The laboratory is operated by the Department of Employment Security and is funded by federal funds, private donations, and grants. This accounts for the fiscal note, but the funds are being received by the state, not expended. Vote 16-0.

HB 1651, establishing a committee to study the protection of consumers relative to cable television rates and services. OUGHT TO PASS WITH AMENDMENT

Rep. Norman L Major for Science, Technology and Energy: The committee study will include status of the cable electronic services industry, customer cost of cable electronic services in New Hampshire, status of federal, state, and local regulations in the cable electronic services industry, state regulations, franchises, and issues relating to public access of cable electronic services. Vote 18-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR 21, requesting that the United States Congress return to the states the authority to regulate campaign finance. OUGHT TO PASS

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: The committee thanks the joint study committee for its thoughtful response to the need for campaign finance reform. We agree that there need to be restrictions on "soft money" and that the authority to regulate campaign finance revert to the states. Vote 11-1.

HR 53, urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office. OUGHT TO PASS

Rep. Jay T. White for State-Federal Relations and Veterans Affairs: While New Hampshire enjoys the first in the nation primary and always held strong views regarding campaign finance in all races, HR 53 urges the US Congress and the President to move forward with legislation to return the power to the states to regulate campaign finance in state races for federal office. Vote 12-0.

TRANSPORTATION

HB 1135, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: Until recently this body of water was nearby the town of George Mills' drinking water. The residents would like to protect this source of water if it is needed again in the future. The reasoning behind allowing electric motors is for people who are physically disabled but want to enjoy the lake. High speed boats will have a hard time on the lake because of the many ledges, thus the name Ledge Pond. The amendment speaks to electric motors only and changes the passage date from January 1, 1999 to upon passage to protect the water as soon as possible. Vote 18-0.

HB 1140-FN, relative to special motor vehicle plates for district court judges. INEXPEDIENT TO LEGISLATE

Rep. Roland M. Turgeon for Transportation: The committee listened to the sponsor of the bill who was the only witness appearing before the committee. After receiving information from the Administrative Office of the Courts in opposition to this bill due to security reasons for judges, the committee decided to vote the bill Inexpedient to Legislate. Vote 17-0.

HB 1152, permitting municipalities to further restrict watercraft on great ponds wholly within the municipality. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: It was the feeling of the committee that the power to regulate lakes and ponds falls under the Department of Safety. Hence, there will be a conflict between two agencies. There is already a tool to restrict water craft. By partitioning the Department of Safety for a public hearing at which time all can testify, not just the residents of one certain town. The water is owned by all residents through the public trust. Vote 18-0.

HB 1171, to establish a committee to investigate the discrepancy in air fares between flights from Logan International Airport and Manchester Airport. REFER FOR INTERIM STUDY

Rep. Robert H. Milligan for: The intent of this bill was to bring to the attention of the airlines that the residents of the state of New Hampshire want fair and equitable treatment of assessing airfares on its people. As a legislature we have no legality to regulate/dictate fares of travelers. Vote 16-1.

HB 1285-FN, relative to penalties under the youth access to and use of tobacco products law. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill, while very noble in its endeavor to penalize young people who smoke by suspending their drivers licenses, will not work. Driving and smoking are not related, like drinking and driving, and accordingly should not be bound together. Driving after revocation is one of the most common violations of the motor vehicle laws. Passage of this bill would only increase this problem. This committee has passed several major pieces of legislation concerning teenage drivers in this most recent session. The committee senses that these laws need to be given time for teens to integrate and adjust and for the state to reevaluate its program on teen driving. The most compelling reason to defeat this bill is that it will not accomplish its goal of decreasing tobacco use by young people. Teenage smoking is a serious concern, however it is a public health issue not a law enforcement issue. The committee believes the answer to the problem of teen smoking is education, not punishment. Vote 16-1.

HB 1322-FN-L, requiring seat belts on school buses. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: It was the feeling of the committee that this is a clear violation of Article 28-A (unfunded mandate) of the state constitution with a fiscal note of over \$20,000,000. Further testimony revealed that school bus operation has the highest safety record of all vehicles. School bus experts testified that because of school bus design seat belts could cause severe injuries. Vote 16-0.

HB 1328-FN, extending the period for motor vehicle titles. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon E. Bartlett for Transportation: This bill requested by the Department of Safety will bring our automobile title laws in line with the other states. Banks are heavily in favor for a longer title period instead of relying on U.C.C. forms for vehicles they finance that are ten years or older. The amendment will speed the return of duplicate titles requested by the dealer and those who purchase these cars on private sale. Vote 18-0.

HB 1364-L, establishing a bus only commercial driver license. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill was designed to create a new class of Commercial Driver License (CDL). The new class would be a Bus Only Commercial Driver License (BOCDL). This would limit drivers to bus only operation. Testimony revealed that the motive for this was purely economic for the bus companies and did not take into account that these operators may need to have summer jobs to remain employed year round. Currently these operators are trained and tested for the vehicles they operate. Vote 17-0.

HB 1367, requiring motorcyclists to wear protective headgear. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for: This bill as introduced mandates protective headgear for all riders and passengers on motorcycles under the premise that motorcyclists are a burden to society for their care and subsistence. The committee heard no testimony nor saw any data that supported that claim. Testimony revealed that there was very little difference in crash and fatality statistics between states with helmet laws and states without helmet laws. Facts revealed that motorcycle fatalities have dropped nationally by 46% in the last ten years; New Hampshire has had similar results while not having an adult helmet law for the past 22 years. This is attributed to the state operated nationally recognized motorcycle rider education courses. Additionally, in New Hampshire the number of head injuries and their associated costs are approximately ten times greater for auto drivers than motorcyclists. The public hearing was overwhelmingly attended. The committee heard testimony from 15 speakers who were opposed who objected to this legislation., while 5 speakers were in favor. Eighteen representatives and one senator attended the hearing and were opposed to

this legislation, with 4 representatives in support. Several legislators introduced signed petitions from 262 constituents opposing this bill. The most common thread of testimony from those who testified in opposition is that motorcyclists have a vested interest in their safety, that as responsible adults they are ensured and keenly aware of what is in their best interest, and viewed this legislation as government intrusion into their lives without justification. Vote 17-0.

HB 1537, relative to aeronautics enforcement authority. OUGHT TO PASS

Rep. Robert H. Milligan for Transportation: The majority of this bill is housekeeping. It changes the period of time allowed for nonresidents to register aircraft. Thirty days will be easier to enforce and be in line with vehicle, boat and snowmobile law. This will target those nonresidents from border states who keep their aircraft in New Hampshire. Other states legitimate registrations will be recognized. Hanger/tie down rental will be used for enforcement justification. Federal laws require medical certificate for a pilots license. Location to affix decals is expounded upon. Vote 15-0.

HB 1629, relative to walking disability plates and placards. OUGHT TO PASS

Rep. Brenda L. Ferland for Transportation: The bill will require that a person with disability plates or placards continue to provide proof every four years that such items are needed. The current law is five years on plates and three years on placards. Passage of this bill will align both to be reviewed at the same time. The bill also allows the Department of Safety to remove the 200 ft. walking disability now stated in RSA 261:88. Vote 17-0.

HB 1648, restricting the transporting of passengers in the bed of trucks. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: This sponsor of the bill introduced this bill because one town seems to have a problem with it during summer months. It doesn't appear to be a statewide problem. No testimony was given as to how after this occurs, or if the RSAs didn't already cover this problem. No exceptions were listed if this was a families only source of transportation, construction workers, campers truck caps, farmers or emergencies. Vote 18-0.

WILDLIFE AND MARINE RESOURCES

HB 1120, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Wildlife and Marine Resources: This commission is being created to study the entire aspect of alternative agriculture, and in particular, its impact upon New Hampshire's wildlife resources. Alternative agriculture is the practice of raising animals, which we generally think of as being "wild", for meat and other by-products, usually buffalo, emu, ostrich, elk, and red deer. Because this industry is relatively new to the state, many farmers are not aware of which state agency they should deal with when importing, exporting, selling, and etc. The amendment merely clarifies who is to appoint the non-voting members of the study commission and in addition it made the act effective upon passage. Vote 11-0.

HB 1123, relative to the importation of wolf hybrids. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Wildlife and Marine Resources: The original bill was designed to prevent totally the importation of wolf hybrids. The importation of neutered hybrids is allowed under RSA 466-A. The committee didn't wish to revisit the entire subject which was thoroughly addressed in the last session. Consequently, the amendment makes adjustments for licensing animal shelter facilities for hybrids and allows the Commissioner of Agriculture to make rules governing the administration of this chapter on hybrids. It also permits the Commissioner to assess an administrative fine of up to \$1,000 for each violation of rules. Vote 14-0.

HB 1255-FN-A, increasing the fee for a resident trapping license and continually appropriating the increased revenue for the purpose of wildlife rehabilitation. INEXPEDIENT TO LEGISLATE

Rep. Mark A. Cegelis for Wildlife and Marine Resources: Passage of this bill would place an undue burden on the trappers of this state. There is no certain way to determine how many trappers would cease operations with the large unprecedented fee increase suggested in the bill - an increase from \$27.50 to \$100.00 for an adult license and an increase for a minor's license from \$5.50 to \$25.00. It is the belief of the committee that the current fee structure is adequate and that the proposed fee increase is unnecessary and possibly detrimental to the future of trapping in this state. Vote 11-0.

HB 1256, transferring the wildlife rehabilitation program to the department of resources and economic development. INEXPEDIENT TO LEGISLATE

Rep. Michael S. Rollo for Wildlife and Marine Resources: This bill, although well intentioned, would do little to improve the wildlife rehabilitation program currently in practice by the Fish and Game Department. By transferring the program to the Department of Resources and Economic Development we would be giving a department with no wildlife biologists on staff and a department with little interest in the program, a program which is operating smoothly at present within the Fish and Game Department. Further, no funds went with the program unless other legislation was enacted. It is this committee's opinion that this bill would destroy a worthwhile and well working program. Vote 11-0.

HB 1331-FN, relative to expanding the authority to grant special hunting and fishing licenses to include persons aged 65 or over, and adding trapping licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Wildlife and Marine Resources: This bill as introduced lowered the age for a resident of the state to receive a free basic hunting and/or fishing license from age 68 to 65 and in addition added a free trapping license. The committee couldn't buy into lowering the age in this day of modern medicine when people are living longer and healthier than ever before. In fact, some committee members felt that the age of "freebies" should be raised rather than lowered. However, we did accept the proposition of a free trapping license for persons 68 and over and the amendment reflects that by changing the bill's title and effective date. Vote 14-0.

HB 1354-FN, relative to fishing in the Connecticut River by residents of Vermont and relative to the use of funds from the sale of timber on fish and game lands. OUGHT TO PASS WITH AMENDMENT

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill with amendment corrects a problem on the Connecticut River whereby large numbers of non-resident fishermen, particularly in tournaments, are taking advantage of the one day Vermont fishing license and fishing the river which is New Hampshire waters. They will now be required to purchase a New Hampshire license. The bill in no way interferes with the reciprocal licensing of Vermont and New Hampshire resident fishermen. The amendment deleted a reference, which was not necessary, to establishing a "special fund" for disposition of timber sales money on fish and game lands. Vote 10-0.

HB 1359, relative to senior citizens' applications for moose hunting permits. INEXPEDIENT TO LEGISLATE

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: As proposed, this bill would have reserved a certain percentage (10%) of moose permits for resident seniors, age 68 and over, licensed to hunt in New Hampshire. Unfortunately, as noble as this cause may be, it would have opened the proverbial "Pandora's Box" to any and all other groups seeking similar consideration. It was felt by the committee that the present moose lottery system was fair and equitable to all participants and should not be tampered with or altered by showing any favoritism to any particular group. Vote 14-0.

HB 1372, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Wildlife and Marine Resources: The committee found that the concerns of the sponsor involves an isolated case on the Merrimack River involving duck hunting. This problem can be handled by the Executive Director of the Fish and Game in accordance with RSA 206:15-a. The sponsor has been communicating with the Executive Director and has satisfactorily solved the problem. If the bill were to pass as written, it would critically hamper the ability to hunt in southern New Hampshire. The committee voted to stay with current law (RSA 207:3-a) which prohibits the discharging of a firearm within 300 feet of a permanently occupied dwelling. Vote 10-0

HB 1621, relative to the membership of the advisory committee on shore fisheries. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill is intended to change the process for recommending membership on the advisory committee of shore fisheries. The bill, if passed, will allow for all members to be selected by the normal process through Governor and Council and further eliminates the New Hampshire Port Authority from the process of nominating prospective members. The amendment deleted persons being nominated by the Fish and Game Commission and a department employee. Vote 12-0.

THURSDAY, FEBRUARY 12

REGULAR CALENDAR

COMMERCE

HB 1287-FN, relative to sales of tobacco products to persons under 21 years of age. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: This legislation would raise the age for purchasing tobacco products from 18 years of age to 21 years of age. The committee and the House have taken several aggressive measures to reduce youth access to tobacco and underage use of tobacco, some of which are so new we have not yet been able to measure their success. This legislation would not effect the intent of the sponsors. More importantly, this legislation would only cause those already addicted to commit a criminal offense. The funds required for enforcement of this legislation would be much better spent on prevention programs for children. The predominance of the problem exists in 13 and 14 year olds becoming addicted, not young adults. Vote 16-1.

HB 1319, relative to foreclosure sales. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce: This bill requires that no foreclosure sale shall be valid or effectual to foreclose a mortgage unless the mortgaged property is sold for at least 70 percent of its assessed value. This bill would create more problems than it would solve. It would not take into consideration the propriety of the assessed value of the property. Further, the requirement

that a sale must be at least 70% of the assessed value would, in most cases, be impossible to achieve. Vote 15-0.

HB 1541-FN-A, creating a position in the insurance department. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Martha Fuller Clark for the Majority of Commerce: Solving the problem of long term care is of critical importance to the state. Currently, the long term care institute, (created by statute in the last session after careful consideration by the House Health & Human Services Committee) is stymied due to lack of professional staff. This bill provides funding for a one year, temporary position paid for by a surcharge upon insurance carriers writing long term care policies. If, after a year's time, funding from the state is still needed for such a position, the majority of the Commerce committee believes it should be considered through the general appropriation process. Vote 9-8.

Rep. George Hurt for the Minority of Commerce: The minority concurs with the majority that long term care is a serious relevant issue for the state. However, testimony presented does not support the bill's concept for legislating a mandatory classified position titled "Long Term Care Specialists". Further, under current insurance regulation, more specifically RSA 400-A:10, the Insurance Commissioner has authority to implement a position to carry out functionary duties that would be beneficial in fostering the concept of long term care Insurance and the importance of purchasing the same. More to the point, salient testimony provided evidence that other states facing the same dilemma have formed an alliance with the insurance industry to essentially address the same issue ostensibly in a free market concept.

EDUCATION

HB-1175-L, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. OUGHT TO PASS

Rep. Charles B. Yeaton for Education : This is a housekeeping measure requested by the Department of Education. The state board needs the statutory authority to adopt rules to satisfy the Joint Legislative Committee on Administrative Rules. These rules are necessary for the Department of Education to charge certification and recertification fees Vote 14-1.

HB 1195, allowing non-public school students access to the New Hampshire education improvement and assessment program at no cost to the state or local school district. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: RSA 193-C which authorized the New Hampshire Education Improvement and Assessment program allows for private schools and home schoolers to contact their local schools and arrange to take the tests. This bill would require the Department of Education to notify all private schools of the testing schedule. The committee was assured that this information is already made available by the Department of Education. Therefore, legislation is unnecessary Vote 14-2.

HB 1393, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill extends the dates for both the reporting data for postsecondary assistance for members of the NH National Guard study committee and the repeal date relative to postsecondary educational assistance to NH National Guard members. This allows more time for working out any problems. The amendment extends the sunset clause to June of 1999. Vote 14-2.

HB 1449, requiring that school administration evaluation programs allow teachers the opportunity to submit input into the evaluation of their principal or supervisor. INEXPEDIENT TO LEGISLATE

Rep. Phil A. Weber for Education: This bill, while well intended, does contain the word "shall" which may diminish local control and may constitute an unfunded mandate. Evaluation programs are a necessary component in schools but we should not dictate as to what is best for each school or school district. Vote 12-6.

ELECTION LAW

CACR 33, relating to a minimum age restriction on New Hampshire house members. Providing that the minimum age shall be 21. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Election Law: The N.H. Constitution does not have an age requirement for a State Representative. This CACR would both set the age and change it from 18 years of age as in the RSAs now to 21 years of age. The majority feels that the electorate are able to judge the maturity of a candidate more accurately than an arbitrary age would establish that maturity. Vote 11-2

ENVIRONMENT AND AGRICULTURE

HB 1162, relative to permit applications before the hazardous waste facility siting board. OUGHT TO PASS WITH AMENDMENT

Rep. Karen McRae for Environment and Agriculture: This bill excludes emergency permits and limited permits from the review of the hazardous waste facility siting board. The amendment references the permit application process and defines emergency permit and limited permit. Vote 14-2.

HB 1224, relative to the regulation of biosolids. OUGHT TO PASS WITH AMENDMENT

Rep. Peter R. Leishman for Environment and Agriculture: This bill provides for continued random on-site testing of sludge and biosolids. This bill makes permanent the pilot program established under HB 638, Chapter 209, laws of 1997. Random sampling of land applied sludges and biosolids is an effective tool for ensuring compliance with state and federal standards. Vote 18-0.

HB 1576-FN-A, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Betty B. Hall for the Majority of Environment and Agriculture: The Majority thought that it would be an injustice to the citizens of New Hampshire if a viable and beneficial industry was not allowed to be established and developed especially if that industry could contribute greatly to our communities in terms of jobs, agriculture and environmentally safe products as well as revenues. The evidence that legalized industrial and commercial hemp would aid crime and threaten society is not convincing. The evidence that legalized hemp would bring jobs, provide durable products and provide a versatile and abundant natural resource is overwhelming. Right now, we can legally do everything with hemp but grow it and this bill takes care of that. Vote 10-8.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: Because the varieties of Cannabis Sativa are so similar in appearance and qualities, making distinction between the drug and the industrial hemp difficult, and because growing marijuana would therefore be even easier to hide, the federal government, through the Drug Enforcement Agency, makes them both illegal. NH has no authority to be less restrictive than the DEA. Unless the United States of America makes marijuana legal, we have no business trying to pass this bill.

FINANCE

HB 204-FN-L, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen T. DeStefano for Finance: This bill provides that county sheriffs are responsible for the security of the state's district courts and the custody and control of defendants appearing in these courts. The sheriffs already have such responsibilities for the state's superior courts. The amendment provides that, subject to legislative appropriation, the state will continue to reimburse the counties at \$50 per diem for each sheriff's bailiff assigned to court security and beginning July 1, 1999, will increase the rate to \$65 for each full day and \$35 for each half day. Testimony by county and municipal officials indicates that this bill will offset an estimated annual cost of \$800,000 in current county and local expense. Specific to Manchester, local police officers will be freed up for city enforcement and an estimated \$168,000 in annual expense will be saved. The bill as amended will save the state general fund \$16,285 in FY 1999. Vote 13-3.

HB 587-FN, relative to the system benefits charge. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a capped system benefits charge for energy efficiency programs, new renewable programs and programs for low-income customers as part of the electric deregulation process. The amendment caps the low-income program at 1.5 mills until June 30, 2003, when the legislature will have to reinstate the authority of the PUC to impose such a charge. The low-income program will generate approximately \$13.2 million from rate payers and the committee felt that the program should be reviewed to make sure that the low-income charge was accomplishing what we intended it to do. Vote 11-4.

HB 651-FN-L, relative to electric rate reduction financing. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill authorizes the Public Utilities Commission to use securitization, a kind of ratepayers' guarantee, to buy down a maximum of six wood-to-energy plant rate orders. The cost of these PUC-approved rate orders are already in today's electric rates. The rate orders were approved pursuant to state and federal laws that mandated the purchase of electricity from independent producers. With securitization, PSNH ratepayers will save about \$60 million on the one PUC-approved rate order buydown, and if the other five are authorized by the PUC, the total present value savings to PSNH ratepayers would be almost \$160 million. In the absence of this legislation, the rate order buydowns cannot be completed and ratepayer savings will be lost. Customers will continue to pay the higher costs of wood-to-energy power in today's rates. The securitization authorized in this bill applies only to the six proposed wood-to-energy plant buydowns. Any further use of this financing technique must be approved in subsequent legislation. The Committee amendment makes clear that securitization shall not constitute a pledge of the full faith and credit of the state or its political subdivisions. The Committee amendment also makes clear that the PUC shall hold an evidentiary public hearing before proceeding with any securitization. Vote 18-2.

HB 707-L, relative to municipal taxation of telecommunications poles and conduits. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: RSA 72:8 is the statute that allows municipalities to tax

fixtures of all kinds and descriptions that belong to electric and gas companies. Almost 100 years old, the law's taxing provisions are a significant part of some communities' tax base. Electric companies are challenging the fairness of the law and seeking tax abatements from municipalities because their property is taxed but not the utility property which belongs to telephone companies. This bill removes this risk by eliminating inconsistencies in the law and permits municipalities to tax all poles and conduits regardless of ownership. Studied for over a year, amended to protect municipalities, the bill was passed by the House on a voice vote and sent to the Finance Committee. The Finance Committee voted to ensure the protection of municipalities to tax all poles and conduits ignoring ownership. The Committee recognizes that this bill adds a burden on certain telecommunications service providers, upsetting the tax equity plan worked out by the legislature in 1990. Vote 19-0.

HB 1403-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Finance: The bill raises the amount of personal allowance of Medicare nursing home residents from \$40 to \$60 per month. However, it excludes those Medicare persons who are in residential care facilities from the increase. Because of this inequity the Department of Health and Human Services (HHS) opposed the bill as drafted. The committee is supportive of an increased allowance as is HHS, but such an increase needs to be crafted within the context of total state reimbursement to both nursing homes and residential care facilities to not jeopardize their limited and regulated revenues, and on an equitable basis for all residents. The bill would require increased general fund expenditures of \$459,203 and increased county expenditures of \$604,117. These issues can best be dealt with in the next budget. Vote 13-6.

HB 1581-FN-A-L, relative to the payment of school building aid. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Finance: This bill deals with school building aid. A joint legislative committee was formed last session to address the myriad of issues affecting this program. The Committee expects that current legislation extending the reporting date to November 1, 1998 will be enacted. The Finance Committee feels that in view of the uncertain status of the Claremont II solution it is appropriate to await the report of the joint legislative committee. Vote 16-2.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB-1117-L, repealing the needle exchange program. INEXPEDIENT TO LEGISLATE

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: The majority of the committee felt that repeal of the needle exchange legislation was not appropriate at this time, since it was only passed last year and took effect on January 1, 1998. Vote 13-3.

HB 1407, clarifying the unlawful practice of medicine. OUGHT TO PASS WITH AMENDMENT

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill will clarify those who can use the title "physician". RSA 329 is the medical practice act which licenses people who are graduates of accredited medical schools. Other professional groups, i.e. chiropractors, dentists, naturopaths, ARNPs, veterinarians, have title by statute. "Physician" is referred to in over 100 RSAs in New Hampshire, thus the need to clarify titles. Vote 11-7.

HB 1563, prohibiting physicians from prescribing or administering cannabis-type drugs. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: The amendment to this legislation changed the bill from an outright repeal of Section RSA 318-B:10, VI permitting physicians to use cannabis-type drugs for certain treatments to deleting a phrase which restricted this treatment only to cancer patients. All involved, including the sponsor, agreed this change was appropriate. Vote 18-0.

JUDICIARY AND FAMILY LAW

CACR 31, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. OUGHT TO PASS

Rep. Alf E. Jacobson for Judiciary and Family Law: CACR 31 addresses the most controversial amendment adopted by the people in many years from the perspective that people may have misunderstood its impact. An earlier effort was made by the Constitutional Convention of 1984 to add five words that were similar to the eight words now added at the end of Part II, Article 73-a by this CACR. The 1984 effort failed by a vote of 130 to 189; still the controversy boils. To give another chance to the people to affirm the earlier 1978 amendment or change the constitution seems an appropriate and reasonable way to bring resolution to a long standing controversy. Vote 10-6.

CACR 32, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Susan J. Clay for the Majority of Judiciary and Family Law: The committee supports changing the constitution to provide for the appointment of registers of probate. Registers of probate are the clerks of the probate court and are the only elected officials in the entire judicial branch.

They handle complex administrative functions and procedures for the probate courts in each county. The Fairbanks case clearly demonstrated that election of people who are entrusted with purely administrative tasks does not necessarily yield desirable outcomes. The committee believes that it would provide more uniformity and accountability to have the registers appointed in the same manner as the clerks of court. Representatives of the court have testified that current registers would be grandfathered in. Vote 14-6.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: There is no practical reason to change the present system of electing registers of probate. The performance of elected registers of probate has, in general, been more than acceptable. The procedure of electing registers of probate insures regular and reoccurring opportunity to review performance and to reject those individuals who have failed to perform their duties properly. Proponents of appointing registers of probate would place the position under the thumb of a judge of probate who is a lifetime appointee. Passage of this CACR would pull a curtain around the activities of the register's office to the disadvantage of the general public's right to know.

CACR 37, relating to administration of the courts. Providing that there shall be an independent administrative office of the courts. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: This CACR would transfer from the judicial to the legislative branch the power to manage the judiciary. The committee acknowledges the delicate balance that must be maintained among the three separate branches and concludes that the judiciary must have the right to manage the judiciary. The committee also notes that membership on both the Professional Conduct Committee and the Judicial Conduct Committee includes non-lawyers and that recent changes in law have eased secrecy requirements that limited public access to information about the operation of the judiciary. Vote 15-3.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: The administrative obligation imposed upon the justices of the New Hampshire Supreme Court on the adoption of Article 73-A of New Hampshire's Constitution, adopted in the interest of streamlining the operation of the state court system, has created a plethora of conflicting interests within the state's judicial system beginning with the justices of the supreme court themselves. Fundamentally, the justices of the supreme court are obligated to administrate the activities of the minions below them, and then impartially adjudicate the affairs of those same individuals. The constitutional requirement for impartiality, under the present arrangement, is impossible to achieve. The constitutional conflicts caused by the present structure needs to be resolved. Creating an independent administrative office of the courts would free the justices from conflicts of interest and resolve the present constitutional problem which exists.

HB 1268, prohibiting an attorney who is a director of a bank from holding client trust accounts in such bank without the permission of the client and the probate court. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Terence R. Pfaff for the Majority of Judiciary and Family Law: The majority of the committee did not see the need for a automatic conflict of interest presumption. Vote 12-5.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: This bill simply seeks to remove the conflict of interest which exists when a bank director, acting on behalf of stockholders, can potentially violate the interest of those individuals who he represents as fiduciaries when those individuals' trust accounts are held in the same bank.

SPECIAL ORDER

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

SPECIAL ORDER

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.

LOCAL AND REGULATED REVENUES

HB 1418-FN-L, prohibiting gambling activities within one mile of a school. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: While limiting youth gambling is a desirable objective the committee shared with the sponsor, this bill is not the answer. Ticket sales are now illegal to minors. Testimony from the Sweepstakes Commission indicated that this bill could result in a 50% reduction in sales impacting small stores and state revenues. Vote 12-5.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1404, establishing the fishing family protection act, prohibiting political subdivisions from interfering with commercial and recreational operations of fishing families. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: The committee fully supports the New Hampshire commercial fishing industry. Unfortunately, this bill is not about fishing. This is a zoning issue. Portsmouth regretted very much having to address this issue in zoning. In fact, in its revised Master Plan approved as recently as October 30, 1995, Portsmouth demonstrated a sympathetic and supportive approach to commercial fishing interests that have been part of their community for over 350 years. This bill was brought forth because of a zoning situation in Portsmouth. The party involved, although grandfathered, chose not to seek legal advice and did not appeal the local zoning board of adjustment's denial of the request for a variance. For us as legislators to pass this bill would in effect take away the home rule the voters of Portsmouth enacted when they supported Article II Section 10-206 of the Portsmouth Zoning ordinance. Vote 14-1.

