

State of New Hampshire HOUSE RECORD

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

Vol. 20 Concord N.H. Thursday, March 5, 1998 No. 19

Contains: Hearings, Notices, Work Sessions, Reports and Additional Amendments for March 5

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House today welcomes Megan Kettman of Bow. Megan is the winner of the 1997 Robert Frost Youth Poet Contest. Congratulations!

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, March 5 at 9:30 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, March 5 at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Point to Ponder

An ancient rule governing debate is that "no one is to speak impertinently, or beside the question, superfluously, or tediously."

A member who resorts to persistent irrelevance or to persistent repetition after the attention of the house has been called to the matter may be directed to discontinue the speech by the presiding officer.

Mason’s Legislative Manual

Section 121 Paragraphs 1&2

I can’t recall that anyone has ever been "given the gong," but there were many occasions when speeches have been tedious, repetitious, or impertinent. This session, let’s try to be brief, be to the point, and be seated.

Donna Sytek, Speaker

NOTICE

Legislative Forum

House Continuing Education

Topics: State House Computer System

PRESENTER: Stan Kelly, Manager, General Court Information Systems

Date: Wednesday, March 11

Time: Noon to 1:30 p.m.

PLACE: Room 100, State House

An update on how the system stands at the moment and what the future plans are for enhancement of it.

Rep. Godfrey Howard

Legislative Continuing Education Coordinator

THURSDAY, MARCH 5

CONