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. Wednesday, February 18, 1998 No. 14

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for February 18

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

As we approach the deadline for crossover, the number of bills to be considered in each House session will increase in number. I have appreciated all of your patience and cooperation throughout this session, and I hope that we will continue to complete all of our work in a timely fashion.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, February 18 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, February 18 at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Point to Ponder

The purpose of a question is to obtain information and not to supply it to the body. A question may not contain statements of fact unless they be necessary to make the question intelligible and can be authenticated. Neither should the question contain arguments.

Mason's Legislative Manual

Section 114 Paragraph 6

We have allowed wide latitude in allowing members to ask questions during debate. (In fact some members have been known to "plant" helpful questions to buttress their arguments.) We need to avoid the "Would you believe" variety of inquiry because it is a very thinly veiled effort to impart information and not a question at all.

Donna Sytek, Speaker

WEDNESDAY, FEBRUARY 18

CONSENT CALENDAR

COMMITTEE HEARINGS

COMMERCE

HB 1176, prohibiting charges for the use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: This bill is one of three proposals (HB 1176, HB 1179, HB 1348) to regulate Automated Teller Machine (ATM) fees. In particular, HB 1176 prohibits any and all fees affiliated with ATMs. As with the other two bills, the committee unanimously agrees that artificially dictating the cost of ATMs is neither prudent policy nor consistent with traditions of New Hampshire. Government should not decide the price of a private transaction. Rather, the marketplace should be allowed to set its own course. ATMs are an optional service provided for the convenience of banking customers. No one is required to use an ATM nor is anyone charged a fee without being warned in advance. The choice belongs to the customer, and the committee believes it should remain there. Vote 15-0.

HB 1179, limiting fees charged by financial institutions for use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: This bill is one of three proposals (HB 1176, HB 1179, HB 1348) to regulate Automated Teller Machine (ATM) fees. In particular, HB 1179 prohibits banks from imposing fees upon ATM users who are not that bank's customers. As with the other two bills, the committee unanimously agrees that artificially dictating the cost of ATMs is neither prudent policy nor consistent with traditions of New Hampshire. Government should not decide the price of a private transaction. Rather, the marketplace should be allowed to set its own course. ATMs are an optional service provided for the convenience of banking customers. No one is required to use an ATM nor is anyone charged a fee without being warned in advance. The choice belongs to the customer, and the committee believes it should remain there. Vote 15-0.

HB 1235-FN, relative to the small business innovation research program. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony Syracusa for Commerce: This bill as amended will encourage and support Small Business Industries & Research in New Hampshire. The portion of the bill that required DRED to use limited funds for SBIR phase II matching grants has been made optional. Vote 12-0.

HB 1348, limiting fees for use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: This bill is one of three proposals (HB 1176, HB 1179, HB 1348) to regulate Automated Teller Machine (ATM) fees. In particular, HB 1348 limits ATM fees to 1% of the cash withdrawn. As with the other two bills, the committee unanimously agrees that artificially dictating the cost of ATMs is neither prudent policy nor consistent with traditions of New Hampshire. Government should not decide the price of a private transaction. Rather, the marketplace should be allowed to set its own course. ATMs are an optional service provided for the convenience of banking customers. No one is required to use an ATM nor is anyone charged a fee without being warned in advance. The choice belongs to the customer, and the committee believes it should remain there. Vote 15-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1184-FN, expanding the victims eligible for compensation from the victims' assistance fund and changing the allocation of criminal penalty assessments. INEXPEDIENT TO LEGISLATE

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The bill would make victims of economic damages resulting from crimes committed by officers of the court eligible for compensation from the victim's assistance fund. The bill would have changed the allocation of penalty assessments between the victim's assistance fund and the police standards and training council. The committee felt that the resulting proposed changes would result in a reduction in revenues which would cause the NH Police Standards and Training Council to have more than one of the following actions: staff layoffs, charge of all course offerings, eliminate all contracted instructors and elimination of training grants to cities and towns. The functions of the New Hampshire Police Standards and Training Council are currently supported entirely by penalty assessment funds with no funding required from the state's general fund. Vote 14-0.

HB 1290-FN, relative to the authority of the state fire marshal. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill is a request of the fire marshal and makes three changes to present law. First, it changes the wording to make the statute gender neutral by specifically naming who has the authority to enforce this section. Second, it allows the authority to determine conditions to be hazardous to life and property and make orders to remedy the same. Lastly, it provides a penalty for the violation on this section which is in line with all of our penalties. Vote 15-0.

HB 1318, relative to extended terms of imprisonment for crimes substantially motivated by hostility towards the victim's religion. INEXPEDIENT TO LEGISLATE

Rep. Doris MacIntyre for Criminal Justice and Public Safety: The committee agreed with the intent of the sponsor of this bill. Creating a listing of religions in statutes is dangerous. The omission of a particular religion could be devastating. Current statutes (RSA 651:6,I(g) cover extended terms of imprisonment for "hate crimes" that are substantially motivated by hostility towards the victim's religion. Vote 13-0.

HB 1474, establishing a study committee on a unified corrections system. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill proposes a study committee to look at the costs, practicality, and consequences of unifying the corrections systems. There was total support for this bill from the ten counties and the state's department of corrections. All believed that a study would be in the best interest of all departments. Vote 14-0.

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

Rep. Yvonne Coulombe for Criminal Justice and Public Safety: This bill requires defendants charged with certain crimes to turn over firearms to law enforcement agencies, requires a protective order for surrender of firearms in cases of abuse and further allows protective orders on behalf of public servants who are or maybe victims of stalking or criminal threatening. The areas addressed in this bill have been addressed earlier in HB 480 or should have much more time to determine possible consequences. Testimony indicated the volume of firearms to be stored with these new categories of crimes could overwhelm the local criminal justice system. The bill covers a vast area of the statutes. The committee felt that the bill was not well written as the time required to research was not available. Vote 14-0.

HB 1509-FN, relative to the content of motor vehicle registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill establishes a list of 4 categories that are added to the motor vehicle data base at the department of safety for the benefit of the police officer on the street. The four items are parole, probation, the subject of a restraining order, or released on bail. Presently, parole and probation are in the data base and shown on the appropriate records. Being the subject of a restraining order will be put in the data base in the next several months by agreement with the department of safety. We felt that bail status should also be in the data base but this would be a tremendous burden on safety. Bail should be shown only when safety and the courts are on line together. This will allow the addition or removal instantaneously, therefore, the wording "as soon as it becomes technologically feasible to do so" was added to the bill to accomplish this. Vote 15-0.

HB 1542-FN, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. INEXPEDIENT TO LEGISLATE

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation was introduced in 1994 and referred for interim study. The merits of civil commitment of sex offenders who have mental abnormality or personality disorder who are likely to reoffend are quite obvious but also quite expensive. There is currently no room in the secure psychiatric unit at the state prison to house these individuals. The department of health and human services does not have a secure unit in the mental health division and it would take millions of dollars to construct such a unit as well as a cost of about $170,000 per year for each individual committed. The department of corrections

feels that lifetime supervision of certain sex offenders can accomplish control of these individuals at a minimum cost. There is currently in the senate, SB 460-FN which would accomplish this. Vote 14-0.

HB 1544-FN, prohibiting a prosecutor from testifying voluntarily as a character witness in a criminal case. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was brought to prohibit a prosecutor from testifying voluntarily as a character witness in a criminal case. This was in direct response to just one incident. The committee felt that this single event did not warrant a new law. The fact remains that the prosecutor could have testified to the exact same thing in response to a subpoena, which would circumvent what this bill proposed to do. Vote 15-0.

HB 1552-FN-L, relative to standards for juvenile court diversion programs. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill establishes standards for juvenile court diversion programs and requires the court to consider recommendations of the victim in determining the appropriate juvenile disposition. It was the consensus of the committee that the issues addressed in this bill have been fully addressed in a bill recently passed by the house (HB 605). Victims rights have been thoroughly addressed and were placed in law establishing the same provision addressed in this bill. Victims rights are now part of the process from the moment of the incident to the completion of the juvenile judicial process. Vote 12-0.

HB 1583-FN-L, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill transfers the county attorney's offices to the department of justice and the sheriff's offices to the unified court system. One of the arguments that was made was that this would reduce taxes locally (the county) and that is true. However, this ends up being a huge cost shift to the state. Absorbing these twenty departments into the state budget would be a huge financial burden and one that our committee was not willing to recommend. There are two other difficult problems that we felt conflicted with our beliefs. First, we did not want the attorney general to assume total control over the ten country attorneys by merging them into one agency. The closer to the people, the better. Secondly, we could never accept giving control of an executive branch of government (the sheriff's offices) to a judicial branch - the unified court system. The separation of powers of the three branches of government must remain intact. Vote 15-0.

HB 1600, relative to the multiple DWI offender intervention detention center program. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill deals with the DWI multiple offender program and is the direct result of a study committee (suggested in 1997, HB 271) within Criminal Justice and Public Safety. Our conclusions are reflected in HB 1600 which does four things. First, it forgives the debt of the program to the state, not the debt of the participant. This was done because we believe in the program and think it should run regardless of the financial situation. Second, we added the ability of the court to return someone's license up to one year early if the program fees are paid in full. This is a carrot to induce participants to pay so that we can increase our collections. Third, we have said the program shall accept gifts and grants to help offset the costs. Fourth, we have allowed people to be sentenced to the multiple offender program if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such persons pay the fees for the program in full prior to admission. The offense charged in this case must be a felony or a class A misdemeanor. Vote 16-0.

HB 1614, relative to tobacco use violations by minors and establishing a committee on educational programs on tobacco use for minors. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill mandates that a minor who violates the youth access and use of tobacco products law attend a tobacco use cessation education program for the first offense, at the minor's own expense. After lengthy review of the subject matter, the consensus of the committee was that the provisions placed in statute in the last two years making teenage smoking, possession and purchasing along with the penalties placed on merchants as of January 1998 for attempted selling to a minor need more time to demonstrate their effectiveness. Most existing diversion programs have a teenage smoking component and many of the schools have incorporated same in their curriculum. Vote 12-0.

EDUCATION

HB 1220, establishing a committee to study prevention of youth drug abuse. INEXPEDIENT TO LEGISLATE

Rep. William A. Riley for Education: This bill establishes a committee to study prevention of youth drug abuse. Its substance will be subsumed in HB 1159 which establishes a committee to study strategies for increasing parental involvement in public education. Vote 15-0.

HB 1247, establishing a study committee relative to access to public school facilities by home school students. OUGHT TO PASS WITH AMENDMENT

Rep. Marie Rabideau for Education: The committee heard testimony which suggests widely divergent

policies among school districts statewide concerning access to public school programs and facilities. The committee felt it would be worthwhile to examine which policies were most workable and effective. Vote 15-0.

HB 1355-FN-L, revising the New Hampshire statewide education improvement and assessment program to require minimum test scores. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The committee felt that this bill, although well intended, was premature since the term adequate education has not been resolved. In addition, the New Hampshire Education Improvement and Assessment Program test does not lend itself to individual student measurement. This legislation equated assessment testing with a high school diploma. This is not the purpose of an assessment test. Vote 15-0.

HB 1416-FN-L, requiring the state to pay for special education costs and to make tax information on special education services available to the public. INEXPEDIENT TO LEGISLATE

Rep. J. Arthur Tufts for Education: Only the sponsor spoke in favor of this measure. The Governor's office, New Hampshire Education Department and parents, spoke in opposition. The fiscal note stated FY 1998 increased state general fund by $163,290,967. Paragraph III opened school records of pupils and stated that tax information shall not be exempt under this chapter. This is a violation of the Family Educational Rights and Privacy Act of 1974. Vote 15-0.

HB 1475, relative to revising certain programs within the postsecondary education commission. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee, Sr. for Education: This bill revises the requirements of certain scholarship opportunities within the postsecondary education commission. The amendment addresses career shortages and opens the opportunities for "incentive scholarship" beyond the field of nursing. Vote 16-0.

HB 1493-L, relative to clarifying school district liability for children placed in homes for children, health care facilities, or state institutions. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Guest for Education: This bill, as amended, clarifies school district residency requirements when students are placed in the home of a relative or friend by the Department of Health and Human Services. It also permits a student to attend school in the district of the legal guardian pending a court determination of guardianship, provided that a petition has been filed with the court. If custody changes when the Department of Health and Human Services is involved with a child, district liability is firmly established. Vote 19-0.

HB 1661, relative to eligibility for postsecondary education tuition grants. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: The Postsecondary Education Commission gives scholarships to full-time New Hampshire students who are eligible. This bill allows such scholarships to be given to students who are not in college full-time. The amendment eliminates the phrase "students who delay their postsecondary education" and replaces it with "students who are enrolled at least half-time". The committee feels that struggling, part-time students deserve all the help they are eligible for. Vote 17-0.

ELECTION LAW

HB 1115-L, relative to boundary markers. OUGHT TO PASS WITH AMENDMENT

Rep. Lynn C. Horton for Election Law: This bill was proposed by the Office of State Planning as a means to eliminate ward boundaries which are "imaginary lines" which are difficult to locate geographically. It requires that ward lines follow physical features or town/city boundaries. This is a much needed housekeeping bill which will eliminate difficulties experienced when trying to determine in which ward a voter resides. Vote 16-0.

HB 1170-FN, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising. OUGHT TO PASS WITH AMENDMENT

Rep. Jane A. Clemons for Election Law: This bill allows municipalities to designate areas and conditions for the placement of political advertising on municipal property. It also authorizes the governing bodies to designate employees responsible for the removal of improperly placed signs. It also allows the municipalities to fine the perpetrator $100. per sign after notification if they so choose. Vote 16-0.

HB 1333-FN-L, relative to voting booth requirements at primary and special elections. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Election Law: This bill as amended relieves local election officials of the requirement to erect more voting booths than they expect to need at a given election. The requirement to maintain access to one (1) booth for every 125 qualified voters across all elections remains intact, thus eliminating fiscal consequences. Vote 15-0.

HB 1444, requiring a special primary for all parties if there are at least 2 candidates for election from one party. OUGHT TO PASS WITH AMENDMENT

Rep. Natalie S. Flanagan for Election Law: This is a much needed bill concerning Special Elections. We now have registration and voting on the same day, so it makes it necessary for all parties to be represented and to have a Special Election ballot. The amendment gives us a cut-off date for Special Elections in the second year of the biennium. Vote 17-0.

HB 1488, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act. OUGHT TO PASS

Rep. Raymond C. Buckley for Election Law: This bill establishes the definition of a candidate as any person who, directly or indirectly, spends or receives $5,000. It corrects the loophole of when a candidate becomes a candidate for the purpose of expenditures counting against the voluntary spending limit. It follows the federal definition of a candidate Vote 14-1.

HB 1495, relative to procedures for apportioning state representatives among counties and among legislative districts. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Election Law: This bill requires N.H. to apportion representatives to counties based on the method of equal proportions (2 U.S.C. Section 2b) which is Congress's third try at the "best method". It also provides that if any town, place, or ward is a part of any overlapping (floterial) district then all towns, places or wards must be a portion of an overlapping district. The committee recommended the bill ITL because it would inhibit the freedom of negotiation of those charged with re-apportionment following the forthcoming decennial census. Vote 13-0.

HB 1611, relative to reports of income by county officers. INEXPEDIENT TO LEGISLATE

Rep. C. Donald Stritch for Election Law: The committee felt that this bill which would exempt all county sheriffs and their deputies who receive fees in excess of salary from filing an annual statement with the Secretary of State was not necessary. A representative from a county registry of deeds was present and asked to also be exempt.

This committee further feels that since within our ten counties many sheriffs and their deputies and many deed registrars do and/or still receive fees in excess of salaries they should continue their once-a-year report to the Secretary of State. All state representatives and senators do this each year. Confession and disclosure is good for the soul. Vote 16-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1139-FN, relative to group II retirement system eligibility for law enforcement training specialists and assistant directors employed by the police standards and training council. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: This bill reduces from 10 to 5 years, the number of years an officer must be in group II for retirement in order to retain group II status as an instructor in the Police Standards and Training Council. It was felt that due to the small amount of turnover in this category (every couple of years), such a drastic change was not warranted. Vote 16-0.

HB 1222, increasing the membership of the Christa McAuliffe planetarium commission. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill increases the number of members of the planetarium commission appointed by the governor and council from two (2) to six (6) members. The intent is to include members from the private sector, the business community and/or the not-for-profit community. This change could enhance the educational and market driven approach to planetarium affairs. One technical addition changes the statute to read "The commissioner of regional community colleges" (it formerly read: post-secondary technical education), and adds the president of NH Technical Institute who shall serve as ex officio members of the commission with voting rights. Vote 18-0.

HB 1233, relative to administrative attachment of regulatory boards and commissions. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: The bill administratively attaches to the Department of Administrative Services both regulatory boards and commissions not currently administratively attached, and new boards and commissions which would not be obviously attached to another department or agency. However, the bill as originally written attaches existing boards and commissions to the Department of Administrative Services that should not be so attached, such as the Board of Education and the PELRB. The amendment, making the effective date July 1, 1998 corrects the bill to affect only newly created boards and commissions. Vote 18-0.

HB 1234-FN, establishing an office of volunteerism. OUGHT TO PASS

Rep. Maurice E. Goulet for Executive Departments and Administration: Numerous testimony, at the public hearing and at a subsequent sub-committee work session, revealed the need for more

involvement in supporting volunteerism in the state. To replace the work product of volunteers with a paid work force would cost approximately $1.3 million a year. The bill establishes an office of volunteerism and the governor and council shall appoint an executive director for a term of two years. The statute will make perfectly clear that the executive director shall receive NO compensation and shall not be entitled to reimbursement for expenses, but shall only receive mileage at the state rate. The office would not replace the governor's office on volunteerism, but would clearly handle many areas that the current staff of the governor's office on volunteerism can not do currently, due to their other duties and responsibilities. The creation of this office, without any funding in the first year, and the opportunity for outside funding (i.e.) gifts, grants, donations, etc.) each year thereafter, could ensure that "volunteerism is alive and well" in New Hampshire. Vote 17-0.

HB 1245, relative to the management of New Hampshire retirement system funds by the board of trustees. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of the bill was to repeal the return to the legal list for investing purposes. The committee felt that an oversight of the investment policies and the return on the investment should require a review at least every five years. The amendment added by the committee requires review every 5 years and a report to the legislature. To insure compliance the legislative budget assistant will monitor this subject when the required annual fiscal and performance audit are due and insure compliance with the subject matter of this bill. Vote 18-0.

HB 1262-FN-A, establishing the position of medical review subcommittee administrator under the board of registration in medicine. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill is to permit the board of medicine to hire a licensed physician as an administrator of the medical review subcommittee. There is a backlog of complaints pending before the medical review subcommittee, some long standing, and this position will help clear up this area. There is also a bill before the senate to allow the board of medicine to hire a part time prosecutor for the board. These positions will serve the public well as there will be a quicker resolution for the complaints against the medical practitioners. Vote 17-0.

HB 1294-FN, establishing the propane and natural gas board and regulating propane and natural gas installers. INEXPEDIENT TO LEGISLATE

Rep. Kipp A. Cooper for Executive Departments and Administration: Through testimony provided by the industry representatives and the state fire marshal, the committee found that this bill would have little impact on consumer safety but would certainly have a significant impact on consumer cost. The fire marshal and industry representatives have agreed to work together and develop a training and inspection plan that will benefit both our citizens' safety and pocketbooks. Vote 18-0.

HB 1344-FN, relative to state employees receiving workers' compensation benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: The committee reviewed the bill and based on the comments that the adoption of the bill, as written, could create future problems either in bills submitted or collective bargaining, the bill was amended to provide that the same leave time is available to all part time workers. This creates a level playing field for all part time workers. Vote 18-0.

HB 1425-FN, regulating the practice of site evaluation of subsurface sewage or waste disposal systems and subdivision plans. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The committee unanimously agrees that there is no need for the provisions of **HB 1425-FN** because the proposed responsibilities of "Site Evaluations" presently exist in RSA 485-A:29-36 (septic designers) and by RSA 310-A:75-97 (soil scientists and wetland scientists). Furthermore, when we certified wetland scientists last year in HB 197, the legislation was written so that most permitted septic designers could be grandfathered as wetland scientists if they wished. The Professional Septic Designers Association should convey this to their membership as soon as possible. The office of state planning also should inform their regional offices and New Hampshire municipalities that permitted septic designers have been, are, and will be able to determine wetland boundaries for the purpose of septic design even after the wetland scientist statute becomes effective. Hopefully, this will clear up any existing confusion on the subject. Vote 16-0.

HB 1450, relative to standards for certification of soil scientists and wetland scientists. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The committee unanimously recommends inexpedient to legislate because the bill does not address the problem described by the sponsor. Apparently, the office of state planning disseminated the soil standards as described in "Site Specific Soil Mapping Standards of NH & VT (June 1997) which have not been adopted by the department of environmental services under RSA 541-A. While this innovative flexibility on the part of OSP is not to be criticized, it has caused some confusion. Vote 16-0.

HB 1522-FN, establishing the offices of inspector general. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: Although the idea of establishing an office of inspector general is intriguing, the thought of placing an inspector general in each of 30 agencies and the cost associated with such a program is staggering. Furthermore, we understand that over the next 12 months, the attorney general's office is planning to examine its organization and has an interest in adding inspector general functions. For these reasons, the committee gave its unanimous support to a vote of ITL. Vote 15-0.

HB 1525-FN, establishing an office of administrative hearings. REFER FOR INTERIM STUDY

Rep. Robert K. Dodge for Executive Departments and Administration: The committee is aware of the need for consistency and professionalism in administrative hearings. Inasmuch as all boards have different types of responsibilities, the committee believes that interim study would allow for a more complete and comprehensive solution. Vote 16-0.

HB 1545-FN, increasing the salaries of the labor commissioner and the deputy labor commissioner. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill with amendment will change the letter grade of the commissioner and deputy commissioner of labor and will change the term of office of the commissioner to 4 years, which is the norm for unclassified personnel appointed by the governor and council and it will change the deputy commissioner to a four year term. The deputy commissioner will be nominated by the commissioner for approval by the governor and council, again the norm in state government. The present director will hold his present appointment and this amendment will only apply to the next deputy director. Vote 17-0.

HB 1573-FN, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: To adequately reflect the nature of services provided by this agency, this bill renames the Department of Cultural Affairs to the Department of Cultural Resources. The bill also allows the department to accept gifts, contributions and bequests to further educational objectives of (1) the council on the arts and (2) historic preservation. In addition, the bill amends the qualifications of the director of the division of arts by adding an experiential component as well as the academic credentials. Vote 16-0.

HB 1574-FN-L, adding state and local government part-time employees to employees eligible to participate in the state group insurance coverage. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The prime sponsor approached the committee after the public hearing and indicated the bill, as written, would not accomplish what was intended. The committee, in respect of the sponsors wish, voted the bill inexpedient to legislate. Vote 17-0.

HB 1590-FN, relative to vending facilities operated by blind persons and blind services. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The committee has examined all legislation pertaining to blind services since the passage of HB 912, Chapter 260, Laws of 1975 when the agency was given the right to operate all vending facilities on state property with all revenues paid to the blind operator and blind services. At a hearing on HB 470 in 1979, it was discovered that the state was losing $48,000 annually at the Mt. Washington and Sunapee concessions and would lose $70,000 per year if blind services operated the Franconia concession according to HB 912. Although HB 470 failed in the Senate, the 1979 budget contained provisions to exempt Sunapee, Franconia and Mt. Washington from HB 912 (1975). In 1981, this exemption was formalized in SB 250, Chapter 403 and was echoed again in **HB 368** (1985). During this 10 year review of blind services' right to operate vending facilities on state property, it was discovered that blind services supplied its blind operators with all capital requirements and initial inventory at no cost to the operator. With this competitive advantage, the legislature was convinced that a blind operator had an extremely favorable competitive advantage and should be able to win any bid to operate a facility. The 1981 law has worked well for the past 16 years and should not be changed. It has come to our attention that recently blind services may not have been notified every time a bid was advertised on a vending facility, so specified in the law. It was suggested that blind services should contact the attorney generals office to address concerns about the bid notification process. Vote 17-0.

HB 1607-L, exempting state agencies and counties from competitive bidding requirements when purchasing bulletproof vests and other personal body armor for law enforcement officers, other officers with powers of arrest, and corrections personnel. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to raise the amount exempted from the bidding process to $10,000.00 for body armor for law enforcement personnel. This was required, the sponsors said, because of the slow bidding process and the requirements to accept the low bid. The bidding process is dependent upon the management issuing the bid. The quality of the equipment can be assured through the specifications written into the bid. The industry has well known standards. The committee was sensitive to the need for this equipment but feels that the problem will not be changed by lifting the exempt bid amount on one item. There is another bill in the legislative process that will raise the bid exemption to

$5,000.00 on a wide range of items. A bill with an increased exemption would provide more flexibility than HB 1607. Given the limited scope of this bill, the lack of support from the counties, who would also be affected, and the need to address the bidding process by the various managers responsible for the purchasing of equipment, the committee felt this bill should not pass. Vote 16-0.

HB 1612-FN, establishing a public information system to ensure electronic access to public records. REFER FOR INTERIM STUDY

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill presents innovative ideas relevant to "Webster", our present state public electronic information system. The sponsor requested ED&A form a visionary group to explore emerging technology that would enable a private company to capitalize, develop and manage the Webster network under a long term contract. Do we wish to phase in department information OVER TIME or do we want all information on Webster NOW in a convenient, efficient, user-oriented format available to all citizens free of change? The committee felt interim study was the prudent way to address these philosophies. Vote 19-0.

HB 1619, relative to the embossing of government seals. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to control the use of the state seal on certain documents. One of the co-sponsors indicated to the committee that the way the bill was written it would not do what was intended. The prime sponsor and the other co-sponsor did not appear. Vote 16-0.