PUBLIC WORKS AND HIGHWAYS

HB 1100-FN, relative to the design and construction of a new medium security prison in Berlin and removing the population cap and closing date for the lakes region department of corrections facility. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine D. Rogers for Public Works and Highways: This bill authorizes the Division of Public Works, Department of Transportation and the Department of Corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison to be located in Berlin. HB 1100 would require that competitive bidding requirements would include, but not be limited to: * Construction shall begin no later than August 15, 1998, and be completed and ready for occupancy within 30 months; * Bidders shall demonstrate experience in similar corrections projects; * The successful bid shall not be based on cost alone; * The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services capable of accommodating future expansion to 1000 beds. This bill also authorizes the Commissioner of Corrections to establish two additional halfway houses and appoint ten additional probation and parole officers. Lastly, this bill removes the population cap on, and the July 1, 1998 closing date for, the Lakes Region Department of Corrections facility. The committee looked at the corrections needs for the state of New Hampshire as a total picture. The committee studied both construction and operating costs of locating a new facility in Berlin, as well as the department's needs for additional halfway houses to better manage New Hampshire's inmate population. While some additional operating costs could be incurred locating in the northern part of the state, these costs are minimal over time and would be offset by the economic development pluses to this region. Construction costs would be no different, and by moving the project to a "design-build" strategy will not only serve to fast track construction, but could offer substantial cost savings. The committee considered and overwhelmingly defeated an amendment inserting a time certain closure for the Lakes Region Department of Corrections facility. The committee was convinced this facility provided a much needed and praised program and facility to the state, and providing for its closing is not appropriate at this time. If the Legislature determined the closure of this facility was to be accomplished, it would need to appropriate funds for and site a replacement facility at the same time. Vote 19-0.

HB 1141-FN-A, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: Once the committee became aware of new leases for the Sweepstakes Commission (24,300 square feet @ \$331,209 per year) and Revenue Administration (40,000 square feet @ \$495,200 per year), it seemed economically desirable to continue to rehabilitate vacant buildings, especially on the old state hospital grounds. Renovations to the Brown building are running \$63.00 per square foot. Further examples show that renovations to the Spaulding building are 60% less than the new Fish and Game headquarters, 70% less than the Department of Safety, and 60% less than the new office building at the Supreme Court. The amendment eliminates any new appropriation and transfers unexpended capital project funds from the Department of Health and Human Services. Vote 17-0.

HB 1494, relative to public/private department of transportation partnership projects. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Public Works and Highways: After a motion of Refer to Committee for Interim Study failed by a 9-9 vote, the committee decided that this bill presented too many concerns to pass at this time. Some believed the bill could lead to a patchwork of toll roads and even toll exits. Others felt the bill represented a move toward the dangerous precedent of the state abandoning the responsibility of road construction. It was also noted that by the time new federal monies (to replace the Intermodal Surface Transportation Efficiency Act (ISTEA) formula) are forthcoming later this year, the time for interim study will have expired. The Department of Transportation opposed the bill but left open the possibility that with a good deal of reworking, it could be reintroduced at some future time. The sponsors are encouraged to work on this concept with the Department of Transportation and present more detailed legislation next year. Vote 10-8.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1341, relative to temporary seasonal docks on lakes and ponds. OUGHT TO PASS WITH AMENDMENT

Rep. David D. Kibbey for Resources, Recreation and Development: This bill exempts temporary seasonal docks on lakes and ponds from the excavating and dredging permit requirement. This bill establishes criteria as to maximum size, distance from property lines, minimum frontage required, and other important factors in order for one small dock to be exempt on the lake frontage. This bill was supported by Department of Environmental Services and the Attorney General's Office and will relieve a large population of property owners as well as DES from unnecessary paperwork and enforcement. A second amendment which would require registration of these docks failed in committee and will be taken up in HB 1426. Vote 9-6.

WILDLIFE AND MARINE RESOURCES

HB 1106-FN, relative to special deer permits. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Michael S. Rollo for the Majority of Wildlife and Marine Resources: This bill amends a 1994 law which allowed the executive director to issue special deer permits in certain areas of the state over-populated with deer. The amended version would permit the fish and game department to charge a fee not to exceed \$10 for applications. In 1997, there were 1,500 requests for 400 permits issued on a first come-first serve basis. Substantial additional funds could be generated by charging for the applications as has been done with the moose lottery. The committee felt that a lottery was the fairest way to issue these special permits and that these additional funds could be used for deer related activities within the agency. The amendment changes the effective date to "upon passage" to accommodate the 1998 season. The majority feels this is, in fact, a fair and viable tool to effectively manage a growing and healthy deer population. Vote 12-3.

Rep. Dennis F. Abbott for the Minority of Wildlife and Marine Resources: Allowing the executive director of the fish and game department the authority to utilize a lottery system to control a growing deer population is, at best, both ineffective and unfair to the majority of license holders. It is questionable to limit opportunities for many while conducting a lottery benefiting few. Providing 400 additional permits in Area M last year, without a lottery, resulted in the taking of 24 deer (a 6% success rate for the hunters and 94% for the deer). The minority feels there are better management options available to cope with an expanding deer herd in some areas than resorting to a lottery system.

HB 1432-FN, relative to hunting and fishing licenses for certain disabled persons. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill would have issued a free hunting and fishing license to any person who "is suffering from the loss of, or the loss of the use of " one leg. Presently, persons who have lost both legs or are suffering from paraplegia are issued free licenses. Free licenses are issued to totally and permanently disabled resident and nonresident veterans. There are other special considerations for issuance of certain permits for other disabilities. The committee felt that with today's state of the art prosthetics, coupled with the director's ability to issue certain "special exception" permits, that this bill was not necessary. Vote 10-0.

HB 1473-FN-A, establishing a wildlife damage control program and making an appropriation therefor. OUGHT TO PASS

Rep. Henry P. Mock for Wildlife and Marine Resources: This proposed legislation is the result of a study by the Animal Damage Control Commission established by HB 706, Chapter 60:1, Laws of 1997. This legislation would focus animal damage control on prevention instead of payment for lost crops. The study commission, this bill, and the Wildlife Committee recommends a three tiered response to animal damage control. The first is education prior to damage being done, the second is a 50/50 cost sharing program for fencing materials for commercial growers, and the third tier is the issuance of depredation permits to eliminate the nuisance animals. A Wildlife Damage Control Advisory Board is established to determine on an annual basis the recipients of fencing materials moneys for each year. An appropriation of \$62,500 from the general fund is requested as matching funds for the cost/share fencing program. State funds, rather than sportsmen's funds, because the committee felt that wildlife, for the bad as well as the good, for riches or poorer, belong to ALL the citizens of New Hampshire, not exclusively to hunting and fishing license buyers. Vote 12-0.

HOUSE BILLS AMENDED BY THE SENATE

HB 517, relative to aggravated felonious sexual assault. (SJ 2)

HB 544, relative to dwellings which extend over public waters. (SJ 2)

LAID ON TABLE

HB 643-FN, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. (Pending question is the adoption of the committee amendment.)

COMMITTEE HEARINGS

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.

1:00 p.m. **HB 1661**, relative to eligibility for postsecondary education tuition grants.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

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.

HEALTH, EDUCATION REVIEW (RSA 186:67-a), Room 204, LOB

4:00 p.m. Regular meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 202, LOB (Please note room change.)

1:30 p.m. Subcommittee work session on ***HB 1503-FN-A-LOCAL***, relative to intergenerational homeshare programs and making an appropriation therefor.

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

9:00 a.m. Subcommittee meeting.

NUCLEAR DECOMMISSIONING FINANCE COMMITTEE (RSA 162-F:15), Room 308, LOB (Please note room change.)

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2), Director’s Conference Room, Fish and Game Department, 2 Hazen Drive, Concord

10:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 10

COMMERCE, Room 302, LOB

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

10:00 a.m. Subcommittee work session on ***HB 1314***, relative to enforceable provisions in retail installment contracts for motor vehicles.

11:00 a.m. Subcommittee work session on ***HB 1178***, relative to automobile leasing.

1:00 p.m. Subcommittee work session on ***HB 1308***, protecting the rights of distributors.

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.

11:30 a.m. Rescheduled public hearing on ***HB 1318***, relative to extended terms of imprisonment for crimes substantially motivated by hostility towards the victim’s religion.

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

10:00 a.m. ***HB 1462***, establishing an independent committee to study the university system of New Hampshire.

11:00 a.m. ***HB 1465***, relative to eligibility for athletic scholarships with the university system of New Hampshire.

1:00 p.m. ***HB 1386***, to establish a committee to study alternative school systems.

2:00 p.m. ***HB 1420-LOCAL***, establishing a committee to study the impact of class sizes on overall educational performance.

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

- 9:45 a.m. Subcommittee work session on **HB 1485**, establishing a redistricting commission and **HB 1495**, relative to procedures for apportioning state representatives among counties and among legislative districts.
- 10:00 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, and community rivers.
- 10:30 a.m. Subcommittee work session on **HB 1453**, relative to products from sludge-treated soil.
- 11:00 a.m. Subcommittee work session on **HB 1454**, relative to the spreading of sludge or biosolids.
- 11:30 a.m. Rescheduled executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE JOINT WITH MUNICIPAL AND COUNTY GOVERNMENT SUBCOMMITTEES, Room 303, LOB

- 1:00 p.m. Subcommittee work session on **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 AND **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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

- 8:30 a.m. Subcommittee work session on **HB 1361**, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers.
- 10:00 a.m. Executive session on pending legislation, if needed.

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.

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

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

JUDICIARY AND FAMILY LAW, Room 208, LOB

- 9:45 a.m. **HB 1144**, relative to protecting personal privacy.
- 10:15 a.m. Rescheduled public hearing on **HB 1406**, increasing the maximum amount for a small claim action.
- 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. Rescheduled public hearing on **HB 1302**, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather.
- 2:30 p.m. **HB 1408**, requiring a criminal background investigation for certain child care agencies.
- 3:15 p.m. **HB 1390**, adopting a drug dealer liability act.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the

committee is initially convened.

LOCAL AND REGULATED REVENUES, Room 206, LOB

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

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.

1:30 p.m. Rescheduled public hearing on **HB 1482**, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures.

2:30 p.m. Rescheduled public hearing on **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.

3:30 p.m. Rescheduled public hearing on **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. Public hearing on proposed amendment to **HB 1639-A-LOCAL**, relative to U.S. Route 3 from Twin Mountain in Carroll to Clarksville and making an appropriation therefor. (The proposed amendment replaces all the language in the bill with language that allocates more highway fund money derived from the extra diesel tax revenues into the highway and bridge betterment account. Copies of the amendment are available from the Sergeant-at-Arms Office.)

Executive session on pending legislation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. Subcommittee work session on **HB 1187**, relative to breakwater permitting.

10:00 a.m. Subcommittee work session on **HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Radioactive waste subcommittee work session on **HB 1630-FN**, relative to the transportation of high level radioactive waste.

10:30 a.m. Clean air subcommittee work session on **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, if needed.

TRANSPORTATION, Department of Safety, Hazen Drive, Concord

10:15 a.m. Briefing by Commissioner.

Room 203, LOB

1:00 p.m. Executive session on pending legislation, 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.

1:00 p.m. Executive session on pending legislation.

WEDNESDAY, FEBRUARY 11

COMMERCE, Room 302, LOB

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

10:00 a.m. Subcommittee work session on **HB 1536**, establishing a committee to study women’s health care and relative to breast feeding a baby.

10:30 a.m. Subcommittee work session on **HB 1380-FN**, relative to energy costs for persons dependent upon life-support equipment.

11:00 a.m. Subcommittee work session on **HB 1628**, relative to health care liability.

1:00 p.m. Subcommittee work session on **HB 1598-FN**, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud.

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

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.

EDUCATION, Room 207, LOB

9:30 a.m. **HB 1530**, regarding the reappointment of teachers in their probationary period.

10:30 a.m. **HB 1414**, relative to review of non-renewal of teachers contracts.

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. Subcommittee work session on **HB 1623**, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats.
- 11:30 a.m. Subcommittee work session on **HB 1477**, clarifying the waste reduction goals for the state of New Hampshire.
- 1:30 p.m. Subcommittee work session on **HB 1606-LOCAL**, relative to liability for response to hazardous materials accidents.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

- 10:00 a.m. Work and executive session.

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

- 11:00 a.m. Work and executive session.

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.

3:15 p.m. **HB 1419**, making victims of juvenile offenses eligible for compensation from the victim's assistance fund.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:30 a.m. Continued public hearing on **HB 1282-LOCAL**, requiring a public hearing and vote of the town before a conservation commission may expend funds received through the current use penalty.

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.

2:00 p.m. Continued public hearing on **HB 1435-LOCAL**, relative to the vote required for a legislative body of a municipality to accept a street.

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

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

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.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

9:30 a.m. Clean air subcommittee work session on **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.

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.

10:30 a.m. Rescheduled executive session on pending legislation.

1:00 p.m. **HB 1662-FN**, restructuring the nuclear decommissioning finance committee and the office of the consumer advocate and amending laws relative to atomic energy to reflect the policies of electric utility restructuring.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB (Please note room change.)

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

TRANSPORTATION, Room 203, LOB

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

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

FRIDAY, FEBRUARY 13

EDUCATION AND FINANCE COMMITTEES, Rooms 210-211, LOB

9:00 a.m. Joint session on educational adequacy and funding issues.

Morning session: Terry N. Whitney, Senior Policy Specialist

National Conference of State Legislatures

Chris Piphio, Senior Fellow, Strategic Consultant

Education Commission of the States

Afternoon session: John G. Augenblick, President

Augenblick & Myers, Denver

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. **HB 1164**, relative to requests for changes in superior court justices assigned to trials.

10:15 a.m. **HB 1261-FN**, prohibiting part-time judges from sitting on courts located within 50 miles of their primary places of business.

11:00 a.m. **HB 1266**, relative to reporting of alleged criminal conduct by the professional conduct committee and the judicial conduct committee.

1:00 p.m. **HB 1510-FN**, requiring probate court judges to report attorneys who are fiduciaries and have been cited for delinquencies in accounting by the probate court to the professional conduct committee of the supreme court.

1:45 p.m. **HB 1445**, relative to nonpublic sessions and relative to attorneys in certain proceedings.

2:30 p.m. **HB 1452**, relative to expanding the court’s authority for debt collection by including license revocation and suspension.

3:15 p.m. **HB 1470**, relative to protection of religious freedoms.

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

11:00 a.m. Subcommittee work session on **HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements, **HB 1126-LOCAL**, relative to municipal debt limits, **HB 1447-LOCAL**,

relative to approval by the legislative body of cost items in a collective bargaining agreement, ***HB 1172-LOCAL***, relative to the number of members on a municipal budget committee and ***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. 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.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session.

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

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

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

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

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

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

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. ***HB 1360***, revising the formula for determining child support.

10:15 a.m. ***HB 1371***, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement.

11:00 a.m. ***HB 1471***, allowing loss of familial relationship damages in wrongful death actions.

1:00 p.m. ***HB 1486***, establishing a committee to study joint physical custody and child support guidelines.

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

9:00 a.m. Rescheduled meeting with Vocational Institute Students.

FINANCE, Rooms 210-211, LOB

Executive session at the conclusion of the House Session.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session at the conclusion of the House Session.

FINANCE - (DIVISION II), ROOM 209, LOB

Work and executive session at the conclusion of the House Session.

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

Work and executive session at the conclusion of the House Session.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Rescheduled executive session on pending legislation, if necessary.

THURSDAY, FEBRUARY 19

FINANCE, Rooms 210-211, LOB

Executive session at the conclusion of the House Session.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session at the conclusion of the House Session.

FINANCE - (DIVISION II), ROOM 209, LOB

Work and executive session at the conclusion of the House Session.

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

Work and executive session at the conclusion of the House Session.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Rescheduled executive session on pending legislation, if necessary.

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

Noon Full committee briefing followed by questions and answers with Sen. Bob Smith.

FRIDAY, FEBRUARY 20

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

9:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session.

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), Room 209, LOB

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

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

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

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

9:00 a.m. Regular meeting.

FRIDAY, FEBRUARY 27

JUDICIAL COUNCIL (RSA 494), Room 208, LOB

3:00 p.m. Regular meeting.

MONDAY, MARCH 2

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

9:30 a.m. Regular meeting.

WEDNESDAY, MARCH 4

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

9:00 a.m. Regular meeting.

FRIDAY, MARCH 6

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House

1:30 p.m. Regular meeting.

MONDAY, MARCH 9

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

9:00 a.m. Regular meeting.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2), Director’s Conference Room, Fish and Game Department, 2 Hazen Drive, Concord

10:00 a.m. Regular meeting.

FRIDAY, MARCH 20

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

9:00 a.m. Regular meeting.

FRIDAY, MARCH 27

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House

1:30 p.m. Regular meeting.

MONDAY, MARCH 30

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

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Cheshire County Executive Committee will meet on Monday, February 9 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 Executive Committee will meet on Friday, February 27 at 9:00 a.m. at the County Complex, Goffstown.

Rep. Frances L. Riley, Chairman

Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

The Executive Committee of the Merrimack County Delegation will meet on the following dates:

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 Nursing Home and Residential Properties 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

Human Services, Adult Diversion, Juvenile Diversion, Bridge Program, Grant Agencies and Cooperative Extension 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 review the 1998 County Attorney, Medical Referee, Sheriff and Dispatch Budgets.

Monday, March 2 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 to recommend to the full delegation and to review the 4th quarter financial report of 1997.

Rep. Robert A. Lockwood, Chairman

Merrimack County Executive Committee

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

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 111, 177, 256, 443, 467, 485, 552, 565, 579, 587, 616, 630, 651, 670, 676, 697, 707, 734, 736, 747, 753, 774, 1211, 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

Richard L. Champagne, 18 Fox Circle, Keene, New Hampshire 03431-2713

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 Winnicoash 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 January 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

The third round of funding for the Health Care Transition Fund, Community Grant Program is about to begin. The Department of Health and Human Services, under the leadership of the Legislature, the Governor and the Executive Councilors, has initiated this grantmaking process to assist communities in their efforts to improve access to health care services. Grants will be awarded for up to eighteen months to encourage creativity and innovation in health care. Successful proposals will demonstrate broad community collaboration as an essential method of achieving project objectives. A *Request for Proposals* was mailed to the leadership of the New Hampshire House and Senate including Committee Chairs and 1,200 community organizations and providers. All legislators are invited to request a copy of the proposal by contacting Therese Smith of the Department's Office of Planning and Research at 271-5256 or access a copy through the Department's Website at <http://www.state.nh.us/dhhs/deptlinks.htm>.

Rep. Robert W. Foster

The Strafford County Republican Party will hold their make-up meeting at the Gateway Restaurant Saturday, February 7 at 9:00 a.m. Be there!

The Lincoln Day Dinner will be held Sunday, March 29. Details to follow.

Rep. Robert E. McKinley

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 Manchester Delegation will meet at 9:00 a.m. at the School Administrative Building with the Mayor on February 9th.

Rep. Lou D’Allesandro

Members and staff are cordially invited to attend the New Hampshire Lodging and Restaurant Assoc.’s Annual 1998 Legislative Reception on Tuesday, February 10th from 5:00 PM to 8:00 PM at CR Sparks in Bedford. Complimentary deluxe hors d’oeuvres will be served. RSVP to Kathleen Gust at 228-9585.

Reps. Kipp Cooper and Phyllis Katsakiores

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

Legislators for Limited Spending will meet on Thursday, February 12 during the lunch break in the Upham Walker House. Dessert and coffee will be served.

Rep. Frances L. Riley

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 Legislative Caucus for Young Children will meet on 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 Manchester and Nashua Republican Committees will hold a "Presidents' Night" Surf and Turf Dinner on Wednesday, February 18 at 6:30 p.m. at the Center of New Hampshire, Manchester. The featured speaker is Congressman John R. Kasich (R-Ohio), House Budget Committee Chairman. For tickets, please call Reps. Bill Golding (623-6562) or Winston McCarty (668-4263).

Reps. William M. Golding and Winston H. McCarty

The Carroll County Republican Committee's Annual Lincoln Day Dinner will be held on Friday, February 20 at 6:00 p.m. at the Sheraton Four Points Hotel in North Conway. Featured speaker will be Governor Lamar Alexander and other speakers will include Sen. Judd Gregg, Sen. Bob Smith, Rep. John E. Sununu and Republican gubernatorial candidates. Tickets may be purchased from any member of the Carroll County Delegation or by calling 544-2409.

Reps. Godfrey G. Howard and Betsey L. Patten

Attention Legislators: The Governor's Commission on Disability is sponsoring a conference: **Physician Assisted Suicide-What it Means to Persons with Disabilities** on Monday March 2, 1998 at the Courtyard Conference Center in Manchester. All legislators are invited to attend (several scholarships have been set aside so that as many legislators as possible and others interested in this subject can attend without undue financial burden). Call 1-800-852-3405, ext. 2774 (Voice/TTY), for more information or to register.

Donna Sytek, Speaker

The New Hampshire School Food Service Association is pleased to invite all Senators and Representatives to attend its annual legislative breakfast in celebration of National School Breakfast Week. This will be held in the State House dining room on Thursday, March 5, 1998, from 8:30 to 10:30 a.m. Hope to see you there.

Rep. Andrew Christie, Jr.

The Retail Merchants Association cordially invites all legislators and staff to our "Legislative Reception" on Wednesday, March 11 from 4:30 to 7:00 p.m. at the Holiday Inn, 172 North Main Street, Concord. The reception will be in the Lounge area. We look forward to seeing you.

Rep. Toni M. Crosby

The Belknap County Republican Committee will hold its Lincoln Day Dinner on March 16 at 6:00 p.m. at the Pheasant Ridge Country Club, Country Club Road, Gilford. Featured speaker is former Vice President of the US, Dan Quayle. For tickets please call Reps. John Thomas (528-5112), Ralph Rosen (524-8651) or John Veazey (524-2459).

Rep. John Thomas

The Department of Transportation will hold the following meetings:

- 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. Public hearing on current applications for funding. Transportation Enhancement (TE) Advisory Committee.
- Mar 5 - Room 201, LOB, 3:00-5:00 p.m. Committee meeting to discuss project applications. Transportation Enhancement (TE) Advisory Committee.
- Mar 10 - Room 201, LOB, 3:00-5:00 p.m. Public hearing on current applications for funding. Congestion Mitigation Air Quality Meeting (CMAQ).
- Mar 19 - Room 201, LOB, 3:00-5:00 p.m. Committee meeting to select recommended projects for funding. Transportation Enhancement (TE) Advisory Committee.
- Mar 24 - Southern NH Planning Commission, 438 Dubuque Street, Manchester, 3:00-5:00 p.m. Committee meeting to recommend projects for funding. Congestion Mitigation Air Quality Meeting (CMAQ).

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 February 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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
2/9	9:30 & 10:45	Fairgrounds Elem. - Nashua	4/63
2/9	12:30	Mastway - Lee	4/25
2/10	10:00	Cornish School	4/20
2/10	10:00	Kearsarge Mtn. Home School - Warner	4+/8
2/11	10:00	Sant Bani - Sanbornton	4/14
2/11	11:15	Stoddard Elementary	4&5/15

2/11	1:30	Newmarket Elem. Student Council	4&5/16
2/12	9:15	Washington Street School - Penacook	4/40
2/13	9:30 & 10:45	Fairgrounds Elem. - Nashua	4/63
2/13	12:30	Mastway - Lee	4/25
2/17	9:00 & 10:00	Greenland Central	4/40
2/18	10:00	Liberty School House - Bedford	K/12
2/18	11:00 & 12:30	Infant Jesus - Nashua	4/52
2/19	10:00 & 11:15	Towle School - Newport	4/50
2/19	12:30	Manchester Youthbuild	HS/25
2/20	9:00;10:00 & 11:00	Conant Elementary - Concord	4/75
2/20	12:30	Cardigan School(<i>Finnish Team</i>) - Canaan	14-16/40
2/23	10:00	Troop 22 BSA - Amherst	11-15/20
2/26	10:00	Heritage Heights/Havenwood - Concord	SRS/12
2/26	1:00	K.A. Brett School - Tamworth	3&4/65

THURSDAY, FEBRUARY 12

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-0571h

Amendment to HB 204-FN-LOCAL

Proposed by the Committee on Finance

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

V. The legislature intends that counties will assume the financial responsibilities for court security and custody.

Amend RSA 104:31, XII as inserted by section 4 of the bill by replacing it with the following:

XII. The state shall reimburse the sheriff’s office, within available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff’s office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.

Amend the bill by replacing all after section 8 with the following:

9 Court Security; Transfer of Funds. Amend 1997, 350:1 by replacing PAU 02, 01, 06 for fiscal year 1999 with the following:

02 Admin of justice & public prtn

01 Judicial branch

06 Court security

FY 1999

10 Personal services - permanent 268,909

20 Current expenses 2,000

24 Maint. other than build. & grnds 9,500

30 Equipment new/replacement 7,000

50 Personal service -temp/appointe 314,327

60 Benefits 109,504

70 In-state travel

92 Sheriff reimbursement

93 Additional sheriff reimbursement

49 Transfers to other state agencies D * 2,219,925

* The judicial branch shall make transfers

sufficient to fully fund the provisions of

RSA 104:31, XII and other court bailiff reimbursement.

Total 2,931,165

Estimated source of funds for

Court security

General Fund 2,931,165

Total 2,931,165

Total 49,624,450

10 Court Security; Reimbursement of Funds. Amend 1997, 350:1 by inserting in PAU 01, 04, 01, 06 the following new class line for fiscal year 1999:

93 Court bailiff reimbursement D * 2,219,925

* This classline shall remain fully funded for the purpose

of funding court bailiff reimbursement.

11 Totals Adjusted; Court Security Funds. Amend PAU 01, 04, 01, 06 as inserted by 1997, 350:1 by replacing the estimated source of funds and totals for fiscal year 1999 with the following:

Total 9,461,320

Estimated source of funds for

Court facilities

01 Transfers from other agencies 9,234,694

09 Agency income 226,626

Total 9,461,320

12 Effective Date.

I. Section 4 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court, and transfers funds for fiscal year 1999 for this purpose. The bill increases, as of July 1, 1999, the rate of state reimbursement, within available funds appropriated by the legislature, to sheriffs and counties for providing such security services.

1998-0581h

Amendment to HB 587-FN

Proposed by the Committee on Finance

Amend paragraph IV of section 1 of the bill by replacing it with the following:

IV. The establishment of the limitations set forth in this act are not intended to set any precedent or to prejudge what, if any limits should be placed on the system benefits charge beyond the initial years of competition.

Amend RSA 374-F:4, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII.(a) The commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring and that are substantially consistent with the principles established in this chapter. The commission is authorized to require that distribution and electricity supply services be provided by separate affiliates.

(b) The system benefits charge referred to in RSA 374-F:3, VI shall be limited as follows:

(1) During the first year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low income customers shall not exceed 2.5 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.