HB 1636-FN, relative to the executive director of fish and game and the fish and game commission. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was the result of a study committee during 1997. The bill will permit the fish and game commissioners to submit one name to the governor and council for consideration for appointment as the executive director. The bill contains a process if the governor and council do not agree. Other changes consolidate various duties of the director in this statute from other statutes under the umbrella of RSA 541-A. The amendment proposed by the committee places the director in grade P of the unclassified system and will allow a fish and game executive director to remain in group II of the retirement system if the director has been a member of group II for at least 10 years prior to the appointment and maintains certification during the period of the appointment. Vote 17-0.

HB 1655-FN-A, relative to the authority of the length of service awards program committee and making an appropriation therefor. OUGHT TO PASS

Rep. Frank J. Reidy for Executive Departments and Administration: The length of service awards program, defined contribution retirement program for volunteer firefighter and emergency personnel, that was passed a few years ago has run into legal and actuarial problems with changes in the internal revenue code. This bill will allow those charged with establishing the program the funds and the opportunity to seek legal advice and actuarial advice to establish the program within the guideline in RSA 100-B. Vote 17-0.

FINANCE

CACR 30, relating to the levy of taxes. Providing that no taxes shall be levied without the consent of the people through a referendum vote. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: This bill proposes an amendment to the Constitution that says no subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied without a referendum vote of the people and the consent of their representatives in the legislature. This would be a prohibitive means of funding state government. In a representative government it is the duty of elected officials to fund the functions of government and this method would not only be unwieldy but untimely. On the surface this appears to be a solution to control spending but it would be cumbersome and ineffective. Vote 18-0.

CACR 34, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: This bill proposes a constitutional amendment to prohibit a broad-base sales or income tax. This would tie the hands of the legislature in the event of an emergency, or any unforeseen situation. The legislature should be able to make this decision after taking all facts into consideration on an individual basis although under normal circumstances the majority of the legislators as well as the public have demonstrated they do not want these taxes. Vote 16-2.

HB 1040-FN-A, decreasing the rate of the communications services tax. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: The communications services tax was passed at 3%, but almost immediately a surtax was added to bring it to 5.5%. That temporary rate has been renewed for at least four bienniums. We have another bill in interim study that we hope to use to fulfill the obligation to cease temporary rates. With the present unresolved financial situation and that bill in reserve, the Committee found this bill Inexpedient to Legislate. Vote 18-0.

, repealing the temporary increase of the communications services tax and increasing

HB 1241-FN-A
the tobacco tax. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: The prime sponsor requested that the bill be withdrawn in view of the Rules Committee decision to allow in a bill sponsored by the Governor that would raise the tobacco tax. Vote 18-0.

HB 1260, limiting use of appropriated funds to influence state contracting and financial transactions and legislation. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: This bill would prohibit lobbying by any state agency, non-profit organization or private business which receives state funds. The bill would have the effect of prohibiting state agencies from appearing before legislative committees without being invited, as an example. The committee felt that this bill could prohibit input that may be important in the decision-making process. Vote 18-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Marie C. Hawkinson for Finance: We already have a number of mechanisms to assure fiscal restraint in the expenditure of funds: article 28(a), bicameral legislature, Governor's veto, House rule for balanced budget, oversight of all money bills by the Finance Committee. This bill is not necessary. Vote 16-2.

HB 1497, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: A study of the single sales factor method of apportioning income for business taxation purposes was supported by both the business community and the Department of Revenue Administration. The results of the study may be useful in improving the state's business tax structure. Vote 18-0.

HB 1507-FN-A, providing for a graduated reduction in the temporary increases in the communications services tax, meals and rooms tax, and the real estate transfer tax. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Finance: This bill was recommended for interim study in the hope that, despite the fiscal pressures arising from the Claremont II decision, the state would be in a position to reduce these temporary taxes. For the time being, these taxes must remain part and parcel of state revenues. Vote 18-0.

HB 1555-FN, relative to including revocable trusts for medicaid estate recovery purposes. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill requires a trustee to submit written notice to the Department of Health and Human Services of the existence of a revocable trust of a decedent who has received medical assistance under the Medicaid program. The amendment inserts the word "revocable," where necessary, before the word "trust" to better clarify the meaning of the bill. This information would allow the state to recover assistance provided based upon the value of all property, real or personal. Vote 17-0.

HB 1595-FN-A, repealing certain exemptions under the meals and rooms tax. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: This bill calls for eliminating certain exemptions in respect to the meals and rooms tax at educational institutions. The committee found that the proposal would create serious inequities and would be very difficult to enforce. Additionally, the sponsor of the bill agreed with the committee and asked that the bill be reported as Inexpedient to Legislate. The Committee concurred. Vote 18-0.

HB 1649-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a fixed income. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: This bill would create an alternative exemption from the interest and dividends tax for those individuals on a "fixed income" up to a level of income which is equal to 200% of federal poverty levels. The bill would delegate to the Department of Revenue Administration the ability to define what a fixed income is. The committee overwhelmingly agreed that such a delegation of authority was displeasing at best. Further, the committee concurred with the Department which stated that there could be no "clear definition of fixed income." Without adequate definition, neither the Department nor the committee could estimate the fiscal impact that this bill would have on the state's general fund revenues. Additionally, while some may consider the current levels of exemption from the interest and dividends tax to be too low, the committee believes that if additional relief from the tax is needed, it should be via adjustments to the current structure rather than by creating a new and undefined exemption. Vote 17-1.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1396-FN, relative to training programs for emergency medical services instructors and funding of certain testing programs. OUGHT TO PASS WITH AMENDMENT

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill is clearly a bill that protects the public and is long overdue. The bill requires EMT trainers/instructors to take a test and be licensed. Life and death type situations should require these individuals to be regulated by Health & Human Services, so an EMT who responds to an emergency will have been taught by a qualified person. All costs for testing/licensing to be borne by the individual who wants to be a trainer/instructor. Vote 16-0.

HB 1503-FN-A-L, relative to intergenerational homeshare programs and making an appropriation therefor. OUGHT TO PASS

Rep. Margaret A. Case for Health, Human Services and Elderly Affairs: This legislation would require the Department of Health & Human Services to establish a 2-year intergenerational homeshare pilot program which would link older or disabled adults with properly screened people who would provide minimal care in exchange for housing. This legislation would help older people to remain in their homes, thus reducing costs to the state. This is a major component of the long term care initiatives which are proposed by Health & Human Services. Vote 16-0.

JUDICIARY AND FAMILY LAW

HB 1158, changing the process for designating a part-time district court justice a full-time district court justice. OUGHT TO PASS

Rep. Janet G. Wall for Judiciary and Family Law: Currently the supreme court appoints sitting part-time justices as full-time justices when caseloads increase, consistently requiring a full-time justice. For some time, the executive council has been concerned, viewing this as a constitutional issue. It is also thought that some part-time judges are chosen who might not be chosen for full-time. With the passage of this measure, the supreme court will make recommendations, and the governor and council will be involved, though they are not bound by the supreme court recommendation. This bill has the support of the governor, the governor's council, the supreme court, the district court, and the judicial council. Vote 15-1.

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

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

HB 1347, providing visitation rights to siblings. OUGHT TO PASS WITH AMENDMENT

Rep. Julie M. Brown for Judiciary and Family Law: This bill preserves relationships between siblings who are separated as a result of court ordered out-of-home placements by including the appropriateness of preserving sibling relationship as a factor to be considered under current law, and by providing for visitation between siblings who have an existing relationship and have been separated as a result of a court ordered placement. Vote 16-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: The probate court has put a number of rules in place to assure that the attorney, executor and executrix properly sell the estate assets and then notify the court and beneficiaries. If this legislation was enacted, it would mean additional cost to the court and beneficiaries. The court and beneficiaries would be burdened with additional paperwork which could delay the estate being settled. Vote 12-0.

HB 1390, adopting a drug dealer liability act. REFER FOR INTERIM STUDY

Rep. Irene A. Pratt for Judiciary and Family Law: Sponsors indicated complexity of the issues involved with this bill might be more effectively addressed if it were placed in interim study. Vote 12-0.

HB 1406, increasing the maximum amount for a small claim action. OUGHT TO PASS

Rep. Peter F. Bergin for Judiciary and Family Law: Testimony was given that currently the maximum amount of debt or damages which may be claimed in a small claim action is $2,500. Over the last ten years rents have increased and landlords need access to justice. By increasing the maximum claim to $5,000, justice will be served. A defendant still would have the right to a jury trial for damages over $1,000. Vote 14-0.

HB 1500, relative to powers of appointment. OUGHT TO PASS WITH AMENDMENT

Rep. Susan J. Clay for Judiciary and Family Law: The bill provides an additional flexible tool for estate planning. The bill allows for older wills to address the complexity of new federal tax laws. Currently, new wills address this issue easily. The Department of Revenue Administration sees no problem with this legislation and no fiduciary loss to the state. Vote 15-0.

HB 1549-FN, granting a right to trial by jury in any controversy between a person or persons and a

state board, commission, or agency when the amount in controversy is at least $1,500. REFER INTERIM STUDY

Rep. Paul M. Mirski for Judiciary and Family Law: The committee recommends Interim Study in order to examine this question further, particularly given the great sums of money which may be involved and the potentially crippling financial consequences which might accrue to defendants in certain cases. Vote 9-6.

HB 1580-FN, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. REFER FOR INTERIM STUDY

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes there are issues of how the process works when a claim is brought to the Human Rights Commission. It appears that not every complainant gets a hearing with witnesses under oath. With further study we believe legislation can be drafted to ensure that citizens be granted the full due process that is allowed under RSA 354-A:1. Vote 15-0.

HB 1593-FN, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The sponsor's stated intent in offering this legislation was not, in fact, to pass the bill, but to encourage the formation of a study committee to look into the issue of potential conflicted interest which could occur when an agency of government indirectly pays a part of the salary of a marital master who sits on a case to which the department is a party. The committee found that there was in fact no undue pressure on marital masters to reach a particular decision, and that they are in fact diligent in their efforts at impartiality. The contract, the terms of which are described in the bill, is designed to allow the maximum pass through of federal monies to help fund these services. This flexibility is required to respond to changing federal requirements. This biennial agreement must be approved by governor and council and pass muster of the legislature in the budget process. The committee felt that placing the language of the current contract in statute would be counterproductive. Funding these obligations out of the general fund would cost the taxpayers an estimated additional $790,000 in the current biennium. Vote 19-1.

HB 1594-FN, transferring the authority of the judicial conduct committee to the legislature. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: The Judicial Conduct committee was formed in 1977 and has under gone a number of reforms. Currently it is made up of 11 members: 4 judges, 2 attorneys and 5 lay people. The main function is to process complaints against the judiciary. Currently the process is to review the complaint, if the complaint is voted, a public hearing is held and a discussion rendered. The long-standing concern has been the public's perception of how complaints are handled. This bill as presented to the committee would not solve this problem. Vote 19-1.

HB 1603-FN, relative to appointment and payment of guardians ad litem and establishing a complaint process against the guardian ad litem system. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor identified what he perceived to be a problem but informed the committee that neither the bill as submitted nor a subsequent amendment would appear to correct the problem. Vote 13-0.

LOCAL AND REGULATED REVENUES

HB 1130-FN, relative to the distribution of beverages. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill eliminates the cross stocking requirement for small beverage producers. This will not weaken the three tier system as this provision has never been used by the liquor commission. The amendment adds "brew pubs" to the licensee that must report delinquencies to the liquor commission. Vote 17-0.

HB 1163, establishing a house study committee on methods used to compute tax rates related to funding for education and property tax assessments. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Local and Regulated Revenues: Although some municipalities may be upset with their "bottom line" tax rate, the committee believes that the methods used to compute this rate are as accurate as possible and that the Department of Revenue Administration which oversees the process uses the data presented to them with both accuracy and integrity. Vote 17-0.

HB 1210-FN, relative to the licensing rate for beverage manufacturers. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill, as amended, would reduce the license fees that small brewers would pay for a beverage manufacture license. This will increase the opportunity for small brewers to operate within the state and will increase choices to consumers. Vote 17-0.

HB 1242-FN, prohibiting discounts and rebates of any wagers at racetracks. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: The Pari-Mutuel commission voted to permit discounts and rebates on wagers at racetracks last year. This bill would have repealed that decision. The overwhelming feeling on the committee was that it had no desire to micro-manage the commission on this matter. There was little support for this bill. Vote 15-5.

HB 1313, relative to wholesale distributors who are delinquent in making payment of accounts. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill, as amended, adds brew pub licensees to the beer distribution credit reporting system by requiring them to report to the Liquor Commission the name and license number of wholesale distributor licensees who are delinquent in making payment of accounts. Vote 17-0.

HB 1395-L, relative to property tax exemptions for water and pollution control facilities. OUGHT TO PASS

Rep. Richard Noyes for Local and Regulated Revenues: This bill has a long history. Current law allows a 25-year tax exemption for pollution control equipment. A 1996-1997 study committee recommended that the exemption should continue over the useful and operating life of the equipment rather than arbitrarily end after 25 years. The committee adopted that recommendation. Vote 17-0.

HB 1480-L, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town. OUGHT TO PASS

Rep. Linda T. Foster for Local and Regulated Revenues: There was no testimony in opposition to this bill and the Liquor Commission enthusiastically supported it. This bill does not in any way change the due process procedures which must be allowed to revoke the liquor license of any licensee. It merely allows cities and towns to initiate the process. Vote 17-0.

HB 1558-FN-L, relative to games of chance. OUGHT TO PASS

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill increases the statutory limit levied on individual wagers at "Monte Carlo" nights and other games of chance from $1 to $2. It also creates a comprehensive regulatory structure for charitable games of chance almost identical to that currently in place to regulate bingo and lucky 7 wagering. The result is to give charities the opportunity to increase their fundraising potential, but under much greater regulation Vote 20-0.

HB 1579-FN-L, relative to exemptions to property taxes when the property is sold. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for Local and Regulated Revenues: Under current law, the tax rate for all real property throughout the state, including any exemptions, is set on April 1. This April town-wide evaluation is the basis on which local tax rates are established. This bill would complicate this administrative burden by allowing exemptions to change during the course of the year and right up to the date the Department of Revenue Administration sets the tax rate. This bill was introduced on behalf of the selectmen of Chester, but no other witness appeared in support, the N.H. Municipal Association was opposed. This bill is virtually identical to another bill which was voted ITL on the consent calendar last year. Vote 17-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1146, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government: As communities search for ways to alleviate the financial impact on taxpayers for high priced capital equipment on a yearly basis, many municipalities are opting to enter into lease/purchase agreements. Passage of this bill would allow municipalities to establish a capital reserve fund, by majority vote to be used to make multiple payments on these agreements. Any lease/purchase agreement must be approved by 2/3 of all voters present and voting at an annual or special meeting. Vote 17-0.

HB 1250-FN-L, providing that beginning with the tax year 2002, the education portion of a property taxpayer's tax bill shall not exceed 50 percent of the total tax due and establishing a committee to recommend legislation necessary to implement this act. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The sponsor of this bill testified he had submitted it prior to the Claremont decision. In view of that decision the Committee feels that this idea is premature and the sponsor agrees. Vote 14-1.

HB 1383-L, relative to zoning for small businesses in rural areas. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. Rice for Municipal and County Government: This bill preempts part of the traditional power of local planning boards. We do not feel that the state should substitute its judgment for that of locally elected officials. This bill also would address a situation that may not occur. Vote 17-0.

HB 1388, establishing a committee to study commercial, suburban, and rural sprawl. INEXPEDIENT TO

LEGISLATE

Rep. Robert A. Lockwood for Municipal and County Government: The committee recognizes the need for a study of the issue of commercial, suburban and rural sprawl and its recommendation of ITL is made with the intent of combining the study under HB 1238. Vote 17-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Municipal and County Government: The committee agrees that the study of village plan alternatives to retain open space as well as allow planned development is an intriguing idea. The committee vote of ITL was made with the idea that the subject matter and committee structure will be brought forward under HB 1238. Vote 17-0.

PUBLIC WORKS AND HIGHWAYS

HB 1138-FN-L, relative to New Hampshire route 111. OUGHT TO PASS WITH AMENDMENT

Rep. Bernard J. Raynowska for Public Works and Highways: The amendment to this bill replaces the entire original bill and urges the Department of Transportation to make the New Hampshire Route 111 bypass project a top priority for construction and funding. The committee will consider the contents of the original bill in its forthcoming review of the 10-Year Highway Plan. Vote 16-1.

HB 1208, authorizing the housing finance authority to sell or transfer certain land. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: If this bill passes it would give the Housing Finance Authority an ability to sell land that has been transferred to the authority to build affordable housing. The authority is now authorized to only sell the house and lease the land the house sits on. The bill also provides the requirement that all requests go before the Council on Resources and Development before the land can be transferred as authorized in RSA 162-C. Vote 20-0.

HB 1253-L, relative to disposal of state property which is no longer in use for state purposes. INEXPEDIENT TO LEGISLATE

Rep. Lou D'Allesandro for Public Works and Highways: At this time there is a process in place which handles this situation of surplus property which includes review and approval by the Council On Resources and Development (CORD), review and approval by the Long Range Capital Planning and Utilization Committee, and final approval by the Governor and Council. The current process is working and, thus, there is no need to take further action. Vote 15-1.

HB 1284-FN-A, appropriating funds to the liquor commission for the siting and design of a combination state liquor store, welcome center, and New Hampshire products store, to be located in the city of Keene. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill, as originally written, appropriated $125,000 for the purpose of siting and design of a liquor store in the city of Keene. Testimony showed that the city prefers a downtown location, yet the recommendation of the study committee was for an out-of-town location, providing a welcome center and New Hampshire products store in addition to the liquor store. The amendment deletes the appropriation and authorizes the liquor commission to continue to investigate the location of a new store and work with the Department of Transportation, Administrative Services and the city of Keene to find a suitable location. The chairman of the Liquor Commission indicated that this amendment would help the commission with its dealings regarding a new liquor store site in Keene. Vote 15-5.

HB 1387-FN, relative to the state art fund. OUGHT TO PASS WITH AMENDMENT

Rep. Paul I. LaMott for Public Works and Highways: This bill, as originally proposed, would have repealed the highly successful 19 year program which provides New Hampshire art for its public buildings by removing the requirement that one half of one percent of the bid contract price of each new building or major addition in the capital budget be deposited in the State Art Program. A detailed review of the financial history of the program, together with recognition of the ever increasing cost of capital projects, prompted the committee to conclude that it is appropriate to retain the program, but cap the bid amount to which the one half of one percent formula will apply at $15 million. The amendment also includes a senator or representative from the district in which a project is located to serve on the project selection committee. Vote 16-1.

HB 1389-FN-L, relative to agreements for telecommunications-related uses of the state highway system. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Public Works and Highways: This bill simplifies the process of locating telecommunications towers within the state highway system and state-owned railroad rights of way, yet giving proper authority to local municipalities to tax and to make the towers subject to local zoning and planning requirements. Vote 14-3.

HB 1401-FN-L, relative to the application of local planning and zoning to construction, development, or use of facilities on state-owned property. INEXPEDIENT TO LEGISLATE

Rep. Paul I. LaMott for Public Works and Highways: Committee research into this bill revealed that HB 1401, with amendments proposed by the sponsor, makes minor changes to existing statutes relative to the application of local planning and zoning to construction, development or use of facilities on state-owned property. The sponsor proposed a second amendment which was discussed but not accepted by the committee. The committee concluded that current laws governing this issue are working, and do not require changes at this time. Vote 16-0.

HB 1617-FN-L, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. OUGHT TO PASS

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill requires every state agency having responsibility for a state-owned building to include $1.00 per square foot in its biennial operating budget request to cover building maintenance. This measure will help keep the needed repairs for our state buildings from capital budget projects. The bill will also help keep the cost of repairs down as there should be funds available to perform maintenance when needed. Vote 16-0.

HB 1639-A-L, relative to U.S. Route 3 from Twin Mountain in Carroll to Clarksville and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Gerald P. Merrill for Public Works and Highways: Since legislation was enacted requiring the collection of the tax on diesel fuel be done at the pump, the revenue to the highway fund from this tax has skyrocketed to the tune of a 9.5 million dollar increase! The committee feels that the best use of this increase is application to the Highway and Bridge Betterment Program. The amendment transfers $6 million of the increased revenues to the betterment program in 1999, and establishes a mechanism whereby approximately that same $6 million will be available to the betterment program each year. Funding of the betterment program is spread throughout all six highway districts in the state, assuring each area of the state will see increased highway paving, drainage work and bridge work each year. The amendment does not call for any increase in the fuel tax, just a reallocation of newly found revenue from fuel taxes. The Highway and Bridge Betterment account is one of, if not the most successful highway program in New Hampshire, and one which shows immediate results to our motoring constituents. Vote 16-0.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1161-FN, requiring the state to rebuild and maintain the dam controlling Baxter Lake in the towns of Farmington and Rochester, New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Rudolf A. Adler for Resources, Recreation and Development: Testimony from the sponsor and the Department of Environmental Services disclosed that the present owner of this 75 year old dam is under an order from DES to repair the structure or to significantly lower the lake level as not to constitute a danger to downstream persons and properties. While the committee heard testimony regarding the value of the lake to the State, including a healthy bass fishery, it is clear that the main beneficiaries of this lake are the hundreds of properties around and adjacent to Baxter Lake. Testimony also revealed that the estimated cost to repair of $233, 000 could be significantly reduced through the use of municipal equipment and manpower and could be further eased by a phased in repair plan worked out in conjunction with the DES. Both municipalities have options available to them to finance this project and to assess the primary beneficiaries of this lake. Vote 19-0.

HB 1240-FN, establishing wetlands permits for slips-only marinas. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee ascertained that the problem as purported in this bill only applied to one commercial owner and he had, in fact, not filed a permit application with the Department of Environmental Services. He was put in touch with the Director of the Wetlands Bureau and will work with him to ameliorate his problem. Vote 18-0.

HB 1291-FN, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. OUGHT TO PASS WITH AMENDMENT

Rep. H. Charles Royce for Resources, Recreation and Development: This is a contingency bill, if one or both of the state ski areas, (Cannon and Sunapee) are leased or managed by a private operator several existing RSAs will have to be repealed: i.e. RSA 12-A:24-5, relative to state ski operations, RSA 216-A:2, VI-IX, relative to duties of director of parks and recreation relative to state ski operations. If the state ski areas are not leased or managed by a private operation this bill will not go into effect. Vote 15-0.

HB 1412, relative to increasing the administrative fine for violations of wetlands laws. INEXPEDIENT TO LEGISLATE

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill proposed to increase administrative fines imposed by the Commissioner of the Department of Environmental Services from the present upper limit of $2,000 for each offense to $10,000 for each offense. Testimony included the value of oceanfront property relative to the fine level. While there was some merit based on individual situations the imposition of a "one size fits all" fine across the state would be severe in the extreme. The committee felt that fair and expeditious enforcement using present rules must be applied before any increased fine is contemplated. Vote 17-2.

HB 1531-FN, relative to reimbursement for removal of petroleum storage facilities from the oil

pollution control fund. OUGHT TO PASS WITH AMENDMENT

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill provides for reimbursement for removal of petroleum storage facilities from the oil pollution control fund. As amended this bill would place a lien on the real property for all costs incurred by the Department of Environmental Services in removing underground storage facilities or other petroleum storage facilities. The lien shall arise at the time such costs are incurred by the department and shall continue until the liability for such costs, including interest is satisfied. The lien may be foreclosed in accordance with the provisions of law relating to foreclosure of mortgages on real estate when there is a transfer of the property or when any petroleum storage facilities are reinstalled on the property. Further, any claims determined by the oil fund disbursement board to be eligible for reimbursement of cleanup costs or damages to third parties shall be exempt from the law imposing double damages. Vote 19-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1223-FN, repealing the alternative fuel motor vehicle law. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill repeals the twice-delayed alternative fuel motor vehicle law. This bill is a request of the Governor's Office of Energy and Community Services. Most of this law conflicts with a self-enforcing federal law, so this law is not necessary. The remaining environmental benefits have already been replaced by other air pollution emission reductions. Vote 17-0.

HB 1527, relative to unauthorized switching of service providers by utilities and clarifying the definition of "telephone cloning paraphernalia." OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: The committee felt that the practice of "slamming" is becoming a problem in New Hampshire that should be addressed and that a substantial financial penalty will certainly reduce such activity. The committee also felt that the PUC should have determination in considering "intent" in the case of erroneous switching of telephone services. It has also been determined that the cloning issue has been addressed in another bill. Vote 18-0.

HB 1535, relative to local telephone calling areas and long distance access charges. REFER FOR INTERIM STUDY

Rep. John H. Thomas for Science, Technology and Energy: The committee, considering the fact that there is a major proposal before the Public Utilities Commission that it has not had enough time yet to fully consider, decided to recommend Interim Study. Vote 18-0.

HB 1630-FN, relative to the transportation of high level radioactive waste. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: This bill responds to anticipated transport of high-level radioactive waste within or through the State of New Hampshire as a result of pending federal legislation creating a temporary repository for such waste in Nevada. This bill provides for the coordination of such shipments by authorizing the Department of Safety to engage in a permitting process to assure notification, compliance, financial responsibility, route coordination, and submission to the jurisdiction of courts of this state. It is intended that fees from the permit process would offset any cost to the state. The amendment addresses all modes of transport involved, insures consistency with all applicable federal regulations and includes a requirement to coordinate with other responsible agencies. Vote 18-0.

HB 1632-FN-A-L, 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. REFER FOR INTERIM STUDY

Rep. John H. Thomas for Science, Technology and Energy: This bill came to committee quite differently than how it ended after proposed amendments. There was very little support for revenue generation instruments for a municipality. After amendments, the bill essentially considered compensation for damages and a penalty clause. The committee felt that the questions raised by the meaning of adequate compensation are too great to be answered in the time left for reporting the bill Vote 18-0.

HJR 20, finding that the contract requiring Public Service Company of NH 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 NU and the state of New Hampshire and in violation of state law. REFER FOR INTERIM STUDY

Rep. Harold V. Lynde for Science, Technology and Energy: This resolution raises significant questions on the validity of a modification to the rate agreement between PSNH and the State of N.H. This modification affects costs associated with the base rate and decommissioning and impacts the stranded cost value of PSNH. The prime sponsor of this resolution presented extensive data in support of the substance of the resolution. The committee felt the issue was of sufficient import to require a thorough review of the data provided, which could not be done adequately in the time allotted, and, therefore, recommends the resolution be sent to interim study. Vote 16-0

HJR 23, supporting the state's petition to the federal EPA 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 EPA enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This resolution supports the state's "Clean Air Act section 126" petition to EPA of August 1997, in conjunction with eight (8) other northeastern states, to request EPA to require air pollution emission reductions from up-wind stationary sources. The resolution also suggests that the Federal Clean Air Act be amended to allow such petitions to refer to non-stationary sources as well, and resolves that EPA should exercise its duty under the Clean Air Act to require up-wind states to submit plans which reduce emissions by a sufficient amount to allow New Hampshire to attain national air standards. The amendment corrects typographic errors in the original draft. Vote 18-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 25, requesting the U.S. Postal Service to issue a stamp commemorating the 200th anniversary of the United States naval shipyards. OUGHT TO PASS

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The shipyards past and present have a great sense of pride in their accomplishments to keep our Navy strong and our country free, therefore a stamp commemorating the 200th anniversary of the United States Naval Shipyards is appropriate. Vote 12-0.

TRANSPORTATION

HB 1114, relative to registration procedures for the use of antique plates. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This legislation is a request of citizens who own and operate antique automobiles and motorcycles. It will allow the use of plates issued the year of manufacture to be displayed on the front of the vehicle. Surrounding states currently have these laws on the books, and it would be a convenience for New Hampshire citizens who collect and display these vehicles. This bill is revenue neutral and endorsed by the Department of Safety. Vote 15-0.

HB 1198, relative to the registration of vehicles owned by trusts. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation: The intent of this legislation is to enable those who have vehicles owned by a trust to register those vehicles in the birth month of the first person listed on that registration. They may also continue to register their vehicles as they do now. This is enabling legislation only. Currently, there is a formula used by the Department of Safety to determine the registration date. Many citizens have asked to change this for convenience. The only opposition to this bill was question of the ownership status. The committee asked for and received an opinion from a trust company that there was no problem or burden in the administration of the trust by this bill. Vote 18-0.

HB 1201-FN, relative to the use of motor vehicle repair plates. OUGHT TO PASS WITH AMENDMENT

Rep. Larry J. Cossette for Transportation: Last year a restructuring of the dealer, utility, wholesale and transport plates was instituted by this committee and the legislature. The one plate not addressed was the repair plate. After receiving numerous complaints by business concerns that state enforcement officers were restricting the use of these plates solely by their narrow interpretation of the current law, this bill will clarify the use of who can use them and for what purpose. The bill also allows for a supplemental utility plate; because of last year's changes some tractor and construction equipment dealers were being deprived the use of these plates. This bill will correct that problem. A further purpose of this bill is to help the small business concerns that depend on these plates to make a living. Vote 18-0.

HB 1232-FN, establishing a procedure for the proposal of special license plates which designate the proceeds for use by a state agency. REFER FOR INTERIM STUDY

Rep. Sherman A. Packard for Transportation: This bill was an attempt to set up criteria for affinity groups or organizations who want the Dept. of Safety to issue them special license plates and have a portion of the extra fee charged directed to a particular cause. This committee has wrestled with this issue for years, and up to now we have been unable to come up with a solution that is acceptable to the dozens of special requesting groups, law enforcement and the Dept. of Safety. Realizing that the main purpose of license plates is for identification by law enforcement, and that the Dept. of Safety is in the process of manufacturing a new general issuance of license plates making it impossible to produce any special plates at this time, the committee felt that it would make sense to continue to try to come up with some solution to the problem. Vote 16-0.

HB 1305, requiring persons using roller blades, roller skates, and skateboards to adhere to the rules of the road. INEXPEDIENT TO LEGISLATE

Rep. Ralph L. Akins for Transportation: The committee recognized that roller blades and in-line skates being used on roadways is a problem. However, their use is not an allowed use on roadways currently, and, therefore, to add them to a section of law governing bicycles is not necessary or appropriate. Towns and cities already have the power to make ordinances, bylaws and regulations

respecting their use. The committee concluded that this bill was unnecessary. Vote 14-1.

HB 1345, relative to school crosswalks. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This legislation is the result of a continuing problem in this state - drivers who refuse to stop for school crossing guards. This legislation is imperative for the safety of our children and those who dedicate their service to those children. This legislation is supported by the departments of education and safety, law enforcement and the insurance community. The amendment is a clean-up of the original language. Vote 16-0.

HB 1392, relative to student drivers. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This legislation is the result of a study directed by HB 695, Chapter 154 from the 1997 session. This simple change in when a student may start driver education will make a significant improvement over current law. Currently students may start driver education at age 15 1/2 years old, complete the course in 5 or 6 weeks, then wait four and half months until their 16th birthday to receive their license without the benefit of further behind the wheel experience. This has proven to be a very fatal error in the law. The amendment clarifies the date a student may start an approved driver education course, two months before his or her 16th birthday. A teen may still start learning to drive with a parent at age 15 1/2, the purpose of this legislation is to have teens complete their formal driver education as close to their 16th birthday as possible. Vote 16-0.

HB 1572, establishing a study committee relative to inter-city commuter bus transportation. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill's intent was to study ways to improve rider-ship and increase bus routes. It was learned from testimony and with discussions from different bus companies that these proposed routes have already been studied by private enterprise and Department of Transportation. It was found to not be profitable enough to run a regular schedule without state or federal subsidies. Thus it was felt another study would serve no useful purpose. Vote 16-2.

HB 1605, establishing a study committee on marine patrol services. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Transportation: Water-sports and boating are becoming increasingly popular and important to New Hampshire's tourism industry. Marine Patrol has expanded its operations to patrolling coastal waters. Testimony from lakes' associations and the Dept. of Safety, indicated that marine patrol is unable to keep up with the increasing demands being placed upon them. The committee feels that a comprehensive study encompassing all aspects of operations and training at Marine Patrol is necessary to bring that agency up to date. Vote 18-0.

WILDLIFE AND MARINE RESOURCES

HB 1436, exempting resident or landowner permissions for applications and permits for wildlife reductions on Long Island from the right to know law. INEXPEDIENT TO LEGISLATE

Rep. Lawrence V. Guaraldi for Wildlife and Marine Resources: The bill's sponsor agreed that this bill probably isn't necessary at this time. The bill was initiated to make it clear that persons living on Long Island who give permission to take deer on their property would not have their names released to opponents of the hunt. The Fish and Game Department, with the concurrence of the Attorney General, does not presently release those names. Consequently, the committee saw no need to enact unnecessary legislation although they concurred with the concept. Vote 10-2.

HB 1481, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. OUGHT TO PASS WITH AMENDMENT

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill permits the minimum and maximum length of lobsters which can be taken from state waters to be determined by the Executive Director. This will allow the state to react promptly to changes required by the Atlantic State Marine Fisheries Commission. Presently, the minimum length of 3 1/4" (carapace) is set by statute. New Hampshire has no maximum length at this time. This bill will bring our state in line with Maine and all other northeastern states (as soon as Massachusetts acts). The amendment totally eliminates the original bill and makes it clear that lobsters, larger than the state maximum, and taken in offshore federal waters, may be legally possessed, transported, and landed in the state. Vote 12-0.

WEDNESDAY, FEBRUARY 18

REGULAR CALENDAR

COMMERCE

HB 1127, requiring lending institutions to allow consumers to choose their own attorneys in connection with real estate financing loans. INEXPEDIENT TO LEGISLATE

Rep. Anthony Syracusa for Commerce: The subject of the bill has been debated during past sessions with the same outcome. Lending institutions require as a condition for loan application that the applicant agree to pay legal fees of the lender. Federal law clearly requires the lender to advise

the borrower to seek legal counsel to represent their own interests, accept or reject lender terms, or seek arrangements with another lending institution. Vote 10-3.

HB1286-FN, establishing a "no sales solicitation calls" list. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Gregory G. Carson for the Majority of Commerce: This legislation as written does not prevent sales solicitation calls, it mere adds a redundant layer of unnecessary bureaucracy to a troublesome problem being thoroughly debated at the federal level. The bill as written requires the Consumer Protection and Antitrust Bureau of the Department of Justice to compile and maintain a list of people who do not wish to receive telephone sale solicitation calls. The Federal Communications Commission(FCC) adopted rules in 1995 which allow for state enforcement action for telecommunications companies who violate internal do-not-call-lists. Similarly, the Federal Trade Commission(FTC) adopted rules requiring non-telecommunications companies to maintain internal do-not-call-lists. In either instance, a person receiving an unwanted call merely has to say "do not call me again" and the telemarketer is prohibited from calling them again. The telemarketing industry has taken steps to regulate itself through the Direct marketing Association(DMA) which maintains the Telephone Preference Service. This free service allows a consumer to place their name on a list which is used by telemarketing companies to scrub or remove names from call lists of those not wanting to be called. Legitimate telemarketers do not want to waste time or money on calling people who are unlikely to purchase their product. In addition to the aforementioned methods, there exist several alternatives to reduce the number of unsolicited calls. There are mechanical means such as: call ID devices, devices which politely hang up on the caller so you don't have to; and there are answering machines which allow you to screen your calls. There is an option from the telephone company to block all calls which have blocked caller ID, this prevents your telephone from ringing and the telephone company plays a message stating "...this telephone number does not accept calls of this type.." Presently, the largest provider of local service offers installation of caller ID and provides the caller ID box to consumers free of charge. This legislation might in fact create false expectations because it will not be effective in preventing all telemarketing calls to those who place their name on the list. Persons having paid for unlisted numbers would risk having that privacy violated by this legislation because unscrupulous telemarketers would have access to this public document. The majority of the committee believes there is a problem with the seemingly increasing number of interruptions of these type calls during our busy lives. With the number of options mentioned, the majority agrees there are sufficient choices to diminish unsolicited calls and believes the industry will continue to create new methods to that end. The majority of the committee, however, believes the simplest method is the most effective method, just hang up the telephone. Vote 10-5.

Rep. David T. Mittelman for the Minority of Commerce: Unsolicited telemarketing calls constitute an offensive and repetitive intrusion upon the daily lives of private individuals. This vexatious practice renders people captive in their homes and powerless over their tranquillity. While some mechanisms currently exist to address this problem, they are neither thorough nor effective. The minority of the committee therefore believe that the issue of unwanted telephone solicitations is substantial enough to warrant additional study.

HB 1301, relative to ticket scalping. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: This legislation as written does not prevent ticket scalping, it merely makes a person guilty of a violation if he or she sells a ticket for more than 15% over the original cost of a ticket to any entertainment or sporting event. It was very clear to the committee that those supporting passage of this legislation had no problem with the act of ticket scalping, they just wanted to cap profits on a free market activity. The sponsor, during his testimony, tried to make an analogy between the sale of necessities such as food, water and gasoline, when a shortage exists and the sale of niceties, such as a ticket to a sporting event. This analogy clearly does not hold true in any instance. We all know it is illegal to price gouge on necessities during a shortage. One might argue the number of Rolling Stones concert tickets are a limited commodity and therefore their price should be regulated. That line of thought, however, is a clear violation of the very cornerstone of our free market economy. Clearly there are a limited number of Picasso's and a limited number of golf clubs used by J.F.K., not everyone can afford to get into the auction, never mind place a successful bid on those items. The great equalizer in purchasing a ticket to an event is anyone can stand in line and purchase a ticket. Why should it be a concern if someone chooses to pay someone to stand in line for him or pays a company who, in turn, pays someone to stand in line for them? One's willingness to pay a premium for a ticket creates a market and employs someone otherwise not employed. In some instances, entrepreneurs have formed companies with multiple employees earning wages and paying taxes. Again, the committee wants to stress there is no factor prohibiting anyone from standing in a line and purchasing a ticket at face value, there is no price gouging of necessities and there is certainly no reason to limit entrepreneurship or free markets. Vote 14-2.

HB 1336-FN, defining medical necessity for insurance purposes. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: Medical necessity is the term health carriers use when reviewing treatment requests and claims approval. The original bill would have put a very specific definition of medical necessity into the statutes. The committee feels allowing the NH Insurance Department to review and approve individual definitions of medical necessity forces a continual review of the issue and reflects the evolution of the health care industry. The amendment also requires the health carriers to disclose their definition in clear, concise language to the subscriber. Vote 14-0.

HB 1540-FN, allowing non-banks to establish cash dispensing machines. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill establishes a legal environment in which Automated Teller Machine (ATM) services can be provided by entities other than banks or credit unions. It is the product of a study committee and has the support of the retail merchants, retail grocers, and even the banking industry itself. Technologically, these private ATMs operate much the same as the "point of sale" devices currently available at gas pumps and supermarket checkout lines. Legally, federal law and network policies already exist to address error resolution and fraud prevention. This bill adds to these consumer protections by means of an extensive disclosure system. The experiences of other states indicate few if any problems or complaints involving these machines. Moreover, it is not uncommon for merchant-owned ATMs to be offered without any surcharge fee, as a means of drawing customers into a store. Indeed, consumers will be the ultimate beneficiary of non-bank ATMs due to increased competition and greater choice. Vote 15-0.

HB 1578-FN, establishing the New Hampshire returnable beverage container law. INEXPEDIENT TO LEGISLATE

Reps. Barbara L. Spear and Keith R. Herman for Commerce: With so much emphasis and education on recycling, the committee felt it was not necessary to institute a returnable beverage container law. There would also be an income loss to some municipalities as consumers would return aluminum cans for refunds. Vote 12-1.

EDUCATION

HB 1226-FN, creating the educational credential of master teacher. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Iris Estabrook for the Majority of Education: This bill, as amended, directs the State Board of Education to create an advanced teaching credential, Master Teacher, with requirements for academic preparation, teaching experience and demonstrated quality teaching. The purposes of the credential are to provide experienced teachers an opportunity for professional growth and development and to allow them to act as mentors, supervisors and evaluators for teachers and to serve as a resource for their school and their district. Local school districts will determine whether, and in what capacity, Master Teachers will be utilized. Vote 15-3.

Rep. Michael F. Marcinkowski for the Minority of Education: This bill will add to the administrative level and additional cost to the district in future contract negotiations. This potential exists because the Master Teacher credential allows the holder to supervise and evaluate teachers.

HB 1273-FN, relative to a percentage loss of state funding as a penalty for failing to comply with minimum public school standards. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education: This bill is too complicated for the committee to deal with in the time available, therefore the decision is for interim study. There is an interest in minimum standards, concern about penalties for school districts, and a possible need for a definition of adequacy as determined in minimum standards. Vote 15-2.

HB 1526-FN-A, requiring the department of education to publish an annual report of special education statistics. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A Snyder for Education: Although this is being developed now by the Department of Education, this bill as amended provides a vehicle to inform legislators, school districts, and the public the true revenues received to cover local special education costs. The amendment includes direction for data, criteria, and categories for reporting special education. Personally identifiable information will not be disclosed. Vote 16-0.

HB 1597-FN, relative to providing more cost-effective special education services. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth K. Hoadley for Education: The amendment replaces a much longer original bill which had many features concerning special education costs. The amendment excludes special education services to persons ages 18-21 in adult correctional facilities if they had no previous individualized education program (IEP). It also requires sending school districts receive notice of court-ordered placements and allows those districts to respond with financial impacts connected with such placements. The amendment also revises procedures for appointing surrogate parents. Vote 16-0.

ELECTION LAW

HB 1156-FN-L, relative to primary elections and absentee ballots. OUGHT TO PASS WITH AMENDMENT

Rep. John Root for Election Law: This bill facilitates filing of candidacy by indigents for the offices of president and vice-president, prohibits the counting of absentee ballots prior to the closing of the polls, makes special provision for the early closing of the polls in Dixville and Hart's Location, and makes other technical changes to the election laws. Vote 13-2.

HB 1204, relative to political party expenditures. OUGHT TO PASS

Rep. Susan W. Almy for Election Law: This bill attempts to regulate soft money at the state level in an area unclaimed by the federal government. It would stop state political parties from spending funds from undisclosed sources on promotion of individual candidates. It could not stop spending from these sources on issue advocacy ads, nor would it stop soft money expenditures on party building and getting out the vote. Thus it would encourage state political parties to concentrate more on the grass roots. The committee thought that this could have a beneficial impact on our state's political culture, as well as send a useful message to Washington. Vote 12-3.

HB 1207-L, relative to the disqualification of election officials. REFER FOR INTERIM STUDY

Rep. Jackie K. Weatherspoon for Election Law: This bill requires relatives not to be involved in election duties if a relative is running for office. The committee felt that the bill has merit but it still needs work. Therefore, the committee voted to refer to committee for interim study. Vote 14-3.

HB 1218, requiring the secretary of state to print a question to the voters relative to the public financing of political campaigns on the 1998 general election ballot. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: This bill requires the Secretary of State to put a question on the ballot asking voters if they wish to give public funds to state and federal candidates as a method of campaign finance reform. The committee felt (8 to 7) that a non-binding question of this nature would be an abrogation of the legislature's responsibility to act on campaign finance bills. Vote 8-7.

Rep. Susan W. Almy for the Minority of Election Law: Like the United States Congress, this legislature has difficulty adopting meaningful campaign reform partially because the current system benefits those already in office. Although it is often said the public is not interested in the public financing of campaigns, at the hearing on the bill, two dozen citizens came out in support of the bill. By contrast, only sitting members of the House and Senate spoke in opposition. We really don't know the extent of popular support or opposition for this idea. This bill lets us hear from the electorate in the form of a non-binding referendum. In Maine, a binding referendum on this issue passed with 57% of the vote. We should give our constituents the same opportunity.

HB 1485, establishing a redistricting commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: This bill establishes a redistricting commission to accomplish only the functions prescribed by RSA 662-B:13. It further provides definitions, and methods of appointment to this commission. The bill further requires that the commission publish its product to the public as well as the General Court. The bill does not address funding of the commission's activities, but does provide for multiple attempts if the first plan fails in the House or Senate. The committee voted ITL because they felt the commission would be an unnecessary bureaucratic layer which might inhibit the legislature in the execution of its charge to redistrict decennially. Vote 10-5.

Rep. Raymond C. Buckley for the Minority of Election Law: The Minority believes that the bill provides for a fair and impartial redistricting authority. We believe that redistricting election districts should be conducted in the fairest manner possible. HB 1485 establishes a commission composed of impartial citizens charged with creating districts based on population and that no district shall be drawn for the purpose of favoring a political party, incumbent legislator, or other person or group. HB 1485 also includes many other mechanisms that would create fairness to a process that has been fraught with partisan deal making. We believe the public expects such fairness as HB 1485 would establish.

HB 1520-FN, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Patricia Krueger for the Majority of Election Law: This bill modifies the language required on primary petitions and replaces the notarization with a personal oath. It also considers expenditures made after January 1 of the election year be counted towards expenditure limitations in U.S. senatorial, congressional and gubernatorial races. This bill also addresses increased disclosure. Vote 11-5.

Rep. Raymond C. Buckley for the Minority of Election Law: Passage of this bill, as amended, would be akin to placing a band-aid on a cancerous sore if campaign finance reform is the true intent of the legislation. It removes the notarization of primary petitions, duplicates previously passed legislation which increases the spending limits, declares the arbitrarily established date of January 1 as the beginning date of a campaign regardless of the possibility of the reality of large expenditures by candidates previous to the January 1 date. But most egregious, the amendment removes the bill's original intent of establishing in law the process and timetable for the Secretary of State to post the campaign financial reports for the major offices on the Internet. HB 1520 as amended fails to credibly address the problems of the voluntary spending limit.

HB 1577-FN-A, relative to campaign finance expenditure and contribution reform. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Patricia Krueger for the Majority of Election Law: Campaign finance reform is of great concern to the committee and sections of this bill, especially regarding greater disclosure, have merit.

However, passage of this bill would have eliminated voluntary limitations in political expenditures and would have required surplus campaign contributions be donated to charitable organizations. It further prohibits political contributions from certain groups including lobbyists and unions and it also limited personal contributions and out-of-state contributions. These latter aspects of this bill compelled the majority of the committee to vote ITL. Vote 10-6.

Rep. Jane A. Clemons for the Minority of Election Law: The minority feels if we want real campaign finance reform the answer is in disclosure of money in and money out. The petitions and the spending cap have been abused consistently and the general public has demanded reform. Therefore, retaining the petitions and the spending cap is business as usual not campaign finance reform.

ENVIRONMENT AND AGRICULTURE

HB 1297-FN-A, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson for Environment and Agriculture: The committee feels that the integrated pest management program which currently is being practiced by fruit growers in this state should be expanded and funded. The IPM program has drastically reduced the use of pesticides in the apple industry while producing high grade apples. The committee feels that this type of success should be recognized. The amendment deals with the funding mechanism which is from non-appropriated revenue of the Department of Agriculture Markets & Foods pesticide registration fees to be addressed in the next biennium. Vote 18-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1259-FN, relative to the salaries of security employees of certain state institutions. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jon P. Beaulieu for the Majority of Executive Departments and Administration: This bill grants security personnel, pharmacists, and dietitians at the New Hampshire Hospital a salary differential of $5.00 per week. Since RSA 99:11 was passed in 1974, the criminally insane were moved to the high security jail. The number of persons held at the hospital reduced to a third. Jobs and job descriptions have changed immeasurably. Since RSA 99:11 passed in 1974, employees engaged in the treatment and care of patients at two additional state institutions have been added to those eligible for differential pay. In 1974, Sen. Trowbridge stated for the record, "That it is the legislative intent that the person who decides who is eligible for those extra premium payments shall be the warden or appropriate administrator at the institution." The legislative intent described by Sen. Trowbridge has never been the policy utilized over the last twenty years. Gov. Thompson at the signing of this bill in 1974 expressed reservations about some provisions in the bill stating that they were discriminatory because custodial, dietary and grounds personnel were not included for the pay differential. It is recommended that the differential pay of $5.00 per week be implemented for those three classes of employees. The total cost for the fourteen employees involved in this differential is $3,640 per year. The money is available in the current hospital budget. Vote 10-7.

Reps. James P. Pilliod, Maurice E. Goulet and Sylvia A. Holley for Executive Departments and Administration: The minority of the committee felt that this bill would open a Pandora's box and there would be additional requests for a differential pay in the amount of $5.00 per week. Presently, this is paid to those actively engaged in the care and treatment of patients at various state medical units. This bill adds security personnel to those receiving this additional pay. The initial motion was to pass with amendment and many in the minority preferred a vote for interim study. There seems to be some inequities in the present system and it does not square with the legislative intent of the original bill. The minority had no disagreement with the amount of the differential but only that as it was applied it created inequities. Far better to remove all the non-hazardous differentials and increase the pay for the employees appropriately.

HB 1304-FN, relative to the qualifications and compensation of division directors of the department of environmental services. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will place the air resources, waste management and water division directors at the same salary grade and require that all will be qualified by reason of education and experience before being nominated to the governor and council for appointment. This change will delete specific qualifications for each position. This was the original intent of HB 430, Chapter 202 in 1986 but it was amended in the senate to add specific qualifications for some of the positions. The position is a managerial position that requires expertise in the field. This change will allow the agency to get qualified persons for these positions. The present qualifications unduly restrict the agency in the recruiting of directors for these positions. Some committee members felt that the requirements should be included in the requirement of a professional engineer. There are many professional engineers in the divisions now to assist the director. The requirements in the bill will not prevent the hiring of a professional engineer if the candidate has the other qualifications. Vote 12-6.

HB 1337-FN, making technical corrections in laws related to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration: This bill, requested by the Department of Corrections, makes certain grammatical changes throughout the statutes dealing with the administration of the prison system, the most extensive of which is pluralizing the word

"prison" throughout RSA 622. In addition, it includes certain substantive changes: in RSA 21-H:8 the biennial report to the governor and council will now be annual and the commissioner is directed to designate the assistant commissioner to take over in his absence; in RSA 622 equipment purchases for the support and employment of prisoners requiring approval are increased from $1000 to $10,000 and the bill changes from a misdemeanor to class B felony the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner. The final section of the bill increases the salary of the director of administration. Vote 14-3.

HB 1377-FN, establishing a state commission on the status of men. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The commission on the status of women has existed for the past 30 years. It has served New Hampshire women well at very little cost. This bill was introduced to establish a commission on the status of men along similar lines. In view of the provisions which sunset this commission on September 1, 2003, and requires annual reports each November, the committee believes that a commission to serve the needs of men, as we have served the needs of women, is most appropriate at this time. Vote 14-4.

HB 1506-FN, changing the composition of the liquor commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: This bill would eliminate two of the three present liquor commissioners that now oversee the liquor business in New Hampshire and place the responsibility in the hands of an executive director who would handle all the functions of a chief executive officer. Approximately three years ago this committee reported out a bill to make some changes in the structure of the department. It has been a very short time since this was passed and the results look good. This should stay in place for a while before we make sweeping changes. One present commissioner is on holdover status and under this bill the other commissioner would be released but there is no indication as to how he would be dismissed and whether the balance of his term would be bought out. There appeared to be little support from the public on this subject. Vote 12-3.

Rep. Timothy N. Robertson for the Minority of Executive Departments and Administration: There are very few organizations having three managers that are managed well. The liquor commission is no exception. It is past time that this issue is studied and action taken.