(2) During the second year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low income customers shall not exceed 3 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.

(c) The portion of the system benefits charge due to programs for low income customers shall not exceed 1.5 mills per kilowatt hour. The authority of the commission to impose such a charge shall terminate on June 30, 2003.

(d) The limitations of the system benefits charge in subparagraph (b) shall not apply to any member controlled electric cooperative.

(e) Targeted conservation and load management programs and incentives that are part of a strategy to minimize distribution costs shall be included in the distribution charge, and not included in a system benefits charge.

(f) Beginning in 1999, the commission shall submit a report to the legislative oversight committee on electric utility restructuring by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.

AMENDED ANALYSIS

This bill establishes limits on the amount of system benefits charge that may be assessed during the initial years of retail electric competition and prohibits the use of the charge for programs for low income customers after July 1, 2003. This bill also requires the public utilities commission to submit an annual report on the systems benefit charge.

1998-0492h

Amendment to HB 605-FN-LOCAL

Proposed by the Committee on Finance

Amend RSA 169-B:2, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 17 years which would be a felony ~~[or]~~, misdemeanor, *or violation* under the criminal code of this state if committed by an adult, and is expressly found to be in need of counselling, supervision, treatment, or rehabilitation as a consequence thereof, *or a person who has committed an offense before reaching the age of 16 that would be a violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to Title XIII, a law relating to fireworks under RSA 160-B, or any town or municipal ordinance.*

Amend the bill by deleting section 4 and renumbering the original sections 5-27 to read as sections 4-26 respectively.

Amend RSA 169-B:12, I as inserted by section 9 of the bill by replacing it with the following:

I. Absent a valid waiver, the court shall appoint counsel at the time of arraignment of an indigent minor~~[-, provided that an indigent minor detained pursuant to RSA 169-B:11, III, shall have counsel appointed upon the issuance of the detention order]~~ *alleged to have committed an act which would be a felony or misdemeanor under the criminal code of this state.* For purposes of the appointment of counsel under this section, an indigent minor shall be a minor who satisfies the court, after appropriate inquiry, that the minor is financially unable to independently obtain counsel. *No attorney or guardian ad litem shall be appointed, no pre-disposition investigation shall be ordered, and no services other than counsel shall be authorized for any minor alleged to have committed a delinquent act which would not constitute a misdemeanor or felony under the criminal code of this state if committed by an adult.*

Amend the bill by inserting after section 17 the following and renumbering the original sections 18-27 to read as sections 19-28 respectively:

18 Adjudicatory Hearing. Amend RSA 169-B:16, III to read as follows:

III. If the court finds the minor has committed ~~[the]~~ *an* alleged offense *which would constitute a felony or misdemeanor if committed by an adult*, it shall, unless a report done on the same minor less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school records and the mental, physical and social history of the minor. When ordered by the court, such investigation shall include a physical and mental examination of the minor conducted pursuant to RSA 169-B:23, RSA 169-B:20 and RSA 169-B:21. No disposition order *for an offense which would constitute a felony or misdemeanor if committed by an adult* shall be made by the court without first reviewing the investigation report.

1998-0495h

Amendment to HB 606-FN-LOCAL

Proposed by the Committee on Finance

Amend the bill by replacing section 3 with the following:

3 Definition; "Child". Amend RSA 169-D:2, I to read as follows:

I. "Child" means a person who is under the age of 18 on the date the petition is filed pursuant to RSA ~~[169-D:5]~~ *169-D:4-b and 169-D:4-c.*

Amend the bill by deleting section 5 and renumbering the original sections 6-17 to read as sections

5 -16 respectively.

Amend the bill by replacing section 15 with the following:

15 Repeal. The following are repealed:

- I. RSA 169-D:2, IV(c), relative to the definition of a child in need of services.
- II. RSA 169-D:5, relative to the filing of petitions for children in need of services.
- III. RSA 169-D:6, relative to the issuance of summons and notice in cases involving children in need of services.

Amend section 16 of the bill by replacing paragraph I with the following:

I. Section 14 of this act shall take effect 60 days after its passage.

1998-0459h

Amendment to HB 651-FN-LOCAL

Proposed by the Committee on Finance

Amend RSA 369-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission is authorized, after conducting a public evidentiary hearing in conformance with due process standards, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is consistent with the public good and will result in significant net savings for ratepayers.

Amend RSA 369-A:3 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Rate reduction bonds issued pursuant to finance orders adopted by the commission under the provisions of this chapter shall not constitute a debt or liability of the state or of any political subdivision thereof, other than the financing entity, and shall not constitute a pledge of the full faith and credit of the state or any of its political subdivisions, other than the financing entity, but shall be payable solely from the funds provided therefor pursuant to the provisions of this chapter.

1998-0570h

Amendment to HB 747-FN-A
Proposed by the Committee on Finance

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

AN ACT establishing a wildlife habitat stamp or license for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

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

1 New Section; Wildlife Habitat Stamp or License; Wildlife Habitat Account Established. Amend RSA 214 by inserting after section 1-e the following new section:

214:1-f Wildlife Habitat Stamp or License.

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c that was purchased in a prior calendar year.

II. A license to take any kind of wild animal or wild bird as required by title XVIII shall not be issued, except for the complimentary licenses listed under paragraph I, to any person who has not purchased a wildlife habitat stamp or license. A person shall only be required to purchase one wildlife habitat stamp or license under RSA 214:9, XV each year regardless of the number of licenses purchased by that person during that year.

III. For the purpose of this section, "wild animal" shall not include fish or marine species.

IV. The executive director, with the approval of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the manner of issuance of the wildlife habitat stamp or license, and may, with the approval of the commission, provide for the reproduction, sale, licensing, and other disposal of art created for the stamp. The art for the stamp may be selected through an art contest administered by the executive director with the approval of the commission. A stamp may be issued only upon prior authorization by the legislature.

V. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the wildlife habitat account, to which shall be credited all fees collected under RSA 214:9, XV from the sale of wildlife habitat stamps and licenses and all proceeds derived from the art created for the stamp under paragraph IV. The state treasurer may accept public and private grants and donations into the account.

VI. The state treasurer shall invest the moneys in the wildlife habitat account as provided by law. Interest received on investments shall be credited to the account.

VII. The wildlife habitat account is continually appropriated and may only be used for the following purposes within the state of New Hampshire:

- (a) The development, management, preservation, conservation, restoration, and maintenance of wildlife habitat on both public and private lands, with at least 50 percent of the annual revenue from stamp and license sales dedicated to pay costs of labor and materials for direct physical land management activities;
- (b) Obtaining land access to wildlife habitat areas;

- (c) The acquisition of easements upon private property for the purposes of subparagraphs (a) and (b);
- (d) The acquisition of private land to protect critical wildlife habitat, provided that the governing body of any municipality, unincorporated town, or unorganized place in which the property is located approves;
- (e) The promotion and production of the wildlife habitat stamp and artwork; and
- (f) Providing information to the public on the location of properties managed by the fish and game department.

VIII. When stamp and license revenue is used to either obtain an easement under subparagraph VII(c) or purchase land under subparagraph VII(d), no condition shall be accepted which restricts hunting and trapping on the associated land. This requirement shall not apply to lands used for access purposes or if the executive director finds that it is in the interest of the hunting and trapping community to allow such a restriction. The executive director shall allow hunting and trapping on such lands, as is permissible, but may prohibit for any length of time the hunting or trapping on the whole or part of such lands when it is necessary for the protection or propagation of a wildlife species or for public safety reasons.

IX. The executive director, with the approval of the commission, shall expend the funds in the wildlife habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.

X. The executive director shall submit to the fiscal committee and the chairpersons of the house wildlife and marine resources committee and the senate wildlife and recreation committee a detailed fiscal year report by October 1 of each year, beginning with fiscal year 2000, with sufficient information to be fully understood by the general court and the public, summarizing the receipts and disbursements from the wildlife habitat account and the public benefits derived from the disbursements from it. Every fifth year, beginning in 2003, the annual report shall provide an in-depth financial accounting and summary of work accomplished in the previous 5 years, outlining all projects that are completed, in process, and planned. All annual reports shall be made available to the public after submission to the general court.

2 New Paragraph; Fee; Wildlife Habitat Stamp or License. Amend RSA 214:9 by inserting after paragraph XIV the following new paragraph:

XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild birds, \$2.50, and the agent shall thereupon issue a wildlife habitat stamp or license as provided in RSA 214:1-f. For any year in which a stamp is issued, the agent shall be entitled to retain \$.50 of the \$2.50 fee for each wildlife habitat stamp sold and all stamps sold at the department headquarters or any subagency thereof shall retain the same \$.50 fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish and game fund. Notwithstanding RSA 214:15 or any other provision of law, there shall be no agent fee for a wildlife habitat license issued pursuant to RSA 214:1-f.

3 Authority to Issue Stamp; 1999. The executive director shall issue a wildlife habitat stamp pursuant to RSA 214:1-f as provided in section 1 of this act for calendar year 1999.

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

AMENDED ANALYSIS

This bill requires that a person wishing to take wild animals or birds shall first acquire a wildlife habitat stamp or license. The revenue from the stamp or license shall be credited to a wildlife habitat account in the fish and game fund for the purposes of the acquisition, development, maintenance and promotion of wildlife habitats. The executive director shall issue a stamp for calendar year 1999.

1998-0580h

Amendment to HB 784-FN-LOCAL

Proposed by the Committee on Finance

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1999.

1998-0649h

Amendment to HB 1100

Proposed by the Committee on Public Works and Highways

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

AN ACT relative to the design and construction of a new medium security prison in Berlin, removing the population cap and closing date for the

lakes region department of corrections facility, and authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers.

Amend paragraphs I and II as inserted by section 1 of the bill by replacing them with the following:

I. The division of public works, department of transportation and the department of corrections shall develop and issue a request for proposals from experienced and qualified construction firms for design and construction of a medium security prison in Berlin.

II. Competitive bidding requirements shall include, but not be limited to, the following:

(a) Construction shall begin no later than August 15, 1998 and be completed and ready for occupancy by the department of corrections within 30 months of the commencing of such construction.

(b) Bidders shall demonstrate experience in similar corrections projects.

(c) While full consideration shall be given to the project cost structure, the successful bid shall not be based on cost alone.

(d) The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services space capable of accommodating future expansion to 1000 beds.

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

3 Halfway Houses; Probation and Parole Officers. The commissioner of corrections is authorized to establish 2 additional halfway houses and to appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

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

AMENDED ANALYSIS

This bill authorizes the division of public works, department of transportation and the department of corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison. The bill establishes certain criteria for the bidding process.

The bill removes the population cap on and the July 1, 1998 closing date for the lakes region department of corrections facility.

The bill also authorizes the commissioner of corrections to establish 2 additional halfway houses and appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

1988-0639h

Floor Amendment to HB 1100-FN

Proposed by Reps. Rosen and Vaillancourt

Amend the bill by replacing section 2 with the following:

2 Population Cap and Closing Date on Lakes Region Department of Corrections Facility Removed. Notwithstanding the provisions of 1991, 351:27, the population cap of 300 at the lakes region department of corrections facility may be exceeded up to a population of 500 and the authority to operate the facility shall extend beyond July 1, 1998 to December 31, 2001.

AMENDED ANALYSIS

This bill authorizes the expenditure of funds appropriated for preliminary design of expanded correctional facilities in the 1995 capital budget and extended in the 1997 capital budget for the design and planning of a new medium security prison in Berlin. The bill authorizes the division of public works and highways, in consultation with the department of corrections, to solicit requests for proposals for design and construction of the new facility. The bill also removes the population cap on and changes the closing date for the lakes region department of corrections facility from July 1, 1998 to December 31, 2001.

1998-0373h

Amendment to HB 1106

Proposed by the Majority of the Committee on Wildlife and Marine Resources

Amend the bill by replacing section 2 with the following:

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

1998-0521h

Amendment to HB 1120

Proposed by the Committee on Wildlife and Marine Resources

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

1 Commission Established. There is hereby created a commission to study the impact alternative agriculture may have on New Hampshire’s native wildlife resources and to determine the jurisdictional authority over such activities.

2 Membership and Compensation.

I. The voting members of the commission shall be as follows:

- (a) Three members of the house of representatives, including one member from the house environment and agriculture committee and one member from the wildlife and marine resources committee, all appointed by the speaker of the house.
- (b) Three members of the senate, including 2 members from the senate fish and game/recreation committee, all appointed by the president of the senate.

II. The nonvoting members on the commission shall be:

- (a) The executive director of the fish and game department, or designee.
- (b) The commissioner of the department of agriculture, markets, and food, or designee.
- (c) The state veterinarian.
- (d) A representative of the New Hampshire Farm Bureau Federation, appointed by such federation.
- (e) A representative of the alternative agriculture industry, appointed by the speaker of the house and the president of the senate.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the impact alternative agriculture may have on New Hampshire’s native wildlife resources and shall determine the jurisdictional authority over such activities. The commission may study any other relevant information. For the purposes of this commission "alternative agriculture" includes, but is not limited to buffalo, emu, ostrich, elk, and red deer.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the voting members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four voting members of the commission shall constitute a quorum.

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

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

1998-0409h

Amendment to HB 1123

Proposed by the Committee on Wildlife and Marine Resources

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

AN ACT relative to the control of wolf hybrids.

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

1 Reference to Licensure Added. Amend RSA 466-A:1, I to read as follows:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty

to animals or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals *and which is licensed in accordance with RSA 437*.

2 New Section; Rulemaking. Amend RSA 466-A by inserting after section 5 the following new section:

466-A:5-a Rulemaking Authority. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to standards for confinement and control under RSA 466-A:5 and any other matter necessary for the administration of this chapter.

3 Administrative Fine Added. Amend RSA 466-A:6 to read as follows:

466-A:6 Penalty; *Administrative Fines*.