HB 1508-FN, regulating the practice of hypnotherapy. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: Hypnotherapists provide a variety of services, such as smoking cessation, stress reduction, weight loss, etc. These are areas that do not qualify as medical disorders and are not considered psychopathologies. We do have many hypnotists working in New Hampshire many who use hypnotherapy as an adjunct to their professional practice in medicine, dentistry, chiropractic, etc. However, we must conclude that there are fundamental differences between a skill, a craft, and a learned profession. One striking comment was made that hypnosis is a procedure and we don't license procedures. Because hypnotherapy is currently practiced openly in New Hampshire, and certain health plans can reimburse some of these services when they have been medically referred, it was decided that licensure is not warranted at this time. Vote 11-6.

HB 1523-FN, adding security officers of the New Hampshire hospital campus security force to group II of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to transfer the security personnel from group I of the New Hampshire Retirement System into group II of the system. The security personnel are trained to the level of part-time police officers and as emergency medical personnel for assisting the staff of the hospital with difficult patients. Their present training does not meet the requirements of group II membership as full time police officers as outlined in RSA 100-A:3. Passage of this bill would mandate to the New Hampshire State Hospital that they be required to provide additional training to make the members eligible for this change. The majority of the committee felt that this was not a proper action to take. Vote 14-2.

HB 1524-FN, licensing bail recovery agents. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: While this bill has the support of several law enforcement agencies and all who testified at the hearing, the committee wishes to hold the bill for further study because several other states and the federal government are working on this subject. It is important that the committee be in a position to advise the house on any future legislation pertaining to the licensing of bail recovery agents. Vote 10-7.

HB 1528, relative to the transfer of certain administratively attached agencies from the secretary of state to the department of administrative services. REFER FOR INTERIM STUDY

Rep. Nancy C. Stickney for Executive Departments and Administration: The intent of this bill is to remove boards and commissions which are presently attached and/or linked to the office of secretary of state to administrative services. There is a concern that some boards and commissions under this constitutional office do not have to adhere to RSA 541:A rulemaking process. The committee would like to look into incorporating in this study the feasibility of administratively attaching other unattached boards and commissions to the department of administrative services as well. More information is needed to make the appropriate decision. Vote 12-6.

HB 1616-FN-L, requiring the department of revenue administration to make available to the public certain tax and real estate assessing software. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would make the software developed by the Department of Revenue Administration available to the public. The majority of the committee felt that this was not in the best interest of the state. The department is under a mandate from the legislature, who appropriated the fund to develop this program, to make this information available for a fee to help offset the set-up costs. To provide this to the public and keep it current and provide support for the software program would require additional staff which is not provided in the bill and to provide this software for a small fee and no support or updates would lead to a great deal of confusion. The use and control of this software can be accomplished through the rules process (RSA 541-A). Given these facts, a majority of the committee voted inexpedient to legislate. Vote 15-2.

FINANCE

HB 1288-FN-A-L, relative to reimbursement of funds for recipients in nursing homes. INEXPEDIENT TO LEGISLATE

Rep. W. Gordon Allen for Finance: This bill proposes a major increase in the proportion of nursing home costs paid by the state with a corresponding decrease by the counties. While the bill raises the important issue of what the proper sharing should be and the lack of rationale for the current split of 30.55% for counties and 19.45% for the state, the Committee felt it prudent to not pass the bill at this time because the issue is being negotiated by the Department of Health and Human Services as part of the long-term care plan and the state has no budgeted funds to pay any increased share. Vote 14-4.

HB 1514-FN, setting the biennial rate for the medicaid enhancement tax. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: This bill continues the biennial rate at 6% for the medicaid enhancement tax through June 30, 2001. The tax is imposed upon gross patient services of every hospital with revenues estimated to be $109.0 and $112.3 million in years 2000 and 2001. Current law states that should the legislature fail to set the rate by April 1 preceding the first fiscal year of the biennium, such rate shall be zero for that biennium. Vote 18-0.

HB 1521-FN-A, making supplemental appropriations to certain academic institutions within the university system of New Hampshire for fiscal years 1998 and 1999. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Finance: This bill requested supplemental appropriations to the University System of New Hampshire for the current biennium from money in the treasury not otherwise appropriated in the amount of $1,170,638. Proponents of the bill were hopeful that this additional appropriation would reduce the impact on in-state tuition rates. Chancellor Farrell felt that the budget process and reallocations were a fait accompli and that he could not support the initiative at this time. The committee, recognizing that there is no executive support or surplus revenues available, voted the bill Inexpedient to Legislate. Vote 12-6.

HB 1631-FN, extending the moratorium on new nursing home beds. OUGHT TO PASS

Rep. Frances L. Riley for Finance: Because there has been evidence of a decreased need for nursing home beds over the past few years, the Department of Health and Human Services reorganization act placed a moratorium on new nursing home beds through December 31, 1998. This bill extends the moratorium through December 31, 2000, at the request of the department. It is one part of a major restructuring of the state's long-term care programs. Vote 17-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1219-FN, relative to the provision of free potable water at outdoor public events. REFER FOR INTERIM STUDY

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The committee felt that this bill merited further study to address questions raised by a proposed amendment. Vote 13-3.

HB 1564-FN, relative to testing for AIDS when necessary to protect the health of law enforcement officers. INEXPEDIENT TO LEGISLATE

Rep. Paul Perkins for Health, Human Services and Elderly Affairs: The committee was certainly sensitive to the fact that law enforcement officers may be frequently exposed to HIV but felt that testing the perpetrator would not provide protection. At the present time post-exposure prophylactic therapy can begin immediately and seems to be the best course of action at this time. Vote 14-2.

JUDICIARY AND FAMILY LAW

HB 1338-FN-A, authorizing the extension and expanding the powers of the committee on investigations of the late John C. Fairbanks and others and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: The amended version of this bill aims at

establishing a committee to study three parts of the New Hampshire Constitution that relate to the judiciary as recommended by the Fairbanks II Committee. A committee of seven members of the House Judiciary and Family Law Committee will review the relationship between the constitutional authority of the judiciary and the public with special attention to the issues that relate to the interplay of the public and the judiciary. The committee will file its report by November 1, 1998. Vote 9-6.

HB 1433-FN, relative to physician aid-in-dying for certain persons suffering from a terminal condition. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: The committee spent several hours discussing this bill and worked hard to sort through the complex issues raised. That earlier motions of OTP and ITL each failed by a 9-11 vote reflects the importance the committee placed on this bill and the inability to reach a reasoned decision within the time available. The committee therefore asks the House to support the motion to send this bill to interim study in order to insure that the issues raised receive due consideration. Vote 13-7.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: There is no getting around the fact that this bill invites doctors to become accomplices in the killing of patients. Advocating enactment of any law which would diminish public advocacy on behalf of the enhancement of human life is bad public policy. It is also bad public policy to promote the idea that parties other than principals ought to be invited to make subjective, thumbs up, thumbs down, life or death decisions concerning the wisdom of the continued existence of those principals. The very idea that the state should advocate that a doctor's oath to "first do no harm" ought to include the active hastening of a patients death creates an unresolvable irrationality for the practice of medicine., Enactment of such public policy would also create a breeding ground for suspicion concerning the motivation of those responsible for providing medical care - especially when the intentions of occasionally selfish heirs are considered. There is no way to "fix" this bill.

HB 1534, granting an accused or aggrieved party the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David C. Allison for the Majority of Judiciary and Family Law: This bill, if passed, would permit a judge to say to a jury, "If you do not like the law this defendant is found guilty of, you are free to find the defendant not guilty." The committee votes to kill this bill because the committee fears that such a license could be the cause of confusion and courtroom mischief. Vote 11-5.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: The minority believes knowledge is power. Plaintiffs and defendants have a right to a fully informed jury.

LOCAL AND REGULATED REVENUES

HB 1296-FN, allowing race track licensees to offer telephone and account wagering. OUGHT TO PASS

Rep. Betsy McKinney for Local and Regulated Revenues: Telephone account wagering now exists. A bettor in New Hampshire can call New Jersey or Pennsylvania and place bets on races running at Rockingham Park now. The money goes out of state and New Hampshire tracks, horse owners and state coffers see no share of this wagering. The Pari-Mutuel commission stated that this is the way to regulate this aspect of the industry and they will promulgate rules. Vote 11-9.

HB 1352-FN-A, authorizing electronic games of chance at pari-mutuel licensee locations. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Local and Regulated Revenues: Video gambling at racetracks in other states produces millions of dollars of revenue. It is incumbent on this legislature to research whether New Hampshire could benefit from similar action here. This bill is an appropriate vehicle to facilitate this study. Local and Regulated Revenues has spent no time as a committee studying the issue in spite of polls indicating that a plurality of New Hampshire citizens support this source of revenue over all others being mentioned. When this bill is sent to interim study, the committee will be required to examine statistics, projections, social ramifications and other pertinent information for its report back to the house. Furthermore, at least one important bill was not allowed in as a late filing solution to the Claremont dilemma because HB 1352 was already under consideration. We believe that an educated committee is best able to define issues surrounding this concept. A majority of Local and Regulated Revenues feel it is appropriate to place this subject matter in interim study to preserve all viable options for raising revenue to fund education Vote 11-9.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1254-FN-L, relative to the taxation of land held for water supply purposes. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: This bill would regulate agreements between municipalities for payment in lieu of taxes for property owned or held by one municipality in another municipality for the purpose of water supply. This bill establishes a water supply mediation board to determine a fair amount of payment in lieu of taxes if the municipalities cannot come to agreement. It was brought forth in the public hearing that there were no problems existing

at the present time. The committee presently has an interim study committee working on HB 543 relative to valuation of aeronautical facilities for purposes of payment in lieu of property taxes. Both that bill and this one relate to properties being in other towns and the committee feels that they should be studied as one. The committee voted ITL with the understanding that the contents of this bill would be fully considered and explored in conjunction with the study on HB 543. Vote 12-6.

PUBLIC WORKS AND HIGHWAYS

HB 1315-L, relative to leasing of state-owned property. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works and Highways: This bill would prohibit any state agency from leasing state-owned property unless specifically authorized by the legislature. While well intentioned, the committee felt that passage of this measure would present untold problems, delays and unnecessary expense for the many leases the state is and will be involved with. Presently, any state property subject to lease is presented to the Council on Resources and Development, a committee made up of a representative of each state agency to make sure no state agency has a need for the property in question. If approved, the request then goes to the Long Range Planning and Utilization Committee, made up of members of the House, Senate and a designee from the Governor's office. If approved by this legislative committee, the request then goes to the Executive Council. The Public Works and Highways Committee feels these administrative procedures are sufficient safeguards dealing with state leases. The committee turned down one amendment to the bill and found the bill inexpedient to legislate. At a later date the committee reconsidered its action so that the sponsor could offer another amendment. That amendment was also defeated, and the bill was found inexpedient to legislate. Vote 13-3.

HJR 24-FN, requiring the department of transportation to re-elm U.S. Route 1. OUGHT TO PASS WITH AMENDMENT

Rep. Marlene M. DeChane for Public Works and Highways: Thoughtful reconsideration of this bill as amended, supports the re-elming of US Rt. 1. It further urges the Department of Transportation, Office of State Planning, as well as conservation groups, businesses, local communities and residents to join in a voluntary cooperative effort to re-elm US Rt. 1. One of America's oldest highways, Rt. 1 is also known as Main Street America. The Elm Research Institute founded in Harrisville, NH is working from the Canadian border to Key West, Florida, in a cooperative effort to re-elm one of our more scenic byways. The passage of this resolution does not incur any cost to the Department of Transportation. Vote 12-8.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1426-FN, relative to structures in or over public waters. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This piece of legislation is a request for registration of existing structures over water. The bill states that the structures "shall be registered by the owner", however, it further states "no owner shall be penalized or prosecuted for failure to register a structure". The Department of Environmental Services was unable to fully explain the necessity of this registration other than to say "it would be nice to have". Since the Wetlands Division of DES is in the process of revising rules, criteria, etc. for all permitting, the committee felt that this was a meaningless addition to their already gigantic workload. Vote 12-7.

HB 1443, relative to the time frame for the department of environmental services to act on certain wetlands applications. OUGHT TO PASS WITH AMENDMENT

Rep. H. Charles Royce for Resources, Recreation and Development: This is a simple notification bill for the Department of Environmental Services (DES) Wetlands Bureau. When an individual submits an application for wetlands work, the department has 7 (seven) working days to reply to the applicant and the applicants agent. This will only indicate the application has been received by DES. When the application is approved or disapproved, the applicant and agent will be notified in writing by the DES Wetlands Bureau. Vote 17-1.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1368, relative to distribution services and metering and billing in electric utility restructuring. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below for Science, Technology and Energy: This bill clarifies the electric utility restructuring policy principles to provide that metering and billing services be subject to competition and customer choice when it is appropriate and feasible to do so. The Public Utilities Commission is authorized to require unbundling of metering and billing after finding that it is in the public interest. The amendment refines the bill as introduced, limits the commission's authority to require unbundling until the later of July 1, 2000 or the date that electric competition exists in 70% of the state, and requires a report on unbundling of metering and billing by the commission to the legislature by December 1, 1998. The bill also makes a technical correction to the electricity consumption tax to allow for unbundling of metering Vote 18-0.

HB 1513-FN-L, 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. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill repeals the existing motor vehicle emissions tail-pipe inspection and maintenance law, and in accordance with a tentative agreement between the State of New Hampshire and the Environmental Protection Agency, replaces it with other more effective, less burdensome, less expensive emission reduction programs. The bill adds to the annual safety inspection an anti-tampering visual check for the presence of certain originally-installed emission control equipment. The bill also creates a roadside opacity testing program for diesel vehicles, to reduce smoke emissions from the dirtiest trucks. The agreement with EPA also requires that additional emissions reductions be made at electric generation stations owned by PSNH, and the State of New Hampshire is close to agreement with PSNH on the details of these reductions; the bill provides that expenditures to create these additional emission reductions will be recoverable through the fuel and purchased power clause. The committee thanks all of the state officials who contributed to the agreement with EPA to substitute this package of emission reductions, determined by recent science to be more environmentally beneficial than the tail-pipe testing originally envisioned by the Clear Air Act. Vote 18-0.

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. REFER FOR INTERIM STUDY

Rep. Clifton C. Below for Science, Technology and Energy: The committee examined the issue of re-enacting the N.H. Energy Authority. It was determined that this idea should be studied as the legislation may be necessary if resolution of electric industry restructuring cannot be accomplished in a timely fashion. Vote 18-0.

WILDLIFE AND MARINE RESOURCES

HB 1409-FN, relative to licenses for taking lobster and crab. OUGHT TO PASS WITH AMENDMENT

Rep. Allen K. MacNeil for Wildlife and Marine Resources: This bill was entered at the request of the Fish and Game Department in order for the state to comply with the mandates of the Atlantic States Marine Fisheries requirements to decrease the fishing pressure upon the lobster resources in our limited coastal waters. The bill basically divides lobster fishermen into two groups of commercial lobstermen-the number of traps allowed by each to be determined by administrative rule. The number of commercial licenses would be limited, until 2004 at which time it could be increased. The amendment became the bill, minus the effective date and made many minor changes in verbiage, plus lowered the cost of a commercial license from $500 to $300 dollars. 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.)

WEDNESDAY, FEBRUARY 18

COMMERCE, Room 302, LOB

Immediately following the House Session executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

Immediately following the House Session executive session on pending legislation.

EDUCATION, Room 207, LOB

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

Executive session on pending legislation at the conclusion of the House Session, if needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

Twenty minutes following the House Session, executive session on pending legislation.

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.

JUDICIARY AND FAMILY LAW, Room 208, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

LOCAL AND REGULATED REVENUES, Room 206, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

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

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

Executive session on pending legislation after the House Session, if necessary.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

THURSDAY, FEBRUARY 19

COMMERCE, Room 302, LOB

Immediately following the House Session executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

Immediately following the House Session executive session on pending legislation.

EDUCATION, Room 207, LOB

Executive session on pending legislation at the conclusion of the House Session, if needed.

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.

JUDICIARY AND FAMILY LAW, Room 208, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

LOCAL AND REGULATED REVENUES, Room 206, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

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

Executive session on pending legislation after the House Session, if necessary.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Immediately following the House Session 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.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

Immediately following the House Session executive session on pending legislation, if necessary.

FRIDAY, FEBRUARY 20

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

9:00 a.m. Regular meeting.

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

1:30 p.m. Investments subcommittee meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

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.

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

FRIDAY, FEBRUARY 27

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

1:30 p.m. Marketing subcommittee meeting.

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.

TUESDAY, MARCH 3

COMMERCE, Room 302, LOB

10:00 a.m. Informational meeting on health insurance for individuals.

FINANCE, Rooms 210-211, LOB

10:00 a.m. ***HB 1100-FN***, 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. (A)

1:00 p.m. ***HB 1517-FN-A-L***, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire.

1:45 p.m. ***HB 1224***, 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.(A)

2:30 p.m. ***HB 1575-FN***, relative to highway modifications on lands acquired through the land conservation investment program. (A)

3:00 p.m. ***HB 1350-FN-A***, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor.

Executive session on pending legislation to follow.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 203, LOB

3:00 p.m. Regular meeting.

WEDNESDAY, MARCH 4

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

9:00 a.m. Regular meeting.

FINANCE - (DIVISION I), Room 212, LOB

WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

9:30 a.m. - 12:30 p.m.

HB 1339-FN, regulating the sale by mail of liquor, wine and beer. (A)

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

HB 1354-FN, relative to fishing in the Connecticut River by residents of Vermont.(A)

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

HB 1106-FN, relative to special deer permits.(A)

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

HB 1422-FN, changing unemployment compensation benefits.

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

1:30 p.m. ***HB 1205-FN,*** making technical corrections to the securities laws.

HB 1224, 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. (A)

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

HB 1100-FN, 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. (A)

FINANCE - (DIVISION II), ROOM 209, LOB

WORK SESSION ON THE FOLLOWING BILL:

1:00 p.m. ***HB 1193-FN,*** relative to installing vending machines at welcome and tourist information

centers on state highways.

Executive session to follow.

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

WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

10:00 a.m. ***HB 605-FN-L***, relative to procedures regarding delinquent children under RSA 169-B. (A)

HB 606-FN-L, relative to procedures regarding children in need of services under RSA 169-D. (A)

THURSDAY, MARCH 5

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on pending legislation.

FRIDAY, MARCH 6

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

9:00 a.m. Marketing subcommittee meeting.

11:00 a.m. Administration subcommittee meeting.

12:30 p.m. Legal subcommittee meeting.

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.

WEDNESDAY, MARCH 11

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

9:00 a.m. Regular business.

9:30 a.m. Audit Reports: State of New Hampshire Management Letter June 30, 1997

State of New Hampshire Sweepstakes Commission Audit Report for the Fiscal Years Ended June 30, 1996 and 1997.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee education session with State Treasurer, Georgie A. Thomas, to discuss securitization.

FRIDAY, MARCH 13

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

9:00 a.m. Quarterly 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 Delegation will meet Wednesday, February 18 at the lunch break in Room 301, LOB.

Rep. Edwin O. Smith, Vice Chairman

Cheshire County Executive Committee

COUNTY DELEGATION NOTICE

Cheshire County Delegation will meet at 7:30 p.m. Monday, March 2 at the County Courthouse Jury Assembly Room. The purpose of the meeting is to vote on the Cheshire County Budget and take up any other business to come before the delegation.

Rep. Stephen G. Avery, Chairman

Cheshire County Delegation

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:

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.

Friday, March 6 at 10:00 a.m. in the Lower Level Conference Room of the County Administration Building, 4 Court Street, Concord. The purpose of the meeting is to 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

COUNTY DELEGATION NOTICE

Strafford County Policy and Procedures Subcommittee will meet February 19th at noon in the 3rd Floor Conference Room, State House to discuss Strafford County appointee to the PDA and the Elected Officials salary levels for 1999.

Rep. Deborah F. Merritt, Chairman

Strafford County Delegation

******

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

Leo J. Callahan, Assistant Clerk

******

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

Rob Johnson, Sergeant-at-Arms

******

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

Rep. Neal M. Kurk, Chairman

Finance Committee

******

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 111, 177, 256, 443, 467, 485, 552, 559, 565, 579, 587, 616, 630, 651, 670, 676, 697, 707, 730, 734, 736, 747, 753, 774, 1211, 1350, 1490, 1545, 1579, 1582, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617, 1644 and 1664.

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

George F. Brown, 13 Grove Street, Gonic Station, Rochester, New Hampshire 03839-5511.

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

Toni M. Crosby, 36 Wood Avenue, Concord, New Hampshire 03301-2731

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

John P. Gleason, 45 English Range Road, Derry, New Hampshire 03038-5323

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

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

Karen O. Wadsworth, Clerk of the House

******

MEMBERS' NOTICES

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

******

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

******

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

******

Legislators are invited to meet with the Chair of the US House Budget Committee, John Kasich, during the lunch break on Wednesday, February 18 at the Upham Walker House. Refreshments will be provided.

Rep. Neal M. Kurk

******

All legislators are welcome at the New Hampshire Tourism Caucus meeting on Wednesday, February 18 at 4:00 p.m., or at the end of session, at the Eagle's Nest in Eagle Square, across from the State House. A presentation will be given from the Governor's Tourism Task Force on the recent report accepted by Governor Shaheen and the development of the Governor's Tourism Summit scheduled for May. Refreshments will be served. Sponsored by the NH Lodging and Restaurant Association.

Rep. Stephen G. Avery

******

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

******

Merrimack County Republican Association will meet at the Cat 'n Fiddle Restaurant on February 25 at 6:00 p.m. Jay Lucas will be the speaker. All Merrimack County Republicans are cordially invited to attend.

Rep. James A. Whittemore

******

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.

Rep. Eugene L. Gagnon

******

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, l998, 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 their "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. They 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

******

Members are asked to reserve March 22 and March 23 for the Annual Legislators' Ski Day which will be held at Attitash Bear Park in Bartlett. Special rates for Sunday afternoon skiing, Sunday night lodging at the Grand Summit Hotel, reception, and Monday skiing will be available to legislators, spouses, or guests. Even if you do not ski, plan to attend and avail yourself of the varied activities of the Mt. Washington Valley. Specific details will be forthcoming.

Rep. Gene G. Chandler

******

The Strafford County Republican Party will hold its Lincoln Day Dinner on Sunday, March 29. Details to follow.

Rep. Robert E. McKinley

******

The Department of Transportation will hold the following meetings:

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

DATE TIME GROUP CLASS/Size

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(*Finnish Team*) - 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

WEDNESDAY, FEBRUARY 18

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-0685h

Amendment to HB 1114

Proposed by the Committee on Transportation

Amend RSA 261:89-a as inserted by section 1 of the bill by replacing it with the following:

261: 89-a Antique Motor [~~Car~~] ***Vehicle or Motorcycle*** Plates. The director may permit the owner of an antique motor [~~car~~] ***vehicle or motorcycle***, as defined in RSA 259:4, to use a registration plate which was issued in the same year that the antique motor [~~car~~] ***vehicle or motorcycle*** was manufactured, provided the [~~owner obtains a permit issued pursuant to this section stating that the date of manufacture was 1942 or earlier, the~~] motor [~~car~~] ***vehicle or motorcycle*** is registered as an antique motor [~~car~~] ***vehicle or motorcycle*** under this chapter, and the number of the antique plate is recorded with the director. Any antique motor [~~car~~] ***vehicle or motorcycle*** bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor [~~car~~] ***vehicle or motorcycle*** registration certificate and a permit issued under this section. [~~The registration plate from 1942 or earlier shall be affixed to the front of the antique motor car~~]. The registration plate matching the registration certificate shall be affixed to the rear of the antique motor [~~car~~] ***vehicle or motorcycle***. ***The registration plate which was issued in the same year that the antique motor vehicle was manufactured shall be affixed to the front of the antique motor vehicle and may be affixed to either the front or rear of the antique motorcycle, provided it is not placed in a location where the registration plate is normally affixed.***

1998-0408h

Amendment to HB 1115-LOCAL

Proposed by the Committee on Election Law

Amend RSA 44:4-a as inserted by section 1 of the bill by replacing it with the following:

44:4-a Boundaries of Wards. All boundaries of wards, other than those boundaries which are coterminous with the boundaries of municipalities, shall follow easily identifiable physical features. For the purposes of this section, physical features include public and private ways, public utility lines, railroad tracks, and surface waters. Ward lines shall be clearly shown on a map of suitable scale. Those portions of physical features with names and used as ward boundaries shall be clearly labeled on the ward map.

1998-0427h

Amendment to HB 1130-FN

Proposed by the Committee on Local and Regulated Revenues

Amend the bill by replacing section 2 with the following:

2 Brew Pub Licensees Added; Reports of Delinquencies. Amend RSA 179:13, III-IV to read as follows:

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, ***brew pub licenses,*** beverage vendor importer licenses, and wholesale distributor licenses of the names of licensees ***who are*** delinquent ***in making payments of a total amount of $100 or more*** under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, beverage vendor importer license, ***brew pub license,*** wholesale distributor license or beverage representative license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

IV. [~~The sum of $150 shall be added to the fees provided under RSA 178:27 and collected by the commission for each failure of a holder of a beverage manufacturer license, beverage vendor license, beverage vendor importer license, wholesale distributor license, or beverage representative license to comply with the provisions of this section.~~] ***The commission may impose a fine of not less than $100 nor more than $500 for a violation of this section.*** Determinations of a failure to comply with this section shall be made by the commission.

1998-0737h

Amendment to HB 1138-FN-LOCAL

Proposed by the Committee on Public Works and Highways

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

1 New Hampshire Route 111 Bypass Project. The department of transportation is hereby urged to make the New Hampshire route 111 bypass project a top priority and move to start and complete such project at the earliest possible date in the event highway funds, federal or state, exceed current or future projections.

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

AMENDED ANALYSIS

This bill urges the department of transportation to make the New Hampshire route 111 bypass project a top priority in the event highway funds exceed current or future projections.

1998-0683h

Amendment to HB 1146

Proposed by the Committee on Municipal and County Government

Amend RSA 35:15, III(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.

1998-0530h

Amendment to HB 1156-FN-LOCAL

Proposed by the Committee on Election Law

Amend RSA 657:15 as inserted by section 3 of the bill by replacing it with the following:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. [~~Copies of said lists with names only shall be posted at the polling places on the day of election as provided in RSA 658:27.~~] ***Candidates whose names appear on the ballot may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.***

1998-0604h

Amendment to HB 1170-FN

Proposed by the Committee on Election Law

Amend RSA 664:17 as inserted by section 1 of the bill by inserting after paragraph IV the following and renumbering the original paragraphs V and VI to read as VI and VII, respectively:

V. Any removing authority may notify a candidate or campaign office of a candidate that a political advertisement promoting such candidate is improperly placed within the jurisdiction of the removing authority. If the sign or signs identified are removed within a timeframe specified in such notice, the provisions of paragraph II may be waived.

Amend RSA 664:17, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Any person who violates any provision of paragraph VI, shall be guilty of a misdemeanor pursuant to RSA 664:21, V.

1998-0610h

Amendment to HB 1201-FN

Proposed by the Committee on Transportation

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

1 Definition of Repairer Modified. Amend RSA 259:87 to read as follows:

259:87 Repairer. "Repairer" shall mean any person who is [~~actively and regularly engaged in the business of rebuilding, or repairing, vehicles~~] ***principally engaged in the motor vehicle business, but who is not a dealer and*** who has an established place of business.

2 Utility Plate Use Modified. Amend RSA 261:121 to read as follows:

261:121 Use of Utility Plates.

I. Utility registration shall be used only for moving non-motorized vehicles or chassis with specialized equipment which are either owned or not owned by the utility dealer for business purposes, including but not limited to delivery, demonstration, sale, or repair.

II. A supplemental utility plate may be issued to a utility dealer for the sole purpose of allowing a customer to test drive motor vehicles taken in trade.

3 Application for Repairer Registration; Use Modified. Amend RSA 261:136 to read as follows:

261:136 Application for Repairer Registration. A repairer may make application to the department, upon blanks furnished by it for that purpose, [~~for a general distinguishing number for use of any unregistered motor vehicle not owned by him and temporarily in his custody for no other purpose than the trial or adjustment of such motor vehicle, and for use upon any motor vehicle owned by him and used in direct connection with his repair business for service or towing purposes only. The director may, if he is satisfied with the facts stated in the application, issue to the applicant a certificate of registration containing the name, residence, and address of such applicant and the distinguishing number assigned, and such other information as the director may determine.~~] ***and for a supplemental repair plate.***

4 New Section; Use of Repairer Registration. Amend RSA 261 by inserting after section 136 the following new section:

261:136-a Use of Repairer Registration.

I. A repairer may use a repairer registration on unregistered vehicles not owned by the repairer and temporarily in the repairer's custody for transport to or from the repair facility for the purposes of repair, adjustment, reconditioning, or to install after market equipment.

II. The repairer may use a repair plate on tow trucks or service vehicles, provided the vehicle is clearly marked not for hire.

III. The repairer may use a supplemental repair plate on vehicles owned by the repairer and offered for sale for the sole purpose of allowing a customer to test drive the vehicle.

IV. A repairer shall not make personal use of the repair plate or the supplemental repair plate.

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

AMENDED ANALYSIS

This bill modifies the definition of "repairer" to include those persons who reupholster motor vehicles. The bill also authorizes repairers to use repairer registration numbers to deliver vehicles and creates a new section defining the appropriate uses of a repairer registration.

1998-0585h

Amendment to HB 1208

Proposed by the Committee on Public Works and Highways

Amend the bill by replacing section 1 with the following:

1 Housing Finance Authority Authorized to Sell or Transfer Land. Amend RSA 204-D:4, V to read as follows:

V. The authority [~~shall not sell any land which is transferred to the authority pursuant to this chapter~~] ***may sell or otherwise transfer land transferred to the authority pursuant to this chapter upon which affordable housing has been constructed only if the authority has established controls to ensure that the housing shall remain affordable to persons of low or moderate income for a period of at least 30 years after such sale or transfer. The authority may sell or otherwise transfer undeveloped land transferred to the authority under this chapter only after receiving approval from the council on resources and development established in RSA 162-C.*** The authority may lease land which is transferred to the authority under this chapter.

1998-0600h

Amendment to HB 1210-FN

Proposed by the Committee on Local and Regulated Revenues

Amend the bill by replacing section 1 with the following:

1 Beverage Manufacturer License Fee. Amend RSA 178:27, III (a) to read as follows:

(a) Beverage manufacturer license[~~, $1,692.~~]***:***

(1) Domestic sales of 15,000 barrels or less per year, $1,200;

(2) Domestic sales of more than 15,000 barrels per year, $1,692.

AMENDED ANALYSIS

This bill changes the fee for a beverage manufacturer license from $1,692 to $1,200 for domestic sales of 15,000 barrels or less and $1,692 for domestic sales of more than 15,000 barrels.

1998-0527h

Amendment to HB 1222

Proposed by the Committee on Executive Departments and Administration

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

1 Christa McAuliffe Planetarium Commission; Membership Increased. Amend RSA 188-F:59, III and IV to read as follows:

III. [~~Two~~] ***Six*** members ***who shall be from the private sector and represent the business community or the not-for-profit community***, appointed by the governor with the consent of council for a term of 3 years.

IV. The commissioner of [~~postsecondary technical education~~] ***regional community-technical colleges***, ***the president of the New Hampshire Technical Institute,*** the commissioner of cultural affairs, and the commissioner of education shall serve as ex officio members of the commission with voting rights.

2 Legislative Mileage Added. Amend RSA 188-F:60 to read as follows:

188-F:60 Offices and Compensation. The commission shall annually elect one of its members as chairperson (except that the commissioner of [~~postsecondary technical education~~] ***regional community-technical colleges*** shall not be chair), one as vice chairperson, and one as secretary-treasurer. The members of the commission shall receive no compensation for their services; however, ***legislative members shall be paid mileage at the legislative rate and other*** reasonable expenses incurred ***by the members of the commission*** in the performance of their duties shall be paid from available commission funds.

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

1998-0524h

Amendment to HB 1226-FN

Proposed by the Majority of the Committee on Education

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

1 New Subparagraph; State Board of Education; Rulemaking; Creating the Educational Credential of Master Teacher. Amend RSA 21-N:9, II by inserting after subparagraph (y) the following new subparagraph:

(z) Establishing the educational credential of master teacher as provided in RSA 189:14-f.

2 New Paragraph; Teaching Certification. Amend RSA 186:8 by inserting after paragraph III the following new paragraph:

IV. Certification standards for advanced teaching credentials, including administering the master teacher credential as provided in RSA 189:14-f.

3 New Paragraph; Certification Standards For The Credential of Master Teacher. Amend RSA 186:11 by inserting after paragraph XXXIV the following new paragraph:

XXXV. Certification Standards For The Credential of Master Teacher. Adopt rules creating the educational credential of master teacher based on the provisions of RSA 189:14-f.

4 New Section; Master Teacher. Amend RSA 189 by inserting after section 14-e the following new section:

189:14-f Master Teacher. The state board of education shall create the educational credential of master teacher including requirements for academic preparation, teaching experience, and demonstrated quality teaching. The purposes of this credential are to allow experienced teachers to act as mentors, supervisors, and evaluators for teachers, and to provide experienced teachers an opportunity for professional growth and development, and to serve as a resource for their school and their district. Master teachers shall have no authority to effectively recommend any personnel action. However, their activities may form the basis for an independent administrative performance review.

5 Progress Report. The state board of education shall report on its progress in implementing the master teacher credential no later than July 1, 1999 to the education committees of the house and senate.

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

1998-0528h

Amendment to HB 1233

Proposed by the Committee on Executive Departments and Administration

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

1 New Section; Administrative Attachment. Amend RSA 332-G by inserting after section 3 the following new section:

332-G:4 Administrative Attachment. Any regulatory board or commission established after July 1, 1998 which is not designated as administratively attached to any department of the state shall be administratively attached, according to the provisions of RSA 21-G:10, to the department of administrative services.

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

AMENDED ANALYSIS

This bill provides that any board or commission established after July 1, 1998 which is not designated as administratively attached shall be attached to the department of administrative services.

1998-0597h

Amendment to HB 1235-FN

Proposed by the Committee on Commerce

Amend RSA 12-A:37-39 as inserted by section 2 of the bill by replacing it with the following:

12-A:37 Recognition of Federal Grant Recipients. The director may issue a suitable plaque to New Hampshire residents that receive federal small business innovation research grants recognizing their achievement. The director shall also recommend that the governor issue a letter of commendation to all such recipients.

12-A:38 Matching Grants. The director may recommend to the review committee established in RSA 12-A:2-f that first-time federal grant recipients recognized under RSA 12-A:37 receive a grant from the New Hampshire economic development fund of up to $50,000 to match the federal support received.

12-A:39 Seminars. The director may organize an annual seminar to promote and explain the small business innovation research program to members of the public. Participants in the seminar shall include previous grant recipients and representatives of relevant state agencies as determined by the director.

1998-0684h

Amendment to HB 1245

Proposed by the Committee on Executive Departments and Administration

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:

1 New Paragraph; Legislative Review of Investment Policy. Amend RSA 100-A:15 by inserting after paragraph VII the following new paragraph:

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant this section shall be subject to review by the legislature at least every 5 years. The review by the legislature, after acceptance by the general court, shall be published in the next comprehensive annual investment report of the retirement system. The legislative budget assistant shall inform the speaker of the house and the president of the senate when review is required under this paragraph. The legislative budget assistant shall also monitor compliance by the retirement system of the inclusion of any and all written reviews in the comprehensive annual investment report

AMENDED ANALYSIS

This bill repeals a prospective amendment to RSA 100-A:15, I, which was adopted in 1995, 271:2 and which would have amended, effective June 30, 1998, the authority of the board of trustees to invest in certain banking, trust, or international investments.

This bill also adds a provision for legislative review of the investment practices of the retirement system board of trustees.

1998-0390h

Amendment to HB 1247

Proposed by the Committee on Education

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

AN ACT establishing a study committee relative to access to public school facilities and programs by home school students.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study access to public school facilities and programs by home school students.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall examine the following issues:

I. Access by home school students to public school facilities and programs, including, but not limited to, facilities and programs for art, music and science.

II. Whether current law provides for such access.

III. If current law does not provide for such access, then which laws, if any, assure equal access.

Amend the bill by replacing section 6 with the following:

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

1998-0567h

Amendment to HB 1259

Proposed by the Majority of the Committee on Executive Departments and Administration

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

AN ACT relative to salary differentials for certain employees of the New Hampshire Hospital.

Amend the bill by replacing section 1 with the following:

1 Salary Differentials; New Hampshire Hospital Security Employees, Pharmacists, and Dieticians Added. Amend RSA 99:11, I to read as follows:

I. The annual salaries of classified employees who are actively engaged in the care and treatment of patients or inmates at the New Hampshire hospital, Laconia developmental services, Glencliff home for the elderly, New Hampshire veterans' home, and the youth development center***, and the security employees, pharmacists, and dieticians employed at the New Hampshire hospital,*** shall be increased by a $5 per week differential. This paragraph shall not apply to those employees who receive hazardous duty pay under RSA 99:10.

AMENDED ANALYSIS

This bill grants security personnel, pharmacists, and dieticians at the New Hampshire hospital, a salary differential of $5 per week.

1998-0727h

Amendment to HB 1262-FN-A

Proposed by the Committee on Executive Departments and Administration

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

AN ACT relative to authority for the board of medicine to employ a medical review subcommittee administrator.

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

1 Purpose. It is the purpose of this act to permit the board of medicine to employ as necessary a licensed physician as the administrator of the medical review subcommittee for the purpose of enabling the board of medicine to respond to and prioritize complaints, conduct investigations, and determine appropriate discipline of physicians.

2 Board of Medicine to Employ a Physician as Subcommittee Administrator. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 7 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and 6 other persons, no more than 5 of whom shall be physicians. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. ***The board shall employ a physician as a medical review subcommittee***

administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

3 Medical Review Subcommittee Administrator; Funding; Duties. The cost of salary, benefits, and expenses for the medical review subcommittee administrator position established in RSA 329:17, V-a, as amended by section 2 of this act, shall be paid from existing license fees collected by the board of medicine. The board shall develop criteria for the position of medical review subcommittee administrator and shall determine the scope of duties. The position may be part time at the discretion of the board.

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

AMENDED ANALYSIS

This bill requires the board of medicine to employ a physician full or part-time as medical review subcommittee administrator the cost of which shall be paid from existing fees of the board.

1998-0587h

Amendment to HB 1284-FN-A

Proposed by the Committee on Public Works and Highways

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

AN ACT directing the liquor commission to study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

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

1 Liquor Commission; Study and Report. The liquor commission, with cooperation from the division of public works, department of transportation and the department of administrative services shall study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene. The liquor commission is authorized to use any existing funds not otherwise obligated for the purposes of this act. The liquor commission shall submit a report on this study and investigation to the governor, the speaker of the house, and the senate president on or before November 1, 1998.

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

AMENDED ANALYSIS

This bill directs the liquor commission, with cooperation from the division of public works, department of transportation and the department of administrative services, to study and submit a report to the governor and presiding officers of the legislature on the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

1998-0746h

Amendment to HB 1291-FN

Proposed by the Committee on Resources, Recreation and Development

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

1 Directors of Forests and Lands and Parks and Recreation; Admission Without Charge; State-Owned Ski Areas Operated by a Lessee Exempted. Amend RSA 218:5-c to read as follows:

218:5-c Admission Without Charge. Any person who is a resident of this state and who has attained the age of 65 shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches***,*** and ***state-operated*** ski areas, without charge. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying

under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas ***or state-owned ski areas operated by a lessee***.

2 Department of Resources and Economic Development; State Ski Operations; Management; Cannon Mountain Deleted. Amend RSA 12-A:24-25 to read as follows:

12-A:24 State Ski Operations. The director of parks and recreation shall be responsible for the management and operation of the state ski [~~areas~~] ***area*** at Mount Sunapee [~~and Cannon Mountain~~], as provided in RSA 216-A:2.

12-A:25 Marketing and Ski Service Administrator; Mountain [~~Managers~~] ***Manager***. The commissioner of resources and economic development shall appoint an administrator of ski area marketing and ski services, and [~~2~~] ***a*** mountain [~~managers, one~~] ***manager*** for [~~each of~~] Mount-Sunapee [~~and Cannon Mountain~~], who shall serve at the pleasure of the commissioner. These positions shall be unclassified positions.

3 Department of Resources and Economic Development; State Ski Operations; Management; Mount Sunapee Deleted. Amend RSA 12-A:24-25 to read as follows:

12-A:24 State Ski Operations. The director of parks and recreation shall be responsible for the management and operation of the state ski [~~areas~~] ***area*** at [~~Mount Sunapee and~~] Cannon Mountain, as provided in RSA 216-A:2.

12-A:25 Marketing and Ski Service Administrator; Mountain [~~Managers~~] ***Manager***. The commissioner of resources and economic development shall appoint an administrator of ski area marketing and ski services, and [~~2~~] ***a*** mountain [~~managers, one~~] ***manager*** for [~~each of Mount Sunapee and~~] Cannon Mountain, who shall serve at the pleasure of the commissioner. These positions shall be unclassified positions.

4 Department of Resources and Economic Development; State Ski Operations; Purchases and Transfers; Cannon Mountain Deleted. Amend RSA 12-A:27-28 to read as follows:

12-A:27 Field Purchase Limits. Notwithstanding the provisions of RSA 21-I:17-a, I, the director of parks and recreation may make purchases by the use of field purchase orders for expenditures of up to $1,000 for the Mount Sunapee [~~and Cannon Mountain~~] ski operations and facilities.

12-A:28 Transfers Authorized; Ski Areas. The commissioner of the department of resources and economic development may transfer funds for any specific purposes to funds for other purposes within and among the appropriations for the operation of [~~Cannon Mountain and~~] Mount Sunapee. The commissioner shall report on a quarterly basis to the legislative fiscal committee and the governor and council all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:17-a and RSA 9:17-c.

5 Department of Resources and Economic Development; State Ski Operations; Purchases and Transfers; Mount Sunapee Deleted. Amend RSA 12-A:27-28 to read as follows:

12-A:27 Field Purchase Limits. Notwithstanding the provisions of RSA 21-I:17-a, I, the director of parks and recreation may make purchases by the use of field purchase orders for expenditures of up to $1,000 for the [~~Mount Sunapee and~~] Cannon Mountain ski operations and facilities.

12-A:28 Transfers Authorized; Ski Areas. The commissioner of the department of resources and economic development may transfer funds for any specific purposes to funds for other purposes within and among the appropriations for the operation of Cannon Mountain [~~and Mount Sunapee~~]. The commissioner shall report on a quarterly basis to the legislative fiscal committee and the governor and council all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:17-a and RSA 9:17-c.

6 Public Recreation; Expansion of State Park System; Duties; Director of Parks and Recreation; Ski Areas; Cannon Mountain Deleted. Amend RSA 216-A:2, VI-IX to read as follows:

VI. The director shall purchase such merchandise for resale and such operating supplies and materials as may be necessary for the operation of the ski school, ski rental and repair, souvenir, and food services concessions at Mount Sunapee [~~and Cannon Mountain~~]. The operating costs shall be a direct charge against gross sales receipts.

VII. The director shall place an immediate emphasis within the division of parks and recreation, department of resources and economic development, on long-range planning and capital development at [~~both~~] Mount Sunapee [~~and Cannon Mountain~~] and

prepare a capital budget for planning and design to be submitted by the commissioner to the general court on a biennial basis.

VIII. [~~The director shall, under a single PAU established for Mount Sunapee and Cannon Mountain, encourage cooperative operation and interchange of personnel and equipment between the 2 ski areas.~~

~~IX~~.] The director shall be responsible for all personnel and equipment at [~~both~~] ***the*** ski operations, and any other duties that may be assigned to the director by the commissioner of resources and economic development.

7 Public Recreation; Expansion of State Park System; Duties; Director of Parks and Recreation; Ski Areas; Mount Sunapee Deleted. Amend RSA 216-A:2, VI-IX to read as follows:

VI. The director shall purchase such merchandise for resale and such operating supplies and materials as may be necessary for the operation of the ski school, ski rental and repair, souvenir, and food services concessions at [~~Mount Sunapee and~~] Cannon Mountain. The operating costs shall be a direct charge against gross sales receipts.

VII. The director shall place an immediate emphasis within the division of parks and recreation, department of resources and economic development, on long-range planning and capital development at [~~both Mount Sunapee and~~] Cannon Mountain and prepare a capital budget for planning and design to be submitted by the commissioner to the general court on a biennial basis.

VIII. [~~The director shall, under a single PAU established for Mount Sunapee and Cannon Mountain, encourage cooperative operation and interchange of personnel and equipment between the 2 ski areas.~~

~~IX~~.] The director shall be responsible for all personnel and equipment at [~~both~~] ***the*** ski operations, and any other duties that may be assigned to the director by the commissioner of resources and economic development.

8 Public Recreation; Aerial Tramways; Resident Ski Rates; Establishment and Reduction of Rates; Cannon Mountain Deleted. Amend RSA 227:13-14 to read as follows:

227:13 Establishment of Rates. The department shall not exercise its authority pursuant to RSA 227:1 and 8, to establish fees, fares and tolls at [~~Cannon Mountain and~~] Mt. Sunapee so as to discriminate against or to the detriment of, financially or otherwise, resident skiers, either directly or indirectly.

227:14 Reduced Rates. Season tickets shall be made available to any resident of this state. For the purposes of this section "resident of this state" means a person whose domicile is in this state. A discount of 25 percent shall be given by the division to state residents, when proof of residency is provided, on all season tickets and coupon books sold prior to December 15 of each year for winter facilities at Mt. Sunapee [~~and Cannon Mountain~~] state ski areas. For purposes of this section, proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph, or information including name, sex, date of birth, height, weight and color of eyes; United States passport, or an affidavit from the town clerk certifying residency. Any person who is a full-time secondary school student and who has not attained the age of 19 by May 1 of the year following any winter season shall be eligible for a junior season ticket, and all minors who have not attained the age of 15 years by May 1 of the year following any winter season shall be eligible for a child's season ticket. The commissioner of the department of resources and economic development shall make quarterly reports on season tickets issued under this section to the fiscal committee, the senate president, the speaker of the house, and governor and council.

9 Public Recreation; Aerial Tramways; Resident Ski Rates; Establishment and Reduction of Rates; Mount Sunapee Deleted. Amend RSA 227:13-14 to read as follows:

227:13 Establishment of Rates. The department shall not exercise its authority pursuant to RSA 227:1 and 8, to establish fees, fares and tolls at Cannon Mountain [~~and Mt. Sunapee~~] so as to discriminate against or to the detriment of, financially or otherwise, resident skiers, either directly or indirectly.

227:14 Reduced Rates. Season tickets shall be made available to any resident of this state. For the purposes of this section "resident of this state" means a person whose domicile is in this state. A discount of 25 percent shall be given by the division to state residents, when proof of residency is provided, on all season tickets and coupon books sold prior to December 15 of each year for winter facilities at [~~Mt. Sunapee and~~] Cannon Mountain state ski areas. For purposes of this section, proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph, or information including name, sex, date of birth, height, weight and color of eyes; United States passport, or an affidavit from the town clerk certifying residency. Any person who is a full-time secondary school student and who has not attained the age of 19 by May 1 of the year following any winter season shall be eligible for a junior season ticket, and all minors who have not attained the age of 15 years by May 1 of the year following any winter season shall be eligible for a child's season ticket. The commissioner of the department of

resources and economic development shall make quarterly reports on season tickets issued under this section to the fiscal committee, the senate president, the speaker of the house, and governor and council.

10 Repeal. The following are repealed:

I. RSA 12-A:24-25 and 27-29, relative to state ski operations.

II. RSA 216-A:2, VI-IX, relative to duties of director of parks and recreation relative to state ski operations.

III. RSA 227:2, relative to the procurement of liability insurance for Cannon Mountain.

IV. RSA 227:10, relative to the procurement of liability insurance for Mount Sunapee.

V. RSA 227:11, relative to revenues collected in connection with tramways.

VI. RSA 227:13, relative to the establishment of rates at Cannon Mountain and Mount Sunapee.

VII. RSA 227:14, relative to reduced rates for season tickets for New Hampshire residents.

11 Contingency. The commissioner of the department of resources and economic development shall certify to the secretary of state the date that the state enters into a lease agreement for the Cannon Mountain ski area, the Mount Sunapee ski area, or both. If the state enters into lease agreements for both Cannon Mountain and Mount Sunapee, section 10 of this act shall take effect upon the date that both Cannon Mountain and Mount Sunapee are subject to such lease agreements and sections 2-9 shall not take effect. If the state enters into a lease agreement for Cannon Mountain but not for Mount Sunapee, sections 2, 4, 6, and 8, and paragraph III of section 10 of this act shall take effect upon the date that Cannon Mountain is subject to such a lease agreement and sections 3, 5, 7, and 9, and paragraphs I-II and IV-VII of section 10 shall not take effect. If the state enters into a lease agreement for Mount Sunapee but not for Cannon Mountain, sections 3, 5, 7, and 9, and paragraphs IV and V of section 10 of this act shall take effect upon the date that Mount Sunapee is subject to such a lease agreement and sections 2, 4, 6 and 8, and paragraphs I-III and VI-VII of section 10 shall not take effect. If the state does not enter into a lease agreement for either Cannon Mountain or Mount Sunapee, sections 2-10 shall not take effect.

12 Effective Date.

I. Sections 2-10 of this act shall take effect as provided in section 11.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends or repeals laws relative to management of state ski areas by the department of resources and economic development. This bill also exempts state-owned ski areas operated by a lessee from the admission without charge law. Various provisions in this bill are contingent upon the lease arrangements for the Mount Sunapee and Cannon Mountain ski area operations.

1998-0720h

Amendment to HB 1297-FN-A

Proposed by the Committee on Environment and Agriculture

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

1 New Subdivision; Integrated Pest Management Program. Amend RSA 430 by inserting after section 49 the following new subdivision:

Integrated Pest Management Program

430:50 Program Established.

I. The commissioner of the department of agriculture, markets, and food shall establish an integrated pest management program. "Integrated pest management" means a sustainable approach to managing pests by combining the use of biological, cultural, physical, and chemical tactics in a way that minimizes economic, health, and environmental risks. The purpose of the

program shall be to bring about the broadest possible application of the principles of integrated pest management to agriculture, horticulture, arborculture, landscape and building maintenance, and any other areas in which economic poisons are employed. To this end, the commissioner shall work cooperatively with the university of New Hampshire agricultural experiment station, cooperative extension and college of life sciences and agriculture; other educational institutions with competence in relevant disciplines; commodity and trade organizations; conservation groups; other governmental agencies; and private sector individuals and corporations. Wherever, possible, such research, education, and evaluation endeavors shall be conducted cooperatively by 2 or more supporting entities.

II. There is established a nonlapsing fund to be known as the integrated pest management fund. Ten percent of the pesticide registration fees collected under RSA 430:38, III shall be deposited in the fund. The fund shall only be used to support the purposes of the integrated pest management program. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund.

III. The commissioner shall report by October 1 of each year to the house environment and agriculture committee and the senate environment committee concerning the use of the fund, the work accomplished, and the effectiveness of efforts to broaden application of integrated pest management principles throughout the state.

2 New Subparagraph; Integrated Pest Management Fund. Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) Moneys collected pursuant to RSA 430:50, II which shall be deposited in the integrated pest management fund.

3 Implementation Plan. The commissioner of agriculture, markets, and food shall prepare and submit to the house environment and agriculture committee, the house finance committee, the senate environment committee, and the senate finance committee, by November 1, 1998, a detailed implementation and financial plan for the integrated pest management program.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect July 1, 1998.