- I.* Any person [~~failing to meet the requirements~~] ***in violation*** of this chapter ***or any rule adopted under this chapter*** shall be guilty of a class A misdemeanor.
- II. Any person who violates any provision of this chapter, or any rule or order of the commissioner of agriculture, markets, and food, shall be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.***

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

AMENDED ANALYSIS

This bill requires the commissioner of agriculture, markets, and food to adopt rules under RSA 541-A relative to the control of wolf hybrids and adds administrative fines for violations of the wolf hybrid law.

1998-0596h

Amendment to HB 1135

Proposed by the Committee on Transportation

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

1 New Section; Ledge Pond. Amend RSA 270 by inserting after section 129 the following new section:

270:130 Ledge Pond. No person shall use, operate, or have aboard or attached to any watercraft or motorboat, a petroleum-powered inboard or outboard motor upon the waters of Ledge Pond in Sunapee. A person may operate a boat propelled solely by an electric-powered motor on Ledge Pond. Whoever violates the provisions of this section shall be guilty of a violation.

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

AMENDED ANALYSIS

This bill prohibits petroleum-powered motors on the waters of Ledge Pond in the town of Sunapee. The bill authorizes the use of electric-powered boats.

1998-0376h

Amendment to HB 1141

Proposed by the Committee on Public Works and Highways

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

- 1 Appropriation; Study and Schematic Design; Walker Building Conversion to Office Space. The sum of \$150,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for the purpose of funding the design study and schematic plan development for conversion of the Walker building to an office complex.
- 2 Transfer of Funds From Department of Health and Human Services. To provide funds for the appropriation in section 1 of this act, the commissioner of the department of health and human services shall transfer the sum of \$150,000 from the appropriation made in 1995, 310:191, as amended by 1997, 349:31, as extended by 1997, 349:34, XXXVII and as amended by this act to the commissioner of the department of administrative services for the purpose of funding the design study and schematic plan development for conversion of the Walker building.
- 3 Walker Building Design Study and Plan Added. Amend 1995, 310:191, as amended by 1997, 349:31 to read as follows:

310:191 Department of Health and Human Services; Acute Psychiatric Services Building Renovation; M & S Building; Thayer Building; ***Walker Building Design Study and Plan***; Appropriation. The sum of \$2,800,000 is hereby appropriated to the department of health and human services for the design and renovation of, and purchase of equipment and furnishing for the B-wing of the acute psychiatric services building and furnishings, painting, safety features and other patient-required improvements in the M & S Building and the Thayer Building for the use of psychiatric nursing home services, ***and for the Walker building design study and plan***. This appropriation is in addition to any other funds appropriated to the department of health and human services.

4 Lapse Extension. Amend RSA 1997, 349:34, XXXVII to read as follows:

XXXVII. The appropriation made to the department of health and human services by 1995, 310:191, as amended by section 31 of this act, for design and renovation of APS-B-wing, M and S building, ~~and~~ Thayer building safety improvements, ***and Walker building design study and plan***.

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

AMENDED ANALYSIS

This bill makes an appropriation to the department of administrative services for the purpose of funding a design study and schematic plan development for conversion of the Walker building to an office complex. Funds for the appropriation shall be transferred by the commissioner of health and human services from unexpended funds from a prior capital appropriation relating to the New Hampshire hospital.

1998-0315h

Amendment to HB 1157

Proposed by the Committee on Public Works and Highways

Amend RSA 230:13, I as inserted by section 1 of the bill by replacing it with the following:

I. The governor, with advice of the council, may determine upon hearing whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways ~~[in a location]~~ ***as*** proposed by the commissioner of transportation, and, if so, shall appoint a commission of 3 persons who may purchase land or other property ~~[in the proposed location]~~ ***that is reasonably necessary for the construction, reconstruction, or alteration*** and who shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A ***and all issues that are appealed relating to necessity, public purpose, and net public benefit shall be determined in accordance with RSA 230:19.*** ~~[AH]~~ Property rights acquired under the provisions of this section shall be in fee simple ***or in the form of easements***, including property acquired by condemnation proceedings.

Amend RSA 230:14, I as inserted by section 1 of the bill by replacing it with the following:

I. The governor, with advice of the council, may appoint a commission of 3 persons who, upon hearing, shall determine whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways ~~[in a location]~~ ***as*** proposed by the commissioner of transportation and if so, the commission may purchase land or other property ~~[in the proposed location]~~ ***that is reasonably necessary for the construction, reconstruction, or alteration*** and shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A ***and all issues that are appealed relating to necessity, public purpose, and net public benefit shall be determined in accordance with RSA 230:19.*** ~~[AH]~~ Property rights acquired under the provisions of this section shall be in fee simple ***or in the form of easements***, including property acquired by condemnation proceedings.

1998-0389h

Amendment to HB 1159

Proposed by the Committee on Education

Amend the bill by replacing section 6 with the following:

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

1998-0482h

Amendment to HB 1162

Proposed by the Committee on Environment and Agriculture

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

2 New Paragraph; Hazardous Waste Management; Definitions; Emergency Permit. Amend RSA 147-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Emergency permit" means temporary approval given in the event of an imminent and substantial endangerment to human health or the environment:

- (a) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or
- (b) To a permitted facility to allow treatment , storage, or disposal of a hazardous waste not covered by an effective permit.

3 New Paragraph; Hazardous Waste Management; Definitions; Limited Permit. Amend RSA 147-A:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Limited permit" means a permit issued to elementary neutralization units, wastewater treatment units, and wastewater evaporation units, as defined by rules of the department.

4 Hazardous Waste Management; Operator Permits; Notification to Municipality. Amend RSA 147-A:4, I-a to read as follows:

I-a. The department shall notify the governing body of the municipality in which the facility is or may be located when a ~~[completed]~~ **new** permit application is received by the department. ***This requirement shall apply to permit applications for treatment, storage, disposal, and transfer facilities, excluding limited and emergency permits.*** A copy of the application shall be included with the notification.

5 Hazardous Waste Management; Hazardous Waste Facility Siting Board; Permit Applications. Amend RSA 147-A:4-a, II to read as follows:

II. The board shall review ~~[an]~~ **permit** applications for new hazardous waste facilities received by the department under RSA 147-A:4, I~~[-and,]~~. ***These permit applications shall apply to treatment, storage, disposal, and transfer facilities and shall exclude limited and emergency permits.*** Notwithstanding RSA 147-C, ***the board*** shall make the final decision on approval or disapproval of the ~~[application]~~ ***proposed site of the facility based on siting criteria under rules adopted by the department.*** The board shall hold a minimum of 2 public hearings on the application, which shall be held in the town which is the proposed site of the facility. The first hearing shall provide the applicant an opportunity to describe and explain the proposed facility's operation. The second hearing shall provide the public an opportunity for comment and questions. Notice of the hearings shall be posted at least 7 days before the hearing date. If the board approves ~~[an application]~~ ***the siting of the facility***, the department shall ~~[issue a permit as set forth in RSA 147-A:4, VI]~~ ***review the application for conformity with requirements of rules adopted pursuant to RSA 147-A in order to issue or deny a permit.***

6 Hazardous Waste Facility Review; Notification to Municipality. Amend RSA 147-C:2, I to read as follows:

I. When the department receives ~~[a completed]~~ **an** application for a new hazardous waste facility, the department shall immediately notify the governing body of the ~~[town]~~ **municipality** in which the facility is proposed to be located. ***This requirement shall apply to permit applications for treatment, storage, disposal, and transfer facilities, excluding limited and emergency permits.*** A copy of the application shall accompany the notification.

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

AMENDED ANALYSIS

This bill excludes emergency permits and limited permits from the review of the hazardous waste facility siting board.

This bill is a request of the department of environmental services.

1998-0301h

Amendment to HB 1174

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

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

AN ACT establishing a committee to study the state substance abuse treatment delivery system and relative to certain tests for alcohol concentration.

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

6 Certifying Scientist. Amend RSA 265:90, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 265:84 shall file notice in said court, within 10 days immediately following the receipt by the person of the results of any alcohol concentration test administered to ~~[him]~~ **such person**, requiring the attendance of the ~~[person who conducted said test]~~ **certifying scientist who reviewed the test results**. Failure to file notice shall be deemed a waiver to require ~~[his]~~ attendance **of the certifying scientist** at the trial. The official report of the test issued pursuant to RSA 265:84 shall be deemed conclusive evidence of the conduct and result of said test.

7 Certifying Scientist. Amend RSA 270:56, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 270:48-a shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any alcohol concentration test administered to ~~[him]~~ **such person**, requiring the attendance of the ~~[person who conducted the test]~~ **certifying scientist who reviewed the test results**. Failure to file notice shall be deemed a waiver to require ~~[his]~~ attendance **of the certifying scientist** at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

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

AMENDED ANALYSIS

This bill establishes a committee to study the services provided by the department of health and human services under the state substance abuse treatment delivery system.

The bill also requires the person to whom alcohol concentration tests were given to file notice requiring the attendance at trial of the certifying scientist who reviewed the tests results.

1998-0643h

Amendment to HB 1190

Proposed by the Committee on Judiciary and Family Law

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

1 New Section; Encouragement of Alternative Dispute Resolution. Amend RSA 458 by inserting after section 15-a the following new section:

458:15-b Alternative Dispute Resolution. In any proceeding under this chapter, the court may encourage both parties to pursue alternative conflict resolution methods, when it deems appropriate, in an attempt to allow the parties to reach a mutually agreeable arrangement. Such methods may include, but are not limited to, voluntary marital mediation as provided in RSA 458:15-a, arbitration as provided in RSA 542:11, or any other means of conflict resolution, excluding litigation, that is mutually agreeable to the parties. All costs associated with any such alternative method of dispute resolution shall be borne by the parties.

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

1998-0465h

Amendment to HB 1191

Proposed by the Committee on Judiciary and Family Law

Amend RSA 507-B:2-b as inserted by section 1 of the bill by replacing it with the following:

507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a ~~[municipality]~~ **governmental unit** shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the ~~[municipality's]~~ **governmental unit's** failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All ~~[municipal]~~ **governmental unit** employees, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

1998-0598h

Amendment to HB 1192

Proposed by the Committee on Municipal and County Government

Amend the bill by replacing section 2 with the following:

2 Application. The city of Concord shall have until June 30, 2005, to adopt the provisions of section 1 of this act through a duly adopted charter change. If the provisions of section 1 are not adopted by June 30, 2005, the provisions of section 1 shall be null and void and shall have no force and effect as of that date, and any proposed combination of the positions of tax collector and treasurer shall require the introduction of new legislation.

1998-0469h

Amendment to HB 1213-LOCAL

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 the authority of a town to appoint agents to expend funds for certain purposes.

Amend RSA 31:19-a, I as inserted by section 1 of the bill by replacing it with the following:

I. A town may at any annual or special meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town; and any other public purpose that is not foreign to the town’s institution or incompatible with the objects of its organization. *The town may appoint agents to expend any funds in the trust for the purposes of the trust. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.*

AMENDED ANALYSIS

This bill allows towns to appoint agents to expend funds in trusts established for the maintenance and operation of the town.

1998-0539h

Amendment to HB 1224

Proposed by the Committee on Environment and Agriculture

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

AN ACT requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders.

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

1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Exceptions to General Fund Availability; Sampling and Analysis of Sludge or Biosolids Samples Fund Added.

Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) Money received under RSA 485-A:4, XVI-b, which shall be deposited in the sampling and analysis of sludge or biosolids samples fund.

2 New Paragraph; Water Management and Protection; Water Pollution and Waste Disposal; Duties of Department of Environmental Services; Testing and Inspection of Sludge and Biosolids Samples. Amend RSA 485-A:4 by inserting after paragraph XVI-a the following new paragraph:

XVI-b. To implement a program of random on-site testing and inspection of sludge or biosolids samples to be used for any land application by any person obtaining a permit under RSA 485-A:4, XVI-a, provided that inspection shall not be required before the issuance of a permit. The procedures for random inspection and testing of sludge or biosolids samples on a site shall include an inspection for any setback or area requirements of a site for land application and may include testing for such pollutants as heavy metals, toxins, dioxins, and polychlorinated biphenyl, as determined in rules adopted by the commissioner pursuant to RSA 541-A. The department shall develop a database of inspection results and shall monitor adherence to state and federal requirements for the spreading of sludge or biosolids. The program of random inspection and testing of sludge or biosolids shall be funded by a fee of \$500 assessed annually to all sludge quality certification holders as defined in rules adopted by the commissioner. Such fee shall be payable to the department no later than January 1 of each year by all certification holders. All fees shall be deposited in a special nonlapsing account to be used by the department for the sampling and analysis of randomly collected sludge or biosolids samples.

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

AMENDED ANALYSIS

This bill requires the department of environmental services to implement a program of random on-site inspection of samples of sludge or biosolids to be used for land application. The program shall be funded by an annual fee which shall be deposited in a special nonlapsing account.

1998-0564h

Amendment to HB 1274-FN

Proposed by the Committee on Science, Technology and Energy

Amend the bill by replacing section 4 with the following:

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

1998-0496h

Amendment to HB 1279-FN-LOCAL

Proposed by the Committee on Criminal Justice and Public Safety

Amend RSA 147:16-a, II as inserted by section 1 of the bill by replacing it with the following:

II. A prominent notice shall be posted at each entrance to the building or other premises informing all persons that the premises has been ordered vacated, and of the officer making the order. Such notice shall not be removed during the period such order is in effect, and anyone removing such notice shall be guilty of a misdemeanor. The following wording, though not exclusive, shall be deemed sufficient:

"DANGER. THIS BUILDING (or other premises) IS UNSAFE. OCCUPANCY IS PROHIBITED BY ORDER OF THE (officer's title) OF THE TOWN (City) OF ____, UNDER AUTHORITY OF RSA 147:16-a. DETAILS OF THIS VIOLATION ARE ON FILE _____. ANYONE ENTERING THIS BUILDING (premises) OR REMOVING THIS NOTICE SHALL BE GUILTY OF A MISDEMEANOR. PERSONS AGGRIEVED BY THIS ORDER MAY REQUEST A HEARING IN THE _____ DISTRICT COURT."