1998-0430h

Amendment to HB 1313

Proposed by the Committee on Local and Regulated Revenues

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

AN ACT requiring brew pub licensee's to report delinquencies by wholesale distributors.

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

1 Reports by Brew Pub Licensees. Amend RSA 179:13, I and II to read as follows:

I. Each holder of a wholesale distributor or beverage manufacturer license shall report to the commission the name and license number of any on-sale or off-sale licensee who is delinquent in making payment of accounts ***over a total of $100*** within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-sale or off-sale licensee or on the premises of a liquor/wine/beverage warehouser storing the beverages for an on-sale or off-sale licensee. Each holder of a wholesale distributor license, ***brew pub license,*** beverage manufacturer license, beverage vendor license, or beverage vendor importer license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

II. Each holder of a beverage manufacturer license, a beverage vendor license, ***brew pub license,*** beverage vendor importer

license, or wholesale distributor license shall immediately notify the commission of the receipt of the payment of any account which has been reported to the commission as delinquent. Post-dated checks beyond the 5-day reporting period shall not constitute payments of accounts for the purchases of beverages. Checks given in payment for beverages which are returned for nonpayment after the 5-day reporting period shall immediately constitute a delinquency and shall, upon return, be reported to the commission. Payments collected by beverage representatives or agents shall be reported as delinquent unless actually received at the place of business of the holder of the beverage manufacturer license, beverage vendor license, ***brew pub license,*** beverage vendor importer license, or wholesale distributor license on or before the fifth day of the reporting period. Payment of licensees' accounts by a holder of a beverage representative license when not actually collected from the licensee shall constitute a delinquency. When collections are made by a beverage representative or agent, the sales slips or invoices shall be clearly marked with the name of the person making the collection and the date of such collection.

2 Notification to Retailers; Brew Pub Licensees. Amend RSA 179:13, V to read as follows:

V. Each wholesale distributor***, brew pub licensee,*** or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's***, brew pub licensee's,*** or beverage manufacturer's notification, providing the requirements of this section have been met.

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

AMENDED ANALYSIS

This bill requires brew pub licensees to report to the liquor commission wholesale distributor licensees who are delinquent in making payment of accounts.

1998-0747h

Amendment to HB 1333-FN-LOCAL

Proposed by the Committee on Election Law

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

AN ACT relative to the erection of voting booths at polling places.

Amend the bill by replacing section 1 with the following:

1 Pre-Election Procedure; Preparation of Polling Place; Arrangement; Number of Voting Booths to be Erected. Amend RSA 658:9, II to read as follows:

II. The voting booths shall be in plain view of the election officers, and both they and the ballot box shall be in plain view of those outside the guardrail. Each of said booths shall have 3 sides enclosed, one side in front to open and shut by a door swinging outward or to be enclosed with a curtain. Each side of the booths shall be not less than 6 feet high. The booth shall be between 28 and 36 inches wide, and between 28 and 36 inches deep. The door or curtain shall extend to within 2 feet of the floor and shall be closed while the voter is marking his ballot. Each booth shall be well lighted and shall contain a shelf between 12 and 15 inches wide running the width of the booth at a convenient height for writing. The number of such voting booths ***available at each polling place*** shall not be less than one for every 125 voters or fraction thereof qualified to vote at such polling places. There shall not, in any case, be fewer than 2 of the voting booths described in this paragraph and one of the voting booths described in paragraph III at any polling place. The number of booths erected at the polling place shall be the number estimated by the selectmen to be necessary for the efficient conduct of the election plus any additional number requested by the moderator.

AMENDED ANALYSIS

This bill provides that the number of voting booths erected at a polling place shall be determined by the selectmen and the moderator.

1998-0736h

Amendment to HB 1336

Proposed by the Committee on Commerce

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

AN ACT defining medical necessity for managed care insurance purposes.

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

1 New Section; Filing Requirements for Medical Necessity Definitions. Amend RSA 420-J by inserting after section 7 the following new section:

420-J:7-a Filing Requirements for Medical Necessity Definitions.

I. A health carrier shall maintain a definition of medical necessity and shall file with the insurance department a copy of the health carrier's definition of medical necessity. Any subsequent modifications to the definition also shall be filed. The department shall have 60 days after such filing to object to a health carrier's definition of medical necessity; provided that if the department does not object within the 60-day period, such definition shall be deemed approved.

II. A health carrier shall provide a copy of the health benefit plan's medical necessity definition set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons. The definition shall be written in easily understandable language, and shall be referenced in any table of contents of the above mentioned materials.

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

AMENDED ANALYSIS

This bill requires health carriers offering managed care plans to define "medical necessity" and to file such definition for approval by the insurance department.

1998-0782h

Floor Amendment to HB 1336

Proposed by Rep. Fuller-Clark

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

AN ACT defining medical necessity for insurance purposes.

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

1 New Section; Minimum Standards for Medically Necessary Care; Standards for Accident and Health Insurance. Amend RSA 415-A by inserting after section 6 the following new section:

415-A:7 Minimum Standards for Medically Necessary Care.

I. Any insurer that offers, sells, issues, or renews an individual or group policy of accident or health insurance coverage in this state shall include a definition of "medically necessary" which includes at a minimum the standards as provided in paragraph II.

II. "Medically necessary" services or supplies are:

(a) Covered services or supplies that a reasonably prudent health care provider would deem necessary to diagnose, prevent or treat a covered medical condition, injury, disease or symptom;

(b) Those consistent with nationally accepted professional standards of medical practice;

(c) Without which the patient's condition, injury, disease or symptom would be adversely affected; and

(d) Those provided in sufficient duration, amount and scope such that they are safe and efficacious.

2 New Subparagraph; Definition Required. Amend RSA 415-A:4, III by inserting after subparagraph (f) the following new subparagraph:

(g) Definition of "medically necessary", as defined in RSA 415-A:7, which must be satisfied for insurer's coverage of health care services and supplies.

3 New Paragraph; Requirement Added. Amend RSA 420-H:4 by inserting after paragraph V the following new paragraph:

VI. The definition of "medically necessary", as defined in RSA 415-A:7, which must be satisfied for insurer's coverage of health care services and supplies.

4 New Section; Filing Requirements for Medical Necessity Definitions. Amend RSA 420-J by inserting after section 7 the following new section:

420-J:7-a Filing Requirements for Medical Necessity Definitions.

I. A health carrier shall maintain a definition of medical necessity which at least meets the standards of RSA 415-A:7 and shall file with the insurance department a copy of the health carrier's definition of medical necessity. Any subsequent modifications to the definition also shall be filed. The department shall have 60 days after such filing to object to a health carrier's definition of medical necessity; provided that if the department does not object within the 60-day period, such definition shall be deemed approved.

II. A health carrier shall provide a copy of the health benefit plan's medical necessity definition set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons. The definition shall be written in easily understandable language, and shall be referenced in any table of contents of the above mentioned materials.

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

AMENDED ANALYSIS

This bill defines "medical necessity" for insurance purposes. The bill requires health carriers offering managed care plans to file such definition for approval by the insurance department.

1998-0648h

Amendment to HB 1337-FN

Proposed by the Committee on Executive Departments and Administration

Amend RSA 622:11 as inserted by section 6 of the bill by replacing it with the following:

622:11 Illegal Privileges. A person employed in the prisons is guilty of a misdemeanor if he negligently suffers a prisoner to be at large, or to be visited, comforted, or relieved contrary to the regulations of the prisons or the terms of the sentence of the prisoner***, and is guilty of a class B felony if he knowingly allows a controlled substance to be passed to a prisoner***.

Amend the bill by replacing section 17 with the following:

17 Salary Change. Amend RSA 94:1-a by:

I. Deleting in group M: director of administration, department of corrections.

II. Inserting in group N: director of administration, department of corrections.

AMENDED ANALYSIS

This bill allows the commissioner of the department of corrections to delegate authority to the assistant commissioner in the commissioner's absence. The bill changes the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner from a misdemeanor to a class B felony. The bill allows the department of corrections to make certain equipment purchase of up to $10,000 without the approval of governor and council and the fiscal committee.

The bill changes "prison" to "prisons" in the RSA chapters governing the administration of state prison facilities.

The bill also increases the salary of the director of administration of the department of corrections.

This bill was requested by the department of corrections.

1998-0678h

Amendment to HB 1338-FN-A

Proposed by the Committee on Judiciary and Family Law

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

AN ACT establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.

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

1 House Committee Established. There is established a committee to study the 1966 adoption of part II, article 41 of the constitution, relative to the powers of the governor; the 1966 adoption of part II, article 72-a of the constitution, relative to the judicial powers of the courts; and the 1977 adoption of part II, article 73-a, relative to the supreme court and its administration. The committee shall also examine why the wording for these articles in the questions approved by the voters differed from the wording for these articles which is currently in the constitution.

2 Membership and Compensation.

I. The members of the committee shall be 7 members of the judiciary and family law committee of the house of representatives, appointed by the speaker of the house.

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

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

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

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

AMENDED ANALYSIS

This bill establishes a house study committee to examine the adoption of part II, article 41 of the state constitution, relative to the powers of the governor, and the adoption of part II, articles 72-a and 73-a of the state constitution, relative to the judicial powers of the courts and the supreme court and its administration.

1998-0707h

Amendment to HB 1344-FN

Proposed by the Committee on Executive Departments and Administration

Amend the bill by replacing section 1 with the following:

1 Temporary Partial Workers' Compensation Benefits. RSA 99:2 is repealed and reenacted to read as follows:

99:2 Additional Increase. In addition to the increase provided in RSA 99:1 and, other provisions of law notwithstanding, classified state employees who are totally disabled as a result of work-connected accidental injury shall be entitled to all workers' compensation benefits under RSA 281-A, and by election of said employees, to sick or annual leave benefits except that the combination of workers' compensation and sick or annual leave benefits shall not exceed such employee's full pay, subject to payroll deductions with respect to sick or annual leave benefits; provided, however, that any employee on workers' compensation shall not be entitled to have each holiday added to annual leave accumulation; nor shall such employee be entitled to have any

time added to sick or annual leave accumulation while on workers' compensation; except that any employees receiving temporary partial workers' compensation indemnity benefits shall accrue leave time in accordance with RSA 98-A:6, 98-A:6-a, and 98-A:6-b. The commissioner of administrative services is hereby directed to maintain separate accounts for the payment of wage benefits and medical costs pursuant to workers' compensation benefits for state employees.

AMENDED ANALYSIS

This bill declares that any state employee receiving temporary partial workers' compensation indemnity benefits shall accrue leave time in accordance with statutes governing work on a part-time basis.

1998-0687h

Amendment to HB 1345

Proposed by the Committee on Transportation

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

AN ACT requiring drivers of motor vehicles to obey school crossing guards.

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

1 New Section; Obedience to School Crossing Guards. Amend RSA 265 by inserting after section 3 the following new section:

265:3-a Obedience to School Crossing Guards.

I. The driver of any vehicle shall obey the instructions of any school crossing guard invested with authority to direct, control, or regulate traffic. If the school crossing guard is displaying a signal to stop, the driver of a vehicle upon a way shall stop the vehicle at least 25 feet before reaching such school crossing guard. The driver shall not proceed until the school crossing guard indicates that traffic may proceed and until the driver can do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than $100 for the first offense and not more than $250 for any subsequent offense committed during any calendar year.

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

AMENDED ANALYSIS

This bill requires the driver of a motor vehicle to obey the instructions of school crossing guards and provides for penalties for failure to obey.

1998-0650h

Amendment to HB 1347

Proposed by the Committee on Judiciary and Family Law

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

AN ACT preserving relationships between siblings who are separated as a result of court ordered out-of-home placements.

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

1 Adjudicatory Hearing; Preservation of Sibling Relationships. Amend RSA 169-C:18, V to read as follows:

V. If the court determines that a child has been abused or neglected, the court shall order a child placing agency to make an investigation and a social study consisting of, but not limited to, the home conditions, family background, and financial assessment, school record, mental, physical and social history of the family***, including sibling relationships and residences for appropriateness of preserving relationships between siblings who are separated as a result of court ordered placement,*** and submit it in writing to the court prior to the final disposition of the case. No disposition order shall be made by a court without first reviewing the social study except pursuant to a voluntary consent order or when waived by all the parties. Preliminary orders, continued pursuant to RSA 169-C:16, may be entered or modified as appropriate until the dispositional

hearing.

2 New Section; Visitation With Siblings. Amend RSA 169-C by inserting after section 19-c the following new section:

169-C:19-d Visitation With Siblings. The court shall, whenever reasonable and practical, and based on a determination of the best interests of the child, ensure that children who have an existing relationship with a sibling and who are separated from their siblings as a result of a court decree, court order, consent order, or court-recommended placement, including but not limited to, placement in foster homes, or in the homes of parents or extended family members, have access to and visitation rights with such siblings throughout the duration of such placement, and subsequent to such placement if the children or their siblings are separated by long-term or short-term foster care placement.

3 Dispositional Hearing; Order of Protection; Contact With Siblings Included. Amend RSA 169-C:19, II (a) to read as follows:

II.(a) An order of protection may be issued setting forth conditions of behavior by a parent, relative, ***sibling,*** guardian, custodian or a household member. Such order may require any such person to:

(1) Stay away from the premises, another party, or the child.

(2) Permit a parent or other named person to visit ***supervised or otherwise, or have contact with*** the child at stated periods and under such conditions as the court may order.

(3) Abstain from harmful conduct with respect to the child or any person to whom custody of the child is awarded.

(4) Correct specified deficiencies in the home that make the home a harmful environment for the child.

(5) Refrain from specified acts of commission or omission that make the home ***or contact with the child*** a harmful environment for the child.

4 Children in Need of Services; Adjudicatory Hearing; Sibling Relationship Considered. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child 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 record and the mental, physical and social history of the child ***including sibling relationships and residences for the purpose of preserving relationships between siblings who are separated as a result of court ordered placement***. Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination or mental health evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

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

AMENDED ANALYSIS

This bill preserves relationships between siblings who are separated as a result of court ordered out-of-home placements by including the appropriateness of preserving sibling relationships as a factor to be considered under current law, and by providing for visitation between siblings who have an existing relationship and have been separated as a result of a court ordered placement.

1998-0757h

Amendment to HB 1368

Proposed by the Committee on Science, Technology and Energy

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

1 Findings. The legislature finds that technological advances have made it possible for customers to choose among competitive suppliers for metering and billing services relating to the provision of electricity. Allowing customers to choose competitive metering and billing suppliers will, over time, increase service options and lead to lower prices for those services. The legislature further finds that the commission should allow unbundling of metering and billing but only after extensive review that insures reliable service, customer benefits, and true competition among providers.

2 Electricity Consumption Tax; Instruments, Books, Records, Papers, and Other Documents; Metering. Amend RSA 83-E:7, I to read as follows:

I. ***In this paragraph, "responsible entity" means the entity responsible for metering a consumer's electric consumption.*** Every ***responsible entity*** [~~provider liable for collection of tax under this chapter~~] shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy distributed, redistributed, or transmitted by such provider for consumption in this state. ***Every responsible entity shall report to the provider such consumer's electricity consumption, in order for the provider to collect and remit the tax to the state pursuant to RSA 83-E:3.*** Every consumer making direct tax payments to the department shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy consumed by such consumer.

3 Electric Utility Restructuring; Policy Principles; Regulation and Unbundling of Services and Rates; Traditional Distribution Services. Amend RSA 374-F:3, III to read as follows:

III. Regulation and Unbundling of Services and Rates. When customer choice is introduced, services and rates should be unbundled to provide customers clear price information on the cost components of generation, transmission, distribution, and any other ancillary charges. Generation services should be subject to market competition and minimal economic regulation and at least functionally separated from transmission and distribution services which should remain regulated for the foreseeable future ***except for metering and billing which may be subjected to customer choice when it is appropriate and feasible to do so.*** However, distribution service companies should not be absolutely precluded from owning small scale distributed generation resources as part of a strategy for minimizing transmission and distribution costs. Performance based or incentive regulation should be considered for transmission and distribution services. Upward revaluation of transmission and distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers who do not own transmission and distribution facilities, should, at a minimum, be registered with the commission.

4 Electric Utility Restructuring; Implementation; Authority of Commission; Unbundling of Distribution. Amend RSA 374-F:4, VIII to read as follows:

VIII. 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. ***The commission is authorized to require the unbundling of metering and billing if the commission determines it to be in the public interest. Distribution service entities shall be allowed to compete for providing metering and billing services, subject to cost allocation regulation by the commission. When determining the public interest, the commission must find that unbundling of metering and billing is substantially consistent with the restructuring policy principles of this chapter, is technically feasible, is consistent with safe and reliable delivery of electricity, does not create significant customer confusion, and does not create unreasonable cost shifting among customers or customer classes. However, the commission shall not require unbundling of metering and billing until the later of July 1, 2000 or the date that competition has been certified, pursuant to RSA 38:36, to exist in at least 70 percent of the state.***

5 Report by Public Utilities Commission on Unbundling of Metering and Billing Services. The public utilities commission shall study the issue of unbundling metering and billing and report by December 1, 1998 to the legislative oversight committee on electric utility restructuring, the senate executive departments and administration committee, and the house science, technology and energy committee. The commission shall report its findings to date on the following subjects relative to unbundling of metering and billing services: the technological feasibility; its relation to the safe and reliable delivery of electricity; the likelihood of customer confusion; possible cost shifting among customers or customer classes; cost allocation regulation; dispute resolution among competitive electricity suppliers and distribution companies; how the obligation to connect customers is consistent with this unbundling of services; how loads will be estimated; how shutoffs will be handled; how the electricity consumption tax will be collected; how entry barriers will be minimized; how market power issues will be minimized; how potential stranded costs will be recovered; and a time line for implementation of unbundling of metering and billing for all customer classes.

6 Contingency. Section 2 shall take effect at 12:01 a.m. on the date that RSA 83-E becomes effective pursuant to 1997, 347:6. In the event that RSA 83-E does not take effect, section 2 shall not take effect.

7 Effective Date.

I. Section 2 of this act shall take effect as provided in section 6 of this act.

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

AMENDED ANALYSIS

This bill makes the metering entity responsible for measuring electricity for consumption tax purposes and provides for the unbundling of metering and billing services. This bill also requires the public utilities commission to submit a report by December 1, 1998 on the unbundling of metering and billing services.

1998-0644h

Amendment to HB 1377-FN

Proposed by the Committee on Executive Departments and Administration

Amend RSA 19-H:4 - 19-H:6 as inserted by section 1 of the bill by replacing them with the following:

19-H:4 Duties. The duties of the commission shall include, but not be limited to:

I. Examining issues and effects of cultural discrimination beginning with childhood experiences and progress in public schools, and extending to include a study of male suicide and adult concerns such as family relations.

II. Studying health problems unique to men or which predominantly affect men, and making appropriate recommendations.

III. Promoting initiatives and programs that will enable men to develop career skills and continue their education so that they become productive and responsible citizens.

19-H:5 Cooperation. The commission shall cooperate with any state or federal agency or any private organization in conducting investigations and studies in the area of the status of men. All state agencies shall assist the commission in carrying out its duties.

19-H:6 Report. The commission shall submit an annual report of its activities on or before November 1 to the governor and council, the commissioner of administrative services, the president of the senate, and the speaker of the house. The report may include any recommendations the commission has for legislation.

Amend RSA 19-H:9 as inserted by section 1 of the bill by replacing it with the following:

19-H:9 Administratively Attached. The commission shall be administratively attached to the department of administrative services.

Amend the bill by replacing section 2 with the following:

2 Prospective Repeal of Chapter. RSA 19-H, relative to the state commission on the status of men, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect September 1, 2003.

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

AMENDED ANALYSIS

This bill establishes a state commission on the status of men, and prospectively repeals the provisions of the bill effective September 1, 2003.

1998-0677h

Amendment to HB 1387-FN

Proposed by the Committee on Public Works and Highways

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

1 Art Fund. Amend the introductory paragraph of RSA 19-A:9, I to read as follows:

I. There is hereby established a non-lapsing art fund consisting of 1/2 of one percent of the ***first $15,000,000 of the*** bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund. As used in this section, "major addition" means any addition which increases by 25 percent or more the square footage of the building to which it is being added. Contracts for the following projects are excluded:

2 Members Added. Amend RSA 19-A:10, IV to read as follows:

IV. To establish selection committees of interested citizens and experts to assist in the carrying out of the provisions of this chapter. The selection committees may include the project architect, a representative of the agency involved, a professional artist, [~~and~~] a local citizen***, and either a state senator or a state representative from the district in which the project will be located***. The members of the selection committee shall serve without pay, but may be compensated for mileage by the department of cultural affairs.

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

AMENDED ANALYSIS

This bill limits the amount deposited in the state art fund to ½ of one percent of the first $15,000,000 of the bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund.

1998-0662h

Amendment to HB 1389-FN-LOCAL

Proposed by the Committee on Public Works and Highways

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

1 Statement of Intent. The general court recognizes that there is a need to streamline the process for the installation of telecommunication towers erected for commercial use in state-owned rights-of-way.

2 New Section; Agreements for Telecommunications-Related Uses of the State Highway System. Amend RSA 228 by inserting after section 31 the following new section:

228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and State-Owned Railroad Rights-of-Way. The commissioner may, with the approval of the governor and council, execute contracts, leases, licenses, and other agreements relating to the use or occupation of state-owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation and maintenance of telecommunication towers. Such agreements, which shall be for commercially reasonable value, shall not extend for a period of more than 10 years. Any leases executed pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to properly assessed real estate taxes and subject to local zoning and planning requirements. There shall be no advertising signs on these towers. The provisions of RSA 4:40 shall not apply to this section.

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

AMENDED ANALYSIS

This bill enables the commissioner of the department of transportation to enter into agreements for telecommunications-related uses of the state highway system.

1998-0472h

Amendment to HB 1392

Proposed by the Committee on Transportation

Amend RSA 263:19, II as inserted by section 1 of the bill by replacing it with the following:

II. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. ***Behind the wheel driver training may continue upon completion of classroom instruction. A person may not begin an approved driver education course until 2 months before the person has reached 16 years of age.***

AMENDED ANALYSIS

This bill provides that a person may not begin an approved driver education course until 2 months before the person has reached 16 years of age and allows behind the wheel driver training after the completion of classroom instruction.

1998-0695h

Amendment to HB 1396-FN

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 licensure and training programs for emergency medical services instructor/coordinators.

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

1 New Paragraph; Definition Added. Amend RSA 151-B:2 by inserting after paragraph V the following new paragraph:

V-a. "Emergency medical services instructor/coordinator" means a person who has completed the requirements of an instructor training program under RSA 151-B:18, VIII.

2 Licensure Required. Amend RSA 151-B:7, II(f) to read as follows:

(f) License emergency medical care providers, emergency medical service units, ***emergency medical services instructor/coordinators,*** and emergency medical service vehicles.

3 New Section; License Required; Emergency Medical Services Instructor/Coordinator. Amend RSA 151-B by inserting after section 10 the following new section:

151-B:10-a Licensure of Emergency Medical Services Instructor/Coordinators. Emergency medical services instructor/coordinators shall be licensed in accordance with rules adopted by the commissioner.

4 Fees Added. Amend RSA 151-B:13 to read as follows:

151-B:13 Fees. The commissioner may charge a fee for licensure of an emergency medical service unit, an emergency medical service vehicle, ***an emergency medical services instructor/coordinator,*** or an emergency medical care provider. However, no fee shall be charged to a nonprofit corporation or volunteer association.

5 Rulemaking Added. Amend RSA 151-B:18, I to read as follows:

I. The licensing and operation of emergency medical service units, emergency medical service vehicles, ***emergency medical instructor/coordinators,*** and emergency medical care providers, including advanced emergency medical care providers.

6 Rulemaking Added. Amend RSA 151-B:18, VIII to read as follows:

VIII. Training, including training programs for students, testing and student supervision ***and training programs for emergency medical instructor/coordinators***.

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

AMENDED ANALYSIS

This bill grants rulemaking authority to the commissioner of the department of health and human services to establish training programs for emergency medical services instructor/coordinators. The bill also requires licensure for such instructor/coordinators in accordance with rules adopted by the commissioner.

1998-0748h

Amendment to HB 1409-FN

Proposed by the Committee on Wildlife and Marine Resources

Amend the bill by replacing sections 1 and 2 with the following:

1 Lobster and Crab License; Authority of Executive Director. Amend RSA 211:18, I to read as follows:

I. No person shall take lobsters and crabs from any water under the jurisdiction of this state without first procuring a [~~special~~] ***valid and proper*** license to do so ***as provided in paragraph III***. No such taking shall occur during the time from sunset to one hour before sunrise. The executive director shall adopt rules pursuant to RSA 541-A relative to the [~~special~~] licenses to be issued ***under paragraph III*** including, but not limited to, terms, limits, ***eligibility,*** transferability, sale, exemptions, revocation, ***trap tag fees,*** and control of entry date[~~, provided that any limitation on the number of licenses issued shall require legislation authorizing such a limitation~~].

2 New Paragraphs; Lobster Licenses Established; Fees. RSA 211:18, III is repealed and reenacted to read as follows:

III. The following fees shall apply to the following licenses:

(a) If a person does not take lobsters or crabs for the purpose of selling them and does not use more than 5 traps, the person may receive a noncommercial license for the fee of $35.

(b)(1) Any individual meeting the requirements under RSA 211:23 and who possessed a valid commercial lobster and crab license or resident wholesale dealer's license pursuant to RSA 211:49-c or the provisions of former RSA 211:39-a in any year from 1994 to 1998, inclusive, and who had documented landings of more than 12,000 pounds of lobster and crab in at least 2 of those years shall be eligible to receive a commercial lobster and crab license for the fee of $300.

(2) Notwithstanding subparagraph (b)(1), the executive director may, no earlier than January 1, 2004, increase the number of commercial licenses available under this subparagraph by 5 percent, from only those individuals who hold a valid limited commercial license, provided that the National Marine Fisheries Service does not consider the fishery under the jurisdiction of the department to be overfished.