Amend RSA 147:16-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The provisions of this section shall not apply to a residence which is occupied only by the owner and his or her immediate family, unless the condition of such premises constitutes a clear and imminent danger to the life or health of persons other than the occupant or occupants.

Amend RSA 147:16-a as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Nothing in this section shall be deemed to affect a municipality's duty to provide general assistance under RSA 165. No proceeding under this section shall be deemed to affect any legal rights between landlord and tenant.

1998-0470h

Amendment to HB 1328-FN

Proposed by the Committee on Transportation

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

AN ACT extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate.

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

6 Duplicate Certificate. Amend RSA 261:12, I-II to read as follows:

261:12 Duplicate Certificate.

I. If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, *or dealer who has purchased the vehicle*, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the director.

II. The department shall not issue a new certificate of title to a transferee *or dealer* upon application made on a duplicate until 15 days after receipt of the application.

7 Effective Date.

- I. Section 1 of this act shall take effect January 1, 1999.
- II. Section 2 of this act shall take effect January 1, 2000.
- III. Section 3 of this act shall take effect January 1, 2001
- IV. Section 4 of this act shall take effect January 1, 2002.
- V. Section 5 of this act shall take effect January 1, 2003.
- VI. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the maximum age for a motor vehicle for which a person is required to obtain a certificate of title. Current law requires such certificates for vehicles less than 10 years of age. This bill increases such age by one year for each of the next 5 years. Moreover, when a certificate of title is lost, stolen or destroyed, this bill permits a motor vehicle dealer to apply for and receive a duplicate certificate of title.

1998-0586h

Amendment to HB 1330-FN

Proposed by the Committee on Public Works and Highways

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

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

1998-0395h

Amendment to HB 1331

Proposed by the Committee on Wildlife and Marine Resources

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

AN ACT relative to granting special hunting and fishing licenses to persons aged 68 or over for trapping.

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

1 Trapping Added. Amend RSA 214:7-a to read as follows:

214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over may make application, to any authorized agent of the state for the sale of fishing ~~and~~, hunting **or trapping** licenses, for a special license to fish ~~and~~, hunt **or trap**, under the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow and arrow. The license shall be marked in such manner as the executive director may designate, and there shall be no fee, including the agent's fee, for such license. The license shall be effective for the resident during the remainder of the resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

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

AMENDED ANALYSIS

This bill allows persons aged 68 or over to apply for a special license to trap.

1998-0374h

Amendment to HB 1339-FN

Proposed by the Committee on Local and Regulated Revenues

Amend RSA 178:14-a, I-III as inserted by section 9 of the bill by replacing it with the following:

I. Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcohol beverage

manufacturer, importer, wholesaler or retailer shall apply for a registration permit from the liquor commission as a direct shipper for a fee of \$228 per year.

II. A direct shipper may ship directly to New Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments from direct shippers into the state shall be made by a licensed carrier and such carriers are required to obtain an adult signature. Direct shippers or carriers shall not ship into areas of the state where alcohol beverages may not be lawfully sold. Liquor and wine that has been registered for sale to the commission with the commission during the previous 2 months may be direct shipped only if the shipper offers to sell a matching amount to the commission at wholesale. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

III. No direct shipper shall ship more than 60 individual containers of not more than one liter each of liquor and wine to any one licensee in New Hampshire or to any consumer or consumer's address in New Hampshire in any calendar year. Furthermore, in the event any manufacturer or wholesaler direct shipper wishes to ship more than a total of 1,200 individual containers of not more than one liter each of any particular liquor or wine directly to any combination of licensees and/or consumers in New Hampshire, the shipper shall offer to sell a matching amount to the commission or beer distributor at wholesale prices.

Amend 178:14-a, V as inserted by section 9 of the bill by replacing it with the following:

V. Direct shippers shall file invoices for each shipment with the liquor commission showing the invoice price of the product, and shall pay a direct shipment fee of 25 percent of that sum for shipments of liquor and wine or \$.30 per gallon for shipments of beer to the commission. Such filings shall be monthly, and arrive at the commission no later than the 10th of the month following shipment. Direct shippers shall maintain records for at least 3 years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the direct shippers' filings upon reasonable request.

1998-0583h

Amendment to HB 1341

Proposed by the Committee on Resources, Recreation and Development

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Excavating and Dredging Permit; Exemptions; Temporary Seasonal Docks. Amend RSA 482-A:3 by inserting after paragraph IV the following new paragraph:

IV-a. Temporary seasonal docks constructed on any lake or pond shall be exempt from the permitting requirements of this section. To qualify for this exemption, temporary seasonal docks must:

- (a) Have a length of less than 50 feet;
- (b) Have a total surface area of less than 200 square feet;
- (c) Be removed from the water for at least 5 months of every calendar year;
- (d) Have a width of 8 feet or less;
- (e) Not obstruct navigation;
- (f) Be the only structure on the frontage;
- (g) Be on at least 60 feet of frontage owned by the owner of the dock;
- (h) Be at least 20 feet from any property line or the imaginary extension of any property line into the water;
- (i) Not impact wetlands along or adjacent to the shoreline.

1998-0449h

Amendment to HB 1354-FN

Proposed by the Committee on Wildlife and Marine Resources

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

AN ACT relative to fishing in the Connecticut River by residents of Vermont.

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

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

AMENDED ANALYSIS

This bill provides that Vermont residents licensed in Vermont may fish in the Connecticut River.

This bill is a request of the fish and game department.

1998-0380h

Amendment to HB 1374

Proposed by the Committee on Public Works and Highways

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

AN ACT relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the departments of fish and game and resources and economic development.

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

1 Capital Projects Under \$10,000. Amend RSA 228:3-a to read as follows:

228:3-a Capital Projects Under ~~[\$10,000]~~ **\$25,000**. Projects for which the estimated cost is equal to or does not exceed ~~[\$10,000]~~ **\$25,000** may be done on a force account basis as defined in RSA 228:1, V, ~~[upon the recommendation of the commissioner]~~ **or by contracts awarded through competitive bidding administered by the using agency** with the approval of governor and council.

2 Major Capital Projects. Amend the introductory paragraph of RSA 228:4, I to read as follows:

I. Each state capital budget project whose estimated cost is more than ~~[\$10,000]~~ **\$25,000** shall be built under contracts awarded to the lowest responsible bidder through competitive bidding. The following are excluded from this competitive bidding requirement:

3 Major Capital Projects of the Departments of Fish and Game and Resources and Economic Development. Amend RSA 228:4, I (c) to read as follows:

(c) Projects for the department of fish and game and the department of resources and economic development whose estimated **total** cost is ~~[more than \$10,000 but]~~ not more than ~~[\$150,000]~~ **\$250,000**. Such projects may be done on a force account basis ~~[or]~~, by contracts awarded through competitive bidding ~~[upon recommendation of the commissioner that such projects are in the best interest of the state, and with the prior approval of the legislative fiscal committee and with the approval of governor and council]~~, **by short term rental of construction equipment, or by any combination of these methods. These departments are authorized to rent construction equipment for periods not exceeding 6 months at rates the departments deem competitive through the use of quotes or bids.**

4 Client Relationship. Amend RSA 228:5, II to read as follows:

II. Cause to be undertaken and completed, all construction exceeding ~~[\$10,000]~~ **\$25,000** for any individual project, except as otherwise authorized by the governor and council.

5 Compliance With Contracts. Amend the introductory paragraph of RSA 228:5-a, I to read as follows:

I. The performance of contracts for all state projects costing over ~~[\$10,000]~~ **\$25,000** shall be inspected to assure compliance with the plans and specifications. The department shall require inspection service by one of the following methods:

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

AMENDED ANALYSIS

This bill raises the minimum amount of a state capital improvement project that requires competitive bidding.

This bill also increases the amount of estimated cost of capital projects for the departments of fish and game and resources and economic development which are excluded from the competitive bidding requirement, and grants the departments the authority over the projects. The bill allows the departments to rent construction equipment.

1998-0401h

Amendment to HB 1393

Proposed by the Committee on Education

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

AN ACT extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.

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

2 Repeal Date Extended. Amend 237:7, I to read as follows:

I. Section 6 of this act shall take effect [~~June 30, 1998~~] **June 1, 1999**.

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

AMENDED ANALYSIS

This bill extends the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee to November 1, 1998.

This bill also extends the repeal date relative to postsecondary educational assistance for New Hampshire national guard members to June 1, 1999.

1998-0364h

Amendment to HB 1407

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

Amend RSA 329:24 as inserted by section 1 of the bill by replacing it with the following:

329:24 Unlawful Practice. Whoever, not being licensed or otherwise authorized according to the law of this state, shall advertise oneself as practicing medicine, or shall practice medicine, according to the meaning of RSA 329, or in any way hold oneself out as qualified so to do, ***or call oneself, or allow oneself to be called a "physician" or "surgeon" or use any physician's insignia,*** or whoever does any such acts after receiving notice that such person's license has been revoked, shall be guilty of a misdemeanor for the first offense; and for any subsequent offense, the person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

1998-0293h

Amendment to HB 1457

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

Amend the bill by inserting after the enacting clause the following and renumbering the original section 1-4 to read as 2-5, respectively:

1 Purpose. The purpose of this act is to allow physician assistants to distribute sample prescription drugs. This codifies a previous administrative rule change.

Amend RSA 318:42, II as inserted by section 4 of the bill by replacing it with the following:

II. Physicians, dentists, optometrists, veterinarians, [~~and~~] advanced registered nurse practitioners, ***and physician assistants*** from possessing, compounding, personally administering, or distributing prescription drugs to meet the immediate medical needs of their patients. For advanced registered nurse practitioners ***and physician assistants***, compounding shall be limited according to RSA 318:42, VIII. Nothing in this section shall prohibit the dispensing of noncontrolled prescription drugs by an authorized agent of a veterinarian for an animal under the agent's care, provided that the drugs were compounded by or under the supervision of the licensed veterinarian.

Amend the bill by replacing section 5 with the following:

5 Physician Assistant Added. Amend the introductory paragraph of RSA 318:42, VIII to read as follows:

VIII. A registered nurse ***or physician assistant*** from:

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

1998-0614h

Amendment to HB 1516

Proposed by the Committee on Judiciary and Family Law

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

AN ACT requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children.

Amend RSA 170-G:8-c as inserted by section 2 of the bill by replacing it with the following:

170-G:8-c State Registry and Criminal Records Check.

I. The department shall, within 30 days of adding new or transferred staff members whose job descriptions would cause them to come into direct contact with children, submit the names, birth names, birth dates, and addresses of such individuals for review against the state registry of founded abuse and neglect reports and the division of state police for information about criminal convictions.

II. The department shall, for every name submitted on the application and for each new or transferred staff member, review the names, birth names, birth dates and current and previous addresses of such persons against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates, and addresses to the division of state police to obtain information about criminal convictions.

III. If any individual whose name has been submitted for a check under this section has been convicted of crimes against minors or adults, or is the subject of a founded report of child abuse or neglect, the department may deny employment to such person pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

IV. For any current employee convicted of a crime against a minor or adult, or who is or becomes the subject of a founded report of child abuse or neglect, the department may terminate, suspend, demote, or transfer that employee, and may require the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with the rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

V. Any employee transferred to the department from another state department or agency, whose job description within the department of health and human services would cause such employee to come into direct contact with children, shall be subject to provisions of this section.

VI. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the confidentiality of information collected under this section and to the release, if any, of such information.

AMENDED ANALYSIS

This bill requires criminal background investigations for certain department of health and human services personnel who are required by the terms of their job description to have direct contact with children.

1998-0562h

Amendment to HB 1541-FN-A

Proposed by the Majority of the Committee on Commerce

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

1 New Section; New Position; Long-Term Care Specialist. Amend RSA 126-L by inserting after section 5 the following new section:

126-L:5-a Long-Term Care Specialist.

I. There is hereby established a long-term care specialist within the institute. The long-term care specialist shall serve as a liaison between the institute and the insurance department and shall perform the duties of the institute as provided in RSA 126-L:5.

II. An annual grant equal to the top range of group O in RSA 94:1-a, I plus an amount to pay benefits equivalent to state employee benefits is hereby appropriated for the expenditure of funds from the New Hampshire insurance department. There is established an additional fee under RSA

400-A:29-b to be assessed against premiums written for long-term care insurance only to be used by the institute for the sole purpose of funding the position established in paragraph I.

2 New Subparagraph; Additional Duty. Amend RSA 126-L:5, I by inserting after subparagraph (e) the following new subparagraph:

(f) Provide reports to the commissioner of insurance relative to its activities and objectives in such format and frequency as the commissioner may prescribe.

3 New Paragraph; Long-Term Care Plan. Amend RSA 401:1 by inserting after paragraph VII the following new paragraph:

VIII. Offer a long-term care plan as a benefit plan that provides long-term health care services as defined in RSA 415-D:3, V.

4 New Section; Long-Term Care Fund. Amend RSA 400-A by inserting after section 29-a the following new section:

400-A:29-b Long-Term Care Fund. The commissioner may impose and collect a surcharge upon net premiums written for long-term care insurance of every insurer licensed pursuant to RSA 401:1, VIII as is necessary to fund and to be used by the long-term care institute pursuant to RSA 126-L:5-a. The surcharge amount shall be computed as a percentage of such net premiums as defined by RSA 400-A:31 on or before April 1 of each year, the commissioner shall notify each long-term care insurer of the computations under this section.

5 Applicability. The long-term care specialist position, established in section 1 of this act shall not be a state employee position.