(c) Any individual who is not eligible for the commercial license under subparagraph (b) and any other individual engaged in commercial taking of lobster and crab may receive a limited commercial license for the fee of $103.

IV. The fees and fines collected under this subdivision and the expenses of enforcing the subdivision shall be accounted for separately by the executive director.

V. Nothing in this section shall pertain to the taking of green crabs.

1998-0619h

Amendment to HB 1443

Proposed by the Committee on Resources, Recreation and Development

Amend the bill by replacing section 1 with the following:

1 Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Communications to Owner and Notice to Town or City Clerk of Complete Application Added. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan, and map, shall

be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be $50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge, fill, or construction proposed and the number of boat slips requested. The rates shall be $100 per boat slip and $0.04 per square foot for all proposed projects under this chapter. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed $10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. ***The department shall send notice that the application has been received to the owner of the real estate and to the town or city clerk within 7 working days of receipt of the application from the clerk. The notice shall neither be construed to imply that the department has reviewed the contents of the application for accuracy nor that the department will not request additional information relative to the application. The department shall send copies of their written communications relative to the application, including notices and approvals, to the owner of the real estate and to the applicant and agent of the owner, if such person is different from the owner.*** The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan, and map filed at the same time with the town or city clerk to be distributed as set forth above.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires the department of environmental services to send notice to the town or city clerk when an application for an excavating and dredging permit for wetlands has been received and to forward all communications relating to the application to the owner and the applicant.

1998-0400h

Amendment to HB 1444

Proposed by the Committee on Election Law

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

2 Vacancies Among Public Officers; Executive Councilor, State Senator, and State Representative; Request for Special Primary Deadline. Amend RSA 661:8 to read as follows:

661:8 Executive Councilor; State Senator; State Representative. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82. ***No request for a special election shall be considered after March 15 of the second year of the biennium.***

AMENDED ANALYSIS

This bill requires that all parties participate in special primaries and provides that requests for special elections to fill vacancies in state public offices shall not be considered after March 15 of the second year of the biennium.

1998-0591h

Amendment to HB 1475

Proposed by the Committee on Education

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

2 Career Incentive Scholarship Program; Subdivision Heading Amended. Amend the subdivision heading immediately preceding RSA 188-D:14 to read as follows:

[~~Nursing Scholarship~~]***Career Incentive*** Program

3 Career Incentive Program; References Changed. Amend RSA 188-D:14 through 18 to read as follows:

188-D:14 [Nursing] ***Career Incentive*** Scholarships. The commission shall administer a [~~nursing~~] c***areer incentive*** scholarship program.

188-D:15 Rulemaking. The commission shall adopt rules, under RSA 541-A, to carry out the scholarship program, including establishing a reasonable maximum amount of money provided to a recipient under the program and a reasonable frequency of such loans, and setting minimum qualifications of applicants [~~who are not registered nurses~~].

188-D:16 Requirements; Terms.

I. Financial assistance shall be provided to qualified individuals who are residents in good faith of this state and need such assistance to attend [~~nursing~~] education programs approved by the commission. The loans shall be for education in [~~professional or practical nursing~~] ***programs*** given in New Hampshire, [~~and for graduate courses in nursing~~] ***which prepare recipients for careers in shortage areas as determined by the commission***.

II. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. The commission [~~may~~] ***shall*** require recipients to agree in writing to work [~~as nurses~~] ***in the shortage area for which funds were received*** in New Hampshire for a [~~substantial~~] ***specified*** period following completion of their training.

188-D:17 Loans. [~~The commission shall submit annually to the state treasurer a list of loan recipients and the amount awarded to each recipient.~~] The loans shall be paid through the financial aid office of the school in which the recipient is enrolled. The commission shall establish the maximum amount of money to be provided to a student, and the frequency of such loans, for completion of studies over the course of training [~~to be a nurse~~], provided, however, that such amount and frequency shall be reasonable.

188-D:18 Repayment.

I. Recipients of loans for one year shall have their notes canceled upon [~~satisfactory~~] completion of one year of full-time [~~nursing~~] service or part-time [~~nursing~~] service prorated to equal one year of full-time service ***in the shortage area for which funds were received*** in New Hampshire following licensure, ***certification*** or completion of the [~~graduate~~] program ***for which funding was received***. ***Repayment by service shall be completed within 3 years from the date of licensure, certification or completion of the program***.

II. Recipients of loans for more than one year shall have their notes canceled upon [~~satisfactory~~] completion of 2 years of full-time [~~nursing~~] service or part-time [~~nursing~~] service prorated to equal 2 years of full-time service ***in the shortage area for which funds were received*** in New Hampshire immediately following licensure***, certification,*** or completion of the [~~graduate~~] program ***for which funding was received***. ***Repayment by service shall be completed within 5 years from the date of licensure, certification or completion of the program***.

III. If the note is not canceled because of service [~~as a nurse~~], the recipient shall repay the loan within 2 years:

(a) After withdrawing from or completing the training program***; or***

(b) From the date of the initial request for repayment after it has been determined that the recipient will be unable to repay with service within the time specified under paragraphs I and II of this section. This time period can be extended by an order of the court. If repayment has not been canceled through service, the amount of service performed shall be prorated against the total loan amount due. As this is a benefit to the recipient, it is intended to be available to those recipients who have already received loans under this program.

IV. If a recipient refuses to repay a loan, the commission shall turn the account over to the appropriate collection agency.

V. The state treasurer shall credit all loan repayments to the [~~nurses'~~] scholarship loan fund for use in granting other

scholarship loans. Loan repayments credited to the loan fund shall be in addition to any other moneys appropriated to that fund.

VI. Nothing in this subdivision shall be construed to alter any rights or obligations incurred under RSA 326-B relative to the granting and repayment of scholarship loans.

VII. A recipient shall not be considered in violation of the repayment schedule if he or she is:

(a) Engaged in a course of study, at least on a half time basis, at an institution of higher education, or

(b) Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years, or

(c) Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years, or

(d) Unable to secure employment by reason of the care required by a disabled spouse, child, or parent for a period not to exceed 12 months.

VIII. To qualify for any of the exceptions in paragraph VII of this section, a recipient shall notify the commission of such claim to the exception and provide supporting documentation as required by the commission.

IX. During the time the recipient qualified for any of the exceptions in paragraph VII of this section, such recipient need not make the repayments required under paragraph III of this section and the commission shall extend the 2-year repayment period established under paragraph III of this section by a period equal to the length of time a recipient meets any of the conditions listed in paragraph VII of this section, or if a recipient's inability to complete the loan repayments within this 2-year period, because of a financial condition, has been established to the commission's satisfaction.

X. The commission shall cancel a recipient's repayment obligation if it determines that:

(a) The recipient is unable to work because of a permanent total disability, established on the basis of a sworn affidavit of a qualified physician, or

(b) The recipient has received relief under federal bankruptcy laws, or

(c) The recipient has died, established by a death certificate or other evidence deemed conclusive under state law.

XI. The commission shall have the power to close the accounts of recipients who have completed their repayment obligation either through service or monetary repayment, and deem accounts as uncollectable if all reasonable means of collection have been exhausted.

AMENDED ANALYSIS

This bill revises the former nursing scholarship program and expands it into a career incentive program making funding available to qualified applicants pursuing careers in certain designated career shortage areas.

1998-0740h

Amendment to HB 1481

Proposed by the Committee on Wildlife and Marine Resources

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

1 Legal Length of Lobsters; Rulemaking. RSA 211:27 is repealed and reenacted to read as follows:

211:27 Legal Length; Rulemaking.

I. No person may transport, buy, sell, give away, or expose for sale, or possess for any purpose, any lobster less than the minimum legal length alive or dead, cooked or uncooked, measuring from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. The minimum legal length shall be determined in rules adopted by

the executive director under RSA 211:62.

II.(a) Whoever ships, transports, carries, buys, gives away, sells or exposes for sale, or possesses for any purpose, lobster meat before or after the meat has been taken from the shell, without the tail meat being whole and intact, and of a length determined in rules adopted by the executive director under RSA 211:62, shall be guilty of a violation of this section.

(b) All lobster meat shall be delivered in containers marked as prescribed by rules adopted by the executive director.

(c) For the purpose of this paragraph lobster meat taken from the shell shall be laid out straight and measured from end to end and it shall not include the small part that is on the body end of the tail meat. Lobster meat within the shell shall be laid out straight and measured from the proximal end of the first abdominal section to the distal end of the telson.

III.(a) Notwithstanding the provisions of paragraphs I and II, no person licensed pursuant to RSA 211:18 shall take, possess, or land any lobster greater than the maximum legal length from or on the waters under the jurisdiction of the state.

(b) A person not licensed to take lobster in accordance with RSA 211:18 may possess, transport, and land in accordance with RSA 211:49-a, RSA 211:49-aa, and RSA 211:49-c lobster greater than the maximum legal length if the lobster was legally taken from waters outside the jurisdiction of the state.

(c) The maximum length shall be measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. The maximum legal length shall be determined by rules adopted by the executive director under RSA 211:62.

(d) All lobster possessed in accordance with this paragraph shall be whole and intact.

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

AMENDED ANALYSIS

This bill provides that the executive director of fish and game shall adopt rules to determine the legal length of lobsters.

1998-0670h

Amendment to HB 1493-LOCAL

Proposed by the Committee on Education

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

AN ACT relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings.

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

1 Legal Residence Required; Right to Attend School Pending Guardianship Proceedings. Amend RSA 193:12, II (a) (3) to read as follows:

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. ***Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.***

2 Legal Residence Required; Right to Attend School in District of Placement. Amend RSA 193:12, V to read as follows:

V. Except as provided in subparagraph II(b), nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, ***or of any child placed in the home of a relative of that child by the department of health and human services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463,*** to attend the public schools of the school district in which the home for children ***or home of the relative or friend in which a child is placed by the department of health and human services***

or by a court of competent jurisdiction is located, as provided in RSA 193:28.

3 New Paragraphs; Legal Residence Required; Placement With a Relative; Residency Disputes. Amend RSA 193:12 by inserting after paragraph V the following new paragraphs:

V-a. Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the department of health and human services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

(a) Upon request of the school district, the department of health and human services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child's well being, and not for the purpose of allowing the child to attend school in the district where the relative resides; and

(b) Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, the child being allowed to attend school in that district while the relative seeks guardianship.

V-b. Whenever a dispute arises between 2 or more school districts as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services may request in writing that the respective superintendents resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

4 Liability of Sending District. Amend RSA 193:27, IV to read as follows:

IV. "Sending district" means the school district in which a child most recently resided other than in a home for children, ***the home of a relative or friend in which a child is placed by the department of health and human services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463,*** health care facility, or state institution, if such child is not in the legal custody of a parent or if the parent resides outside the state; if the child is retained in the legal custody of a parent residing within the state, "sending district" means the school district in which the parent resides. For the purposes of this paragraph a parent shall not have legal custody if legal custody has been awarded to some other individual or agency, even if that parent retains residual parental rights***. When custody is transferred subsequent to the original placement of a child in a home for children, the home of a relative or friend in which a child is placed by the department of health and human services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, health care facility, or state institution, the "sending district" shall be, from the change in legal custody or guardianship forward, that district in which the child resided at the time of the original placement.*** An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this paragraph.

5 Right of Attendance; School District of Placement. Amend RSA 193:28 to read as follows:

193:28 Right of Attendance. Whenever any child is placed and cared for in any home for children, ***or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463,*** such child, if of school age, shall be entitled to attend the public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, provided that the school district for a child placed in a group home, as defined in RSA 170-E:25, II(b), within a cooperative school district, shall be the cooperative school district, not the pre-existing district within the cooperative.

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

AMENDED ANALYSIS

This bill clarifies the district of liability for costs of education associated with administratively or court ordered placement of children in licensed homes, facilities or institutions for children, or in an unlicensed home of a relative or friend of the child

This bill is a request of the department of education.

1998-0247

Amendment to HB 1500

Proposed by the Committee on Judiciary and Family Law

Amend the bill by replacing section 3 with the following:

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

1998-0428h

Amendment to HB 1509-FN

Proposed by the Committee on Criminal Justice and Public Safety

Amend RSA 261:58, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) The department shall update its database regularly to include information regarding an individual who is:

(1) Currently on parole.

(2) Currently on probation.

(3) Released on bail.

(4) The subject of a restraining order.

(b) The department shall make available the information required in this paragraph as soon as it becomes technologically feasible to do so.

1998-0752h

Amendment to HB 1513-FN-LOCAL

Proposed by the Committee on Science, Technology and Energy

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

AN ACT relative to vehicle emissions control equipment and testing.

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

1 New Section; Recovery of Public Utility Expenditures. Amend RSA 125-C by inserting after section 19 the following new section:

125-C:19-a Recovery of Public Utility Expenditures. All costs and expenses directly incurred by electric generating facilities for pollution reductions that are a component of, or are required in connection with, any vehicle inspection and maintenance program adopted by the state of New Hampshire and approved by the federal Environmental Protection Agency, or substitute for such program, shall be recoverable through the fuel and purchased power adjustment clause.

2 Emissions Trading Advisory Committee Renamed; Air Pollution Advisory Committee. Amend RSA 125-J:11 to read as follows:

125-J:11 Advisory Committee.

I. There is established the [~~emissions trading~~] ***air pollution*** advisory committee composed of the following members:

(a) [~~Three~~] ***Four*** representatives, appointed by the speaker of the house, of whom [~~one is~~] ***at least 3 are*** from the house science, technology, and energy committee[~~; one is from the house environment and agriculture committee; and one is from the house commerce, small business, consumer affairs and economic development committee~~]. ***At least*** one of the [~~3~~] ***4*** representatives shall be a member of a minority party.

(b) [~~Three~~] ***Four*** senators, appointed by the senate president[~~, of whom 2 are from the senate environment committee, and one is from the senate economic development committee~~].

(c) [~~The commissioner of environmental services, or designee.~~

~~(d) The director of the division of air resources, department of environmental services.~~

~~(e) The commissioner of resources and economic development, or designee.~~

~~(f) The chairperson of the public utilities commission, or designee.~~

~~(g)~~] The governor, or designee.

[~~(h) The attorney general, or designee.~~

~~(i) Two members of the public, of whom one shall represent business and industry, and one shall represent an environmental organization, appointed by the governor.~~]

I-a. The following additional members, whose terms shall be coterminous with their terms of office, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning matters subject to its purview.

(a) The commissioner of safety, or designee.

(b) The commissioner of environmental services, or designee.

II. [~~The speaker of the house shall convene the first meeting no later than July 1, 1994.~~] The committee shall elect a chairperson and vice-chairperson, and [~~subsequent~~] meetings shall be at the call of the chair or [~~6~~] ***4*** or more committee members. The terms of the members shall be coterminous with their terms of office.[~~ The terms of the public members shall be 2 years.~~]

III. The committee shall perform an ongoing evaluation of the effectiveness of the [~~emissions reduction credits trading program~~] ***following subjects*** and report its findings and recommendations to the governor and council, the speaker of the house, the senate president, the senate clerk, the house clerk, the state library, the house environment and agriculture, the science, technology and energy, and the commerce, small business, consumer affairs and economic development committees and the senate environment and economic development committees by October 1 of each year[~~.~~]***:***

(a) The effectiveness of vehicle emission related portions of the motor vehicle safety inspection.

(b) The effectiveness of the emission reductions credits trading program.

IV. The committee shall also review and make recommendations to the commissioner on any proposed rule to be adopted under this chapter.

3 Reference Changed. Amend RSA 125-J:12, II to read as follows:

II. Any proposed special temporary rules to be adopted under paragraph I shall be submitted for review and recommendation to the [~~emissions trading~~] ***air pollution*** advisory committee and the air resources council at least 30 days prior to adoption. Any proposed rules to be adopted pursuant to RSA 541-A shall be submitted to the [~~emissions trading~~] ***air pollution*** advisory committee for review and recommendation at least 30 days prior to filing a notice of proposed rule with the director of legislative services under RSA 541-A:6.

4 Diesel Testing; Penalties to Highway Fund. Amend RSA 266:25, VI to read as follows:

VI. All fines and certification fees collected pursuant to this section, RSA 260:42, RSA 260:52, RSA 260:55, RSA 265:118, RSA 266:16, RSA 266:26, ***RSA 266:59-c,*** and RSA 266:63 through 72-a shall accrue to the highway fund.

5 New Sections; Equipment of Motor Vehicles; Emission Control Equipment and Diesel Emission Testing. Amend RSA 266 by adding after section 59-a the following new sections:

266:59-b Emission Control Equipment.

I. Every motor vehicle driven on the ways of this state which is subject to inspection after December 31, 1998 under this chapter shall be equipped with all of the emission control equipment which was part of that motor vehicle as originally equipped, and be properly connected to prevent excessive emissions. Motor vehicle inspections conducted in accordance with this chapter shall visually check for the presence and proper connection of the following equipment on vehicles so equipped:

(a) Catalytic converter.

(b) Gas cap and properly fitting fuel inlet restrictor.

(c) Positive crankcase ventilation (PCV) valve and properly configured hoses.

(d) Properly connected air injection pump/pulse air systems.

II. If the commissioner determines oxygen sensor testing to be effective and appropriate, the commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee not earlier than January 1, 2000, shall adopt rules under RSA 541-A, which require every motor vehicle driven on the ways of this state which is subject to state safety inspection, after a date specified by the commissioner, but not earlier than March 31, 2000, to be tested for failures of the oxygen sensor, on vehicles originally so equipped, using an appropriate combination of an on-board diagnostic (OBD) I malfunction indicator light illumination check, a visual and voltage meter functional check, and/or vehicle characteristics.

III. For motor vehicles equipped with on-board diagnostic sensors meeting the federal Environmental Protection Agency (EPA) OBD II standards, after the EPA has implemented OBD II emission test requirements, the commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require every motor vehicle driven on the ways of this state which is subject to state safety inspection, after a date specified by the commissioner, to be tested for OBD II indications of failures. To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraphs I and II.

IV. This section shall not apply to vehicles manufactured prior to the 1975 model year.

266:59-c Diesel Emission Testing.

I. The commissioner shall adopt rules under RSA 541-A to implement a roadside diesel opacity testing program for vehicles registered either in New Hampshire or outside New Hampshire utilizing the SAE (Society of Automotive Engineers) J1667 ("Snap Acceleration") test procedure. The commissioner may provide for recognition of results of recent similar tests performed by other states on the same motor vehicle.

II. The department may impose an administrative fine for any violation of this section or rule adopted under the provisions of this section. The maximum amount of the fine which may be assessed for each violation shall be $500. The commissioner shall have the authority to waive or reduce the amount of a fine assessed during the first 6 months of the implementation of a diesel emission testing program established pursuant to this section.

III. Notwithstanding any other provision of law, in case the expenditure of additional funds over budget estimates is necessary to implement and enforce this section, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commissioner, may authorize the transfer of funds from the highway surplus account to the department of safety for such purpose.

6 Oxygen Sensor Test Pilot Program; Report Required; Intent.

I. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall conduct a voluntary pilot program to examine failures of the oxygen sensor, on vehicles originally so equipped, using a combination of an OBD I malfunction indicator light illumination check, a visual and voltage meter functional check, and/or vehicle characteristics. The pilot program shall include testing only, and shall not require repair of any vehicle. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall study the costs and the effectiveness of this pilot program and shall report any findings and recommendations to the air pollution advisory committee upon completion of the pilot program.

II. It is the intent of the legislature that the commissioner of the department of safety use the authority of RSA 266:59-b, II to implement oxygen sensor testing as part of the motor vehicle safety inspection unless the pilot program shows that this testing will not be appropriate and effective.

7 Mobile Source Remote Sensing Pilot Program; Report Required.

I. The commissioner of the department of environmental services, in consultation with the commissioner of the department of safety, shall study the effectiveness of options for a remote sensing pilot program for sensing emissions of nitrogen oxides (NOx) from some or all mobile sources of air pollution, and shall report findings and recommendations of the study to the air pollution advisory committee by November 1, 1998.

II. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall study and propose for legislative consideration implementation of a remote sensing pilot program for sensing emissions of nitrogen oxides (NOx) from some or all mobile sources of air pollution, and shall report findings and recommendations to the air pollution advisory committee by November 1, 1998.

8 Exemption for Rulemaking. The rulemaking required by the commissioner of safety under RSA 266:59-b, I and RSA 266:59-c as provided in section 5 of this act, shall be exempt from the provisions of RSA 541-A to the degree necessary to implement the provisions of RSA 266:59-b, I and RSA 266:59-c, for any rules adopted by the commissioner prior to January 1, 1999. RSA 541-A shall apply to any rules adopted after December 31, 1998 under the authority established in RSA 266:59-b, I and RSA 266:59-c as provided in section 5 of this act.

9 Repeal. The following are repealed:

I. RSA 261:72-a, relative to emissions certificates.

II. RSA 261:72-b, relative to 10-day emissions registration.

III. RSA 268, relative to vehicle emissions testing.

IV. RSA 541-A:21, I(p), relative to rulemaking exception for emissions testing.

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

AMENDED ANALYSIS

This bill:

I. Establishes requirements for motor vehicle emissions inspections as part of the annual safety inspection.

II. Repeals the existing motor vehicle emissions inspection and maintenance law.

III. Establishes roadside opacity testing for diesel vehicles.

IV. Requires the establishment of a pilot program on oxygen sensor testing.

V. Requires the study of options for a pilot program on remote emissions sensing.

VI. Combines the emissions trading advisory committee and the vehicle emissions advisory committee into the air pollution advisory committee.

1998-0692h

Amendment to HB 1520-FN

Proposed by the Majority of the Committee on Election Law

Amend the bill by replacing section 4 with the following:

4 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign

expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) [~~$500,000~~]***$625,000*** in a state primary election.

(b) [~~$500,000~~] ***$625,000*** in a state general election.

I-a. For United States senator:

(a) [~~$500,000~~ ***$625,000*** in a state primary election.

(b) [~~$500,000~~] ***$625,000*** in a state general election.

II. For representative to Congress:

(a) [~~$250,000~~]***$350,000*** in a state primary election.

(b) [~~$250,000~~] ***$350,000*** in a state general election.

III. For executive council:

(a) $50,000 in a state primary election.

(b) $50,000 in a state general election.

IV. For state senate:

(a) $20,000 in a state primary election.

(b) $20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) $.50 per registered voter in the district or the county in a state primary election.

(b) $.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on [~~his~~] ***the candidate's*** behalf by [~~his~~] ***the candidate's*** committee or committees, [~~his~~] ***the candidate's*** party, and [~~his~~] ***the candidate's*** immediate family. ***For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.*** Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Amend the bill by replacing section 5 with the following:

5 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor and executive council shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. Candidates or candidates' committees for state senate may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. The secretary of state is encouraged to make available on the Internet all campaign reports filed on a computer disk on the third business day after the filing is due. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations;

II. Replaces the notarization with an oath on primary petitions;

III. Requires primary petitions to be filed alphabetically;

IV. Increases primary expenditure limitations for governor, United States senator, and representative to Congress;

V. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy;

VI. Requires certain candidates to file reports on a computer disk for the 1998 election cycle; and

VII. Encourages the secretary of state to post campaign disclosure information relating to the 1998 election on the Internet.

1998-0541h

Amendment to HB 1526-FN-A

Proposed by the Committee on Education

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Special Education Statistics Report. Amend RSA 186-C:3-a by inserting after paragraph II the following new paragraph:

II-a. In addition to the requirements of paragraph II, the division shall annually submit a report to the commissioner of the department that shows the identification of children with educational disabilities analyzed according to the following criteria: age or grade level, number of students in each disability category, and percentage of the total number of children with educational disabilities in each disability category. The report shall also include expenditures for special education as reported to the department by school districts and state and federal revenues for special education received by school districts. The first report shall include data from the 2 preceding school years. These findings shall be reported for the state and for each school district. The report shall be based on existing special education disability categories, and any other related special education data already collected within the department or the division. The commissioner shall make this report available upon request to all legislators, school officials from school districts, school administrative units, cooperative schools, AREA schools, and the general public. In preparing such reports, the department of education shall not disclose personally identifiable information.

1998-0652h

Amendment to HB 1527

Proposed by the Committee on Science, Technology and Energy

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

AN ACT relative to unauthorized switching of telecommunications or energy-related service providers.

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

1 Findings. The general court finds that with increased competition in the provision of telecommunications and energy related services, there is a greater likelihood of unethical or questionable marketing tactics. The public utilities commission should provide assurance to consumers that they may not be switched to another carrier or provider without the express permission of the customer.

2 New Section; Public Utilities; Slamming Prohibited. Amend RSA 374 by inserting after section 28 the following new section:

374:28-a Slamming Prohibited.

I. "Slamming" is any practice that changes a consumer's telecommunications or energy-related service carrier or provider without the customer's knowledge or consent. For purposes of this section, a "customer" shall mean the person to whom the telecommunications or energy-related services are billed.

II. No person shall engage in slamming. Any person that engages in slamming shall be subject to an administrative fine in an amount to be determined by the commission, not to exceed $2,000 per offense. The commission may consider intent as a factor when assessing administrative fines.

III. The commission, upon its own motion or upon petition of any interested party, may withdraw the person's authorization to engage in business in all or any part of the territory in which it is authorized to operate whenever it shall find, after notice and public hearing, that said person has engaged in slamming.

IV. The commission shall adopt rules, pursuant to RSA 541-A, and consistent with rules adopted by the Federal Communications Commission regarding telecommunications slamming, to enforce the provisions of this section.

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

AMENDED ANALYSIS

This bill prohibits unauthorized switching of telecommunications or energy-related service providers.

1998-0706h

Amendment to HB 1531-FN

Proposed by the Committee on Resources, Recreation and Development

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 New Paragraph; Oil Spillage in Public Waters; Strict Liability for Containment, Cleanup and Removal Costs; Removal of Storage Facilities. Amend RSA 146-A:3-a by inserting after paragraph I the following new paragraph:

I-a.(a) Any operator or person who has legal ownership of real property upon which underground storage facilities or other petroleum storage facilities which are not in compliance with the requirements of RSA 146-A or RSA 146-C are located shall be strictly liable for the costs of removal. The department shall have a lien upon the real property for all costs incurred by the department in removing underground storage facilities or other petroleum storage facilities pursuant to RSA 146-A:11-a, III(f) from the real property, including interest calculated pursuant to RSA 336:1, II where such costs are not paid as prescribed by the department. Such lien shall arise at the time such costs are incurred by the department and shall continue until the liability for such costs, including interest is satisfied or becomes unenforceable. The lien shall become valid and effective against the real property upon the department's recordation of a notice of lien in the registry of deeds for the county in which the real property is located. The notice of lien shall identify the legal owner of record by name and address, the location of the real estate from which the facility was removed by the department, and the amount of the lien. The department shall send a copy of the notice of lien to the person identified in the notice at the address set forth in the notice by certified mail, return receipt requested, postage prepaid. There shall be no charge for filing the department's notice of lien. The fee for discharging the notice of lien shall be borne by the person identified in the notice of lien. The lien provided for by this section may be foreclosed in accordance with the provisions of law relating to foreclosure of mortgages on real estate upon violation of subparagraph I-a(b) of this section or upon transfer of title to the real estate

(b) Installation or replacement of underground storage facilities or other petroleum storage facilities regulated under RSA 146-A or RSA 146-C which contain or are designed to contain gasoline or diesel product on real property subject to a lien under this section shall be prohibited until such lien is discharged.

3 New Paragraph; Oil Discharge and Disposal Cleanup Fund; Penalties; Lien for Liability to Fund. Amend RSA 146-D:7 by inserting after paragraph I the following new paragraph:

I-a. Where any liability to a fund under RSA 146-D:6, RSA 146-E:6, or RSA 146-F:5 is not paid as prescribed by the oil fund disbursement board, the amount, including interest together with the costs that may accrue in addition thereto, shall become a lien in favor of the board upon all property and rights to property, whether real or personal, in the same manner as that prescribed in RSA 260:63 through RSA 260:65-a, which provisions shall govern the board's imposition and enforcement of the lien created by this section.

4 Oil Spillage in Public Waters; Tort Liability to Third Persons; Certain Claims Exempted. Amend RSA 146-A:10 to read as follows:

146-A:10 Tort Liability to Third Persons. Any person who negligently or intentionally discharges or spills oil into or on the

waters of any lake, pond, river, stream, or into tidal waters or into the groundwater of the state which causes damage to the property of another shall be liable in tort to the person whose property is so damaged in double the amount of the damages sustained by [~~him~~]***that person***. ***This section shall not apply to claims determined by the oil fund disbursement board to be eligible for reimbursement of cleanup costs or damages to third parties pursuant to RSA 146-D, RSA 146-E, or RSA 146-F.***

AMENDED ANALYSIS

This bill provides for reimbursement for removal of petroleum storage facilities from the oil pollution control fund. This bill makes operators or property owners strictly liable for removal of petroleum storage facilities that do not comply with RSA 146-A or RSA 146-C, creates a lien in favor of the department of environmental services upon the property for costs incurred by the department in removing such facilities, and prohibits the installation or replacement of petroleum storage facilities on real property subject to such a lien. This bill also creates a lien in favor of the oil fund disbursement board for certain liabilities to the fund and exempts certain claims from the law imposing double damages on persons negligently or intentionally discharging or spilling oil into or on public waters.

1998-0572h

Amendment to HB 1540-FN

Proposed by the Committee on Commerce

Amend RSA 399-F:4, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A disclaimer indicating that the operator is not a bank nor a credit union; and

Amend the bill by replacing section 2 with the following:

2 Repeal. The following are repealed:

I. RSA 384-B:7, IV, relative to operation of electronic devices or machines by persons other than banks or credit unions.

II. 1997, 301:9 and 1997, 301:10, II, relative to the prospective repeal of RSA 384-B:7, IV.

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

1998-0556h

Amendment to HB 1545-FN

Proposed by the Committee on Executive Departments and Administration

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

AN ACT increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.

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

1 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by deleting:

I. In group K, deputy labor commissioner.

II. In group N, labor commissioner.

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

I. In group M, deputy labor commissioner.

II. In group P, labor commissioner.

3 Commissioner; Term of Office. Amend RSA 273:2 to read as follows:

273:2 Term of Commissioner; Removal. The commissioner shall hold office for [~~3~~] ***4*** years from the date of [~~his~~] appointment and

until [~~his~~] ***a*** successor shall be appointed and qualified, and may be removed for cause by the governor, with the advice and consent of the council.

4 Deputy Commissioner; Term; Consent of Council Added. Amend RSA 273:7 and 8 to read as follows:

273:7 Deputy Commissioner. The commissioner shall [~~appoint~~] ***nominate for appointment by the governor*** a deputy labor commissioner***, with the consent of the council. The deputy labor commissioner shall serve for a term of 4 years***. Said deputy shall exercise the powers and perform the duties of the commissioner whenever the labor commissioner is incapacitated, absent, unable to act from any cause, or whenever the commissioner deems it advisable and in the interest of all parties concerned. Whenever there is a vacancy in the office of labor commissioner the deputy shall have the powers and duties of the commissioner until another commissioner is appointed and qualified.

273:8 Compensation. The salary of the deputy labor commissioner shall be that as fixed by RSA [~~94:1~~] ***94:1-a***.

5 Application of Term of Deputy Labor Commissioner. The term of office for the deputy commissioner of the department of labor, as provided for in RSA 273:3 as amended by section 4 of this act, shall apply to the deputy commissioner holding the office only after the incumbent deputy commissioner prior to the effective date of this act leaves the position.

6 Applicability; Salary of Incumbent Labor Commissioner and Deputy Labor Commissioner.

I. The incumbent labor commissioner on the effective date of this act shall be placed at step 3 in group P, as provided in section 2 of this act on the effective date of this act.

II. The incumbent deputy labor commissioner on the effective date of this act shall be placed at step 4 in group M, as provided in section 2 of this act on the effective date of this act.

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

AMENDED ANALYSIS

This bill increases the salary ranges and changes the terms of office of the labor commissioner and the deputy labor commissioner.

1998-0749h

Amendment to HB 1555-FN

Proposed by the Committee on Finance

Amend RSA 167:14-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. All property, real or personal, in a revocable trust is subject to recovery by the department for recovery for any medical assistance provided the decedent. Upon receipt of notice pursuant to RSA 564-A:3-b, the department shall provide the trustee with a statement containing the amount of medical assistance which was provided to the decedent.

Amend RSA 564-A:3-b, II as inserted by section 2 of the bill by replacing it with the following:

II. All property, real or personal, in a revocable trust is subject to recovery by the department for recovery for any medical assistance provided to the decedent.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Applicability. Sections 1 and 2 of this act shall apply only to revocable trusts established on or after January 1, 1999.

AMENDED ANALYSIS

This bill requires a trustee to submit a written notice to the department of health and human services of a revocable trust if the decedent had received medical assistance from the department.

1998-0446h

Amendment to HB 1573-FN

Proposed by the Committee on Executive Departments and Administration

Amend the bill by replacing section 1 with the following:

1 Nonlapsing Fund Established. Amend RSA 21-K:4, V(a) to read as follows:

(a) Accept gifts, contributions and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the [~~purpose~~] ***purposes*** of furthering the educational objectives of the programs established pursuant to RSA 19-A ***and RSA 227-C. Such funds shall be deposited in a nonlapsing fund for the purpose of this subparagraph from which payments shall be made upon warrant of the governor and council.***

1998-0745h

Amendment to HB 1597-FN

Proposed by the Committee on Education

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

1 Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal educational opportunities. It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children ***while taking into consideration the cost of that education when determining appropriateness***.

2 Definitions; Exclusion of Educationally Disabled Child. Amend RSA 186-C:2, I to read as follows:

I. "Educationally disabled child" means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to the provisions of RSA 186-C:7 and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired including blindness, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multi-disabled, traumatic brain injured, autistic, or as having specific learning disabilities, who because of such impairment, needs special education or special education and educationally related services. ***"Educationally disabled child" shall not include a child aged 18 through 21, who, in the educational placement prior to their incarceration in an adult correctional facility was not actually identified as being a child with a disability or did not have an individualized education program.***

3 Liability for Expenses; Recommendations Required. Amend RSA 186-C:13, III to read as follows:

III. No school district shall be required to pay the expenses of the education program of a child adjudicated under RSA 169-B, 169-C, or 169-D except as provided by RSA 186-C. ***The sending district shall be notified of a court ordered placment of a child adjudicated under the provisoins of RSA 169-B, 169-C, or 169-D, and may submit recommendations to the court concerning the financial impact of the placement on the sending district.***

4 Definition of Surrogate Parent Clarified; Need for Surrogate Parent Clairifed. Amend RSA 186-C:14, III to read as follows:

III. DETERMINING NEED. When, in the opinion of the commissioner of education or designee, an educationally disabled child, as defined in RSA 186-C:2, needs special education and the parent or guardian of the child is unknown or unavailable***, or after reasonable efforts, cannot be located,*** or the child is a ward of the state, the commissioner or designee shall appoint a surrogate parent who shall represent the child in the educational decision-making process.

5 Review Committee. The state department of education shall establish a committee to review parental consent requirements in the state standards and the structure of the state's due process hearing system. The committee shall report its findings to the house and senate education committees no later than November 1, 1998.

6 Repeal. RSA 186-C:7, IV, relative to the department of education review of individual education plans, is repealed.

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

AMENDED ANALYSIS

With regard to the delivery of special education services, this bill:

I. Excludes children ages 18 through 21 in an adult correctional facility who were not identified as a child with a disability prior to their incarceration or did not have an individualized education program.

II. Requires that sending districts be given notice of court ordered placements, and be permitted to submit recommendations concerning the financial impact of the placement on the district.

III. Revises the procedure for appointing a surrogate parent.

IV. Requires the department of education to establish a committee to review parental consent requirements and the structure of the state's due process hearing system.

1998-0612h

Amendment to HB 1600

Proposed by the Committee on Criminal Justice and Public Safety

Amend RSA 651:2, V(h) as inserted by section 5 of the bill by replacing it with the following:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center program established under RSA 172-B:2-b, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

1998-0613h

Amendment to HB 1605

Proposed by the Committee on Transportation

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

2 Membership and Compensation.

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

(a) Four members of the house of representatives, one from the executive departments and administration committee, one from the criminal justice and public safety committee, one from the transportation committee, and one from the wildlife and marine resources committee, appointed by the speaker of the house of representatives.

(b) Four 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's charge shall include, but not be limited to, the administration, operation, financial needs, and all other functions and responsibilities of the bureau of marine patrol and the establishment of minimum educational and training standards for employment as a marine patrol officer in temporary, seasonal status.

4 Chairperson; Quorum; Meetings. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Five members of the committee shall constitute a quorum. The committee may hold hearings and meetings in Concord or elsewhere in the state as needed.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998 and a final report on or before November 1, 1999.

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

AMENDED ANALYSIS

This bill establishes a study committee to examine the administration of marine patrol services and training for temporary seasonal marine patrol officers. The committee is to submit a report on or before November 1, 1998 and submit a final report on or before November 1, 1999.

1998-0741h

Amendment to HB 1630-FN

Proposed by the Committee on Science, Technology and Energy

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

1 New Chapter; Transportation of High Level Radioactive Waste. Amend RSA by inserting after chapter 107-C the following new chapter:

CHAPTER 107-D

Transportation of High Level Radioactive Waste

107-D:1 Definitions. As used in this chapter, the term:

I. "Carrier" means any person engaged in the transportation on the public roads or by water or by railroads in this state of goods or property in, to, or through this state, whether or not such transportation is for hire.

II. "Cask" means a package certified by the United States Nuclear Regulatory Commission for the transportation of irradiated reactor fuel or high-level radioactive waste.

III. "Commissioner" means the commissioner of the department of safety.

IV. "Department" means the department of safety.

V. "High-level radioactive waste" means:

(a) The highly radioactive material resulting from the reprocessing of irradiated reactor fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

(b) The highly radioactive material resulting from atomic energy defense activities; and

(c) Any other highly radioactive material, greater than class C in accordance with Title 10, Code of Federal Regulations, that the Nuclear Regulatory Commission, consistent with existing law, determines by rule requires permanent isolation.

VI. "Person" includes any individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency or instrumentality of the United States government or any other entity and includes any officer, agent, or employee of any of the above.

VII. "Shipper" means any person who arranges for, provides for, solicits a carrier for, consigns to a carrier for, or contracts with a carrier for shipment or transport of goods or property.

VIII. "Irradiated reactor fuel" means irradiated reactor fuel in accordance with Title 10, Code of Federal Regulations.

107-D:2 Transportation of High-Level Radioactive Waste; Requirements; Rulemaking.

I. Notwithstanding any other provision of law to the contrary, any carrier transporting high-level radioactive waste shall be subject to the requirements of this chapter.

II. No person, including the state or any agency thereof, shall transport high-level radioactive waste in, to, or through this state on the public roads of this state or by water or by any railroad in this state, whether or not the transportation originated in this state; nor shall any person deliver in this state any high-level radioactive waste to any person for transportation; nor shall any such person accept any high-level radioactive waste for transportation in this state without compliance with the following requirements:

(a) Such high-level radioactive waste shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with rules adopted by the commissioner pursuant to RSA 541-A and consistent with federal law.

(b) Compliance with any rules shall be in addition to and supplemental of other regulations of the United States Department of Transportation, United States Nuclear Regulatory Commission, and any other laws or rules of an agency of this state, applicable to such persons.

III. The commissioner shall adopt rules pursuant to RSA 541-A such that no person shall arrange for the transportation of or cause to be transported in, to, or through this state on the public roads or by water or by any railroad in this state any high-level radioactive waste unless such person shall notify the commissioner or designee in accordance with such rules.

IV. Knowledge by a shipper that a carrier proposes to transport high-level radioactive waste in or through this state on the public roads or by water or by railroad in this state shall be sufficient contact with this state to subject such shipper to the jurisdiction of the courts of this state with respect to such transport.

107-D:3 Permit Required.

I. No transportation of high-level radioactive waste shall take place in or through this state until the commissioner or designee issues a permit authorizing the applicant to operate or move upon the state's public roads, waters, or railways a motor vehicle, combination of vehicles, vessels, or rail carrier which carry high-level radioactive wastes. The commissioner or designee may recommend changes to the United States Department of Energy in the proposed dates, times, routes, detention, holding, or storage of such materials during transport as necessary to maximize protection of the public health, safety, or welfare, or of the environment. The commissioner is authorized to adopt reasonable rules which are necessary or desirable in governing the issuance of permits.

II. The department shall require as a condition of any permit, to the extent not inconsistent with federal law, the following:

(a) Each permit application and permit shall contain documentation of the carrier's federal safety rating, proof of federally required liability insurance, and a nuclear incident prevention plan and a cleanup plan acceptable to the commissioner and containing at least the following:

(1) Identification of each route and shipment to which such permit is applicable;

(2) Identification of emergency response personnel accompanying each shipment, and emergency response personnel and resources available along each route;

(3) The name, address, and emergency response training record of emergency response personnel to accompany each shipment; and

(4) Identification of foreseeable accident and shipment disruption scenarios, including worst-case scenarios, with consideration of existing studies conducted by the Nuclear Regulatory Commission, the United States Department of Energy, or other federal agencies, and written response scenarios applicable to each such accident or disruption scenario.

(b) Each permit application and permit shall specify the route to be followed for each shipment covered by such permit. Any deviation from the designated permit route shall be reported at the earliest practicable time to the department.

(c) Routes identified on such applications and permits shall be consistent with all applicable state and federal laws, rules, and regulations, and each route shall be the safest practicable route calculated to minimize the potential exposure of members of the public to the shipment while maximizing availability of emergency response personnel and resources along the route. The department shall conduct at least one public hearing to the extent not inconsistent with federal law on each proposed shipment route before issuing a permit.

(d) Each permit application and permit shall list the number of casks of high-level radioactive waste to be shipped under said permit and shall identify the type and quantity of material contained in each cask, the origin and destination of each cask, and the identifying serial number of each cask.

III. All carriers of high-level radioactive waste are required to notify the department at least 7 days prior to the transportation within this state, identifying the permit under which such waste shall be shipped and the origin, destination, and place and approximate time of entry into and exit from the state, as appropriate.

IV. The commissioner or designee may issue:

(a) An annual permit which shall allow vehicles, vessels, or rail carriers transporting high-level radioactive waste to be operated on the public roads, waters, or railroads in this state for 12 months from the date the permit is issued.

(b) A single-trip permit to any vehicle, vessel, or rail carrier.

107-D:4 Fees.

I. The department shall establish in rules adopted by the commissioner pursuant to RSA 541-A the fees for the issuance of permits.

II. A fee shall be paid by the owner of the shipment for the purpose of defraying the expenses of the department in inspection, regulation, management, and training involving such shipments.

III. A shipment fee for high-level radioactive waste shall be paid at least 7 days before the shipment is made, or at the time of inspections provided for in RSA 107-D:5.

IV. Failure to pay the fee shall subject the carrier and the owner of the shipment to a civil action for the recovery of the amount of such fee, plus costs and a reasonable attorneys' fee, for which the carrier and owner shall be jointly and severally liable. Such action may be filed in the superior court of the county in which the shipment originated or in which it was or should have been inspected pursuant to RSA 107-D:5. Operating as a carrier engaged in the transportation of irradiated reactor fuel or high-level nuclear waste in this state or shipping irradiated reactor fuel or high-level nuclear waste on the public highways or by water or on the railroads of this state shall constitute submission to the jurisdiction of the courts of this state for the purposes of such an action.

107-D:5 Inspections. All carriers transporting irradiated reactor fuel or high-level radioactive waste entering the state may be subject to inspection by personnel designated by the commissioner. Shipments may be subject to inspection at the point of origin by personnel designated by the commissioner. All such inspections shall require the carrier to conform to all applicable federal safety regulations, and in the event that the United States Department of Energy adopts the Enhanced North American Standard Inspection for Transportation of Radioactive Materials, to the requirements of those standards.

107-D:6 Bond Required. Notwithstanding any other provisions of law, a bond or indemnity insurance required of carriers shall be established in rules adopted by the commissioner pursuant to RSA 541-A and shall, for all persons subject to this chapter, whether intrastate or interstate carriers, be at least in the maximum amount or amounts authorized or required by federal law or regulations. The department shall require applicants for permits for the transportation of high-level radioactive waste, as a condition of the granting of any such permit, to verify possession of a bond or indemnity insurance in at least the amount of $25,000,000.

107-D:7 Application; Exceptions.

I. Notwithstanding any other provisions of this chapter, the department is authorized to establish such exceptions or exemptions from the requirements of this chapter, or any provision hereof, for such kinds, quantities, types, or shipments of high-level radioactive waste as it shall deem appropriate, consistent with the protection of the public health, safety, and welfare.

II. This chapter shall not apply to transportation of radioactive materials shipped by or for the federal government for military, national security, or national defense purposes.

107-D:8 Recovery for Damage. In the event of any damage to state property or any discharge of high-level radioactive waste from the authorized shipping package or container or any threat of such discharge which results from the transportation, storage, holding, detention, delivery for transportation, or acceptance for transportation of high-level radioactive waste in this state, the state may recover from any shipper, carrier, bailor, bailee, or any other person responsible for such storage, transportation, holding, detention, delivery, or acceptance all costs incurred by the state in the reparation of the damage and all costs incurred in the prevention, abatement, or removal of any such discharge or threatened discharge, including reasonable attorney's fees incurred with respect to recovery.

107-D:9 Coordination with Other Agencies. The department is expressly authorized to coordinate with or to contract with the office of emergency management established in RSA 107-C and with other state agencies or departments, including but not limited to the department of transportation and the department of health and human services, to perform any activities necessary to implement this chapter.

107-D:10 Penalty. In addition to any other liability imposed by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or a felony if any other person.

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

AMENDED ANALYSIS

This bill provides for the department of safety to coordinate and regulate the transportation of high level radioactive waste by highway, water, or rail in the state.

1998-0533h

Amendment to HB 1636-FN

Proposed by the Committee on Executive Departments and Administration

Amend the bill by replacing section 7 with the following:

7 New Section; Retirement System. Amend RSA 206 by inserting after section 8 the following new section:

206:8-a Retirement System. For purposes of classification under the provisions of RSA 100-A, the executive director shall be considered a permanent policeman if the executive director was a permanent police member of group II for at least 10 years prior to appointment as executive director and continues to be certified as a police officer for purposes of RSA 206:26 and RSA 206:26-b.

Amend the bill by inserting after section 10 the following and renumbering the original sections 11 and 12 to read as 12 and 13, respectively:

11 Applicability ; Salary of Incumbent Executive Director. The incumbent executive director on the effective date of this act shall be placed at the lowest salary step in group P, as established in section 2 of this act, which is not less than the incumbent's salary immediately prior to the effective date of this act.

1998-0548h

Amendment to HB 1639-A-LOCAL

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 highway and bridge betterment program and making an appropriation therefor.

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

1 Funding. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from [~~$.02~~] ***$.03*** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

2 Appropriation; Highway and Bridge Betterment Program. Amend 1997, 350:1 by amending PAU 04, 01, 03, 11, 01 for fiscal year 1999 to read as follows:

<u>FY 1999</u>

04 Transportation

01 Department of Transportation

03 Project Development Division

11 Non Matching Funds

01 Betterment

90 Betterments/State Bridge Aid D [~~16,772,000~~] ***22,772,000***

Total [~~16,772,000~~] ***22,772,000***

Estimated Source of Funds for

Betterment

09 Agency Income 11,772,000

Highway Funds [~~5,000,000~~] ***11,000,000***

Total [~~16,772,000~~] ***22,772,000***

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

AMENDED ANALYSIS

This bill increases the funding for the highway and bridge betterment program. The bill also makes an appropriation from highway funds for the purposes of the program.

1998-0744h

Amendment to HB 1661

Proposed by the Committee on Education

Amend RSA 188-D:13, VIII as inserted by section 1 of the bill to read as follows:

VIII. Students enrolled in evening and weekend postsecondary education programs, and students who are enrolled at least half-time shall be eligible for grants under this chapter.

AMENDED ANALYSIS

This bill would allow students enrolled in evening or weekend postsecondary education programs, and those who are enrolled at least half-time, to be eligible for tuition grants offered under programs administered by the postsecondary education commission.

This bill is a request of the university system study committee.

1998-0688h

Amendment to HJR 23

Proposed by the Committee on Science, Technology and Energy

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

That the New Hampshire Senate and House of Representatives support the section 126 petition filed by the state of New Hampshire in August 1997; and

That the federal Clean Air Act should be amended so that section 126 petitions may refer not only to stationary sources and groups of stationary sources, but also to non-stationary sources and groups of non-stationary sources; and

That the EPA should exercise its duty under section 110 of the federal Clean Air Act to require states to submit plans consistent with attainment of the national air standards in their own state and in all areas downwind from them; and to refuse to accept plans containing emissions which significantly contribute to non-attainment of the national air standards in areas downwind, by determining what total reductions are needed to attain the standards and then apportioning the responsibility for reductions in a cost-effective equitable manner among all states that contribute significantly to non-attainment; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

1998-0531h

Amendment to HJR 24

Proposed by the Committee on Public Works and Highways

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

A RESOLUTION supporting the initiative to re-elm U.S. Route 1 and urging the department of transportation, the office of state planning, and affected local communities, businesses, residents, and conservation groups to join in and cooperate with voluntary efforts to once again line U.S. Route 1 with elm trees.

Amend the resolution by replacing all after the title with the following:

Whereas, dating back to the time of the American Revolution when it served as a rallying point for the Sons of Liberty and became known as the "Liberty Tree", the majestic elm has been a part of the landscape and the fabric of the culture of our state and nation; and

Whereas, for centuries the elm provided shade and beauty and enhanced the environment of our cities and towns, standing as a graceful sentinel on almost every street and square, lining and giving protection and definition to roadways and public spaces across our land; and

Whereas, in the 1930's a disease known as the Dutch Elm disease began to spread throughout the countryside destroying millions of elms and the magnificent green archways that lined our streets; and

Whereas, in 1967 the Elm Research Institute was founded in Harrisville, New Hampshire with the twin goals of prolonging the lives of the remaining elm trees and to perpetuate the species by developing a disease resistant elm; and

Whereas, in recent years the Elm Research Institute and others have succeeded in developing disease resistant elms that hold the promise that once again the elm may grace our landscape and enhance our communities and our lives; and

Whereas, U.S. Route 1, running 2,209 miles through 14 states, including New Hampshire, from Fort Kent, Maine on the Canadian border to Key West at the tip of Florida, is one of the country's oldest highways and is rightfully known as "Main Street America", was once graced with a canopy of elms on much of its length; and

Whereas, an initiative is underway to re-elm "Main Street America" through the voluntary cooperation and partnership of conservation and civic groups, businesses and residential landowners, and local municipal governments; and

Whereas the re-elming of U.S. Route 1 would have a beneficial impact upon the natural environment, culture, and aesthetics of U.S. Route 1 in New Hampshire and the nation; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court endorses and applauds the effort to re-elm U.S. Route 1 with disease resistant elms and urges support of such efforts by the state department of transportation, the office of state planning, affected New Hampshire municipalities, and New Hampshire citizens; and

That a copy of this resolution be sent by the house clerk to the executive councilors, the commissioner of transportation, the director of the office of state planning, and the municipal officers and planning boards of the state's U.S. Route 1 communities.

AMENDED ANALYSIS

This house joint resolution supports the effort to re-elm U.S. Route 1 and urges the department of transportation, the office of state planning, and affected local communities, business, residents and conservation groups to support such an initiative.

----------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.