6 Repeal. The following are repealed:

I. RSA 126-L:5-a, relative to a long-term-care specialist.

II. RSA 126-L:5, I(f), relative to reports.

III. RSA 401:1, VIII, relative to a long-term care plan.

IV. RSA 400-A:29-b, relative to the long-term care fund.

V. Section 5 of this act.

7 Applicability. Section 6 of this act shall take effect one year after the effective date of sections 1-5 of this act.

8 Effective Date.

I. Section 6 of this act shall take effect as provided in section 7 of this act.

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

AMENDED ANALYSIS

This bill creates a temporary one-year position of long-term care specialist to perform the duties of the long-term care institute. The position is to be funded from a surcharge upon net premiums written for long-term care insurance.

1998-0502h

Amendment to HB 1553-FN

Proposed by the Committee on Criminal Justice and Public Safety

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

1 New Section; Flunitrazepam, Gamma-hydroxy-butyrate, and Ketamine Hydrochloride Scheduled as Controlled Drugs. Amend RSA 318-B by inserting after section 1-b the following new section:

318-B:1-c Flunitrazepam, Gamma-hydroxy-butyrate; and Ketamine Hydrochloride.

I. The legislature intends that the provisions of paragraph III of this section shall remain in effect until such time as flunitrazepam, gamma-hydroxy-butyrate, and ketamine chloride are scheduled by the commissioner of the department of human services in accordance with and pursuant to RSA 318-B.

II. The legislature finds that:

(a) Flunitrazepam, marketed under the trade name rohypnol, which has a sedative, hypnotic and amnesiac effect, has no acceptable medical uses in

the United States and carries a high potential for abuse. Therefore, flunitrazepam meets the criteria for placement on schedule I of controlled drugs.

(b) Gamma-hydroxy-butyrate, also known as GHB, which is a chemical additive and has a sedative, hypnotic, and amnesiac effect, has an acceptable medical use in the United States but has a high potential for abuse. Therefore, gamma-hydroxy-butyrate meets the criteria for placement on schedule II of controlled drugs.

(c) Ketamine hydrochloride, a veterinary anesthesia, has acceptable uses in veterinary medicine and limited uses in human medicine but has a high potential for abuse and may lead to severe psychic or physical dependence. Therefore, ketamine hydrochloride meets the criteria for placement on schedule III of controlled drugs.

III. Notwithstanding the provisions of RSA 318-B:1-a, relative to scheduling by rulemaking of the commissioner of the department of health and human services, the following shall be scheduled as controlled drugs:

(a) Flunitrazepam, marketed under the trade name rohypnol, shall be placed on schedule I.

(b) Gamma-hydroxy-butyrate, known as GHB, shall be placed on schedule II.

(c) Ketamine hydrochloride shall be placed on schedule III.

2 Contingent Repeal. If flunitrazepam, gamma-hydroxy-butyrate, and ketamine hydrochloride are scheduled by the commissioner of the department of health and human services pursuant to a rule adopted under RSA 541-A and pursuant to RSA 318-B, then RSA 318-B:1-c as inserted by section 1 of this act shall be repealed at 12:01 a.m. the day after flunitrazepam, gamma-hydroxy-butyrate, and ketamine hydrochloride are scheduled. The commissioner of the department of health and human services shall certify to the secretary of state the date on which flunitrazepam, gamma-hydroxy-butyrate, and ketamine hydrochloride are scheduled by rule.

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

AMENDED ANALYSIS

This bill prohibits the possession or use of rohypnol, ketamine, and gamma-hydroxy-butyrate (GHB) by placing rohypnol on schedule I, GHB schedule II, and ketamine on schedule III of the controlled drug schedules.

1998-0479h

Amendment to HB 1563

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

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

AN ACT relative to the professional use of cannabis-type drugs.

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

1 Professional Use of Cannabis-Type Drugs. Amend RSA 318-B:10, VI to read as follows:

VI. Notwithstanding any other law to the contrary, an attending physician, in good faith and in the course of ~~[his]~~ **the attending physician's** professional practice only, may prescribe and administer cannabis-type drugs, or the attending physician may cause such drugs to be administered by a nurse or intern under ~~[his]~~ **such physician's** direction and supervision~~[, to a patient who is receiving radiation or chemotherapy treatment for cancer].~~

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

AMENDED ANALYSIS

This bill clarifies the professional use of cannabis-type drugs for illness.

1998-0494h

Amendment to HB 1575-FN

Proposed by the Committee on Public Works and Highways

Amend RSA 162-C:6, V as inserted by section 1 of the bill by replacing it with the following:

V. The review and approval process required by paragraph IV shall give full consideration to the management provisions contained in paragraph I-III. The department of transportation shall submit a written request to the council with plans and supporting documentation to demonstrate compliance with the provisions of this chapter. A quorum of the council, consisting of at least 6 members, shall hold a public hearing with 90 days of receipt of a complete request to release land conservation investment program interests. The council shall provide at least 10 calendar days notice in advance of such hearing. Notification shall be made, at the expense of the department, to the landowner, local governing body and conservation commission, abutters, the Society for the Protection of New Hampshire Forests, The Nature Conservancy, the Audubon Society of New Hampshire, the New Hampshire Wildlife Federation, and the county conservation district, or their successors. Notification of the public hearing shall be published, by the department, in a paper of general circulation in the municipality and shall be posted, by the department, in at least 2 public places. At the hearing or within 15 days after the hearing, a majority of the council members attending the hearing shall vote to approve or deny the application, unless a time extension is requested by the department. Aggrieved parties, which include all parties who must be notified under this paragraph, may appeal the council’s decision to the superior court in the same manner as planning board decisions are appealed under RSA 677:15.

Amend RSA 162-C:6, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Compensation due to the state under this section shall be maintained in a separate, non-lapsing land acquisition fund to be managed by the state treasurer. The council, as successors to the land conservation investment program board of directors, shall develop rules pursuant to RSA 541-A, whereby agencies and/or municipalities, shall have access to these funds from time to time as resources permit. Such funds must be used for the acquisition of land, or interests in land, consistent with the purposes of this chapter. Compensation due to municipalities shall be dedicated to the acquisition or monitoring of protected lands consistent with the purposes of this chapter. Compensation due to landowners of conservation easement lands shall be as specified in the conservation easement deed or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

1998-0632h

Floor Amendment to HB 1584
Proposed by Rep. Clay

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Exception Added. Amend RSA 126-K:7 by inserting after paragraph I the following new paragraph:

I-a. Tobacco products may be used beyond 20 feet of a public educational facility at town or city sponsored events. Such events may include, but not be limited to voting, town meetings, or meetings of committees, such as planning boards.

AMENDED ANALYSIS

This bill declares that tobacco products may be used beyond 20 feet of a public educational facility at town or city sponsored events. Current law prohibits the use of such products on public educational facility grounds.

1998-0426h

Amendment to HB 1592-LOCAL
Proposed by the Committee on Criminal Justice and Public Safety

Amend RSA 106-H:10 as inserted by section 3 of the bill by replacing it with the following:

106-H:10 Municipal Cooperation.

- I. Municipalities are encouraged to provide a verified master street address guide (MSAG) and a verified street address guide (SAG) to the bureau of emergency communications for use in developing and maintaining the enhanced 911 data base. Every year, municipalities are encouraged to provide an updated MSAG and an updated SAG to the bureau.
- II. The bureau shall provide local telephone service providers authorized to do business in the state pursuant to RSA 374:22 with a copy of each MSAG and each SAG for every municipality in the local telephone service provider’s service territory. The local telephone service providers shall match each subscriber in the service territory by telephone number with an SAG address, and shall assure that accurate matches are provided to the enhanced 911 data base.
- III. Municipalities are encouraged to assist the local telephone service providers in identifying the subscriber names associated with SAG addresses, but nothing in this section shall be construed to require municipalities to expend funds to locate telephone subscriber information.

AMENDED ANALYSIS

This bill encourages municipalities to provide information to the bureau of emergency communications relating to street addresses for use in maintaining the enhanced 911 data base, and requires local telephone service providers to match street address information with subscriber telephone numbers for use in maintaining the enhanced 911 data base.

1998-0329h

Amendment to HB 1621

Proposed by the Committee on Wildlife and Marine Resources

Amend RSA 211:60, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established an advisory committee on shore fisheries to recommend programs and policies regarding shore fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, all of whom shall be residents of the seacoast region, appointed by the governor and council:

Amend the bill by replacing section 2 with the following:

2 Status of Current Members. The members of the advisory committee on shore fisheries, and the additional members and alternate, serving on the effective date of this act shall serve for the remainder of their terms or until 3 years from the effective date of this act, whichever is first, as the members serving pursuant to RSA 211:60, I as inserted by section 1 of this act.

AMENDED ANALYSIS

This bill changes the composition and appointment of the advisory committee on shore fisheries, and removes the provision for nomination and appointment of additional members.

1998-0569h

Amendment to HB 1651

Proposed by the Committee on Science, Technology and Energy

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

AN ACT establishing a committee to study the protection of cable consumers and the enhancement of cable electronic services.

Amend the bill by replacing sections 1-4 with the following:

1 Committee Established. There is established a committee to study the protection of cable consumers and the enhancement of cable electronic services.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, at least 3 of whom shall be members of the house science, technology, and energy committee, appointed by the speaker of the house of representatives.

(b) Five members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study the protection of cable consumers and the enhancement of cable electronic services. The committee's study shall include, but not be limited to:

I. The status of the cable electronic services industry, including the ownership and organization of cable electronic services providers in New Hampshire.

II. The relative value of cable electronic services in New Hampshire, including whether consumers are receiving the best product at the lowest possible price, the status of competition for cable electronic services, and the practicability of legislative action to enhance competition for cable electronic services in New Hampshire.

III. The status of federal, state, and local regulation of the cable electronic services industry in New Hampshire, and the impact of such regulation on industry operations, rate setting, and public accountability.

IV. The practicability of state regulation of cable electronic services by the public utilities commission.

V. The practicability of statewide, regional, or multi-town cable electronic services franchise agreements as a means to maximizing consumer bargaining strength.

VI. Issues relating to public access, including the potential for a statewide public access channel.

VII. Any other relevant issues that may arise in the course of the committee's deliberations.

4 Chairperson; Quorum. The first-named house member shall serve as chairperson and call the first meeting. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

Amend the bill by replacing section 6 with the following:

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

AMENDED ANALYSIS

This bill establishes a committee to study cable electronic services in New Hampshire. The committee shall examine issues relative to rates and services provided by cable electronic services carriers, including alternatives available to assure consumers that cable electronic service rates will be reasonable and that services provided will be satisfactory.

1998-0574h

Amendment to SB 205-FN-LOCAL

Proposed by the Committee on Finance

Amend RSA 21-H:4, I (c) as inserted by section 1 of the bill by replacing it with the following:

(c) Be responsible for the operation of the special school district, established under RSA 194:60, which shall provide appropriate education services to eligible offenders held in facilities operated by the department of corrections.

Amend RSA 186-C:5 as inserted by section 2 of the bill by replacing it with the following:

186-C:5 Program Approval. The state board of education shall adopt rules establishing standards for the approval of programs of education that are maintained by school districts, regional special education centers, and private organizations or state institutions for the benefit of educationally disabled children, including home-based programs; *except, however, that approval of education programs for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.*

Amend RSA 186-C:9 as inserted by section 3 of the bill by replacing it with the following:

186-C:9 Education Required. Each child determined by the local school district, *or special school district established under RSA 194:60*, as being educationally disabled in accordance with RSA 186-C:2 and in need of special education or special education and educationally related services shall be entitled to attend an approved program which can implement the child's individualized education plan. Such child shall be entitled to continue in an approved program until such time as the child has acquired a high school diploma or has attained the age of 21, whichever occurs first, or until the school district responsible for developing the child's individualized education plan determines that the child no longer requires special education in accordance with the provisions of this chapter.

Amend the bill by replacing sections 6 and 7 with the following:

6 New Subdivision; Special School District; Department of Corrections. Amend RSA 194 by inserting after section 59 the following new subdivision:

Department of Corrections Special School District

194:60 Special School District; Department of Corrections.

I. A special school district is established within the department of corrections, under RSA 21-H, solely for the purpose of providing approved education programs pursuant to paragraph IV(b) of this section to eligible adult offenders under the age of 21 who wish to participate.

II. The special school district shall be exempt from state board of education rules, except that the standards for the education of students with disabilities and all education programs shall be set by an interagency agreement between the department of education and the department of

corrections.

III. The special school district shall be exempt from the organizational and budgetary requirements regarding other school districts or charter schools. The special state prison school district shall not be required to file financial reports with the department of education or the department of revenue administration.

IV. The special school district shall have authority to perform all duties necessary to operate a school including, but not limited to, the following:

- (a) Timely submission of all required education program approval documents and reports to appropriate agencies.
- (b) Maintenance of approved education programs which comply with the requirements as provided for in the interagency agreements between the department of corrections and the department of education. The interagency agreements shall set forth the standards for approval of a school program for department of corrections facilities, the graduation requirements necessary for the special school district to issue a high school diploma, and the standards for special education program approval.
- (c) Issuance of transcripts.
- (d) Performing assessments and developing individual education programs.
- (e) Providing fiscal management for the state and federally-funded approved education programs.
- (f) Operation of approved education programs in a manner consistent with the legitimate security and safety concerns of a penal institution.

V. The special state prison school district shall not be assigned to a school administrative unit, nor shall it be subject to the provisions of RSA 194-C.

VI. The special state prison school district shall not be eligible to receive any form of state aid to education pursuant to RSA 198, including but not limited to, state building aid, state aid, dual enrollment grants, foundation aid, or alternative foundation aid.

VII. The special state prison school district shall not have a school board.

VIII. The special school district shall not be required to provide special education programs or services to children with disabilities aged 18 through 21 who, in the educational placement prior to their incarceration in an adult correctional facility, were not actually identified as being a child with a disability under RSA 186-C:2, or who did not have an individualized education program prior to their incarceration in an adult correctional facility.

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

AMENDED ANALYSIS

This bill establishes a special school district within the department of corrections to provide education services, including special education services, to eligible offenders incarcerated in a state correctional facility.

-----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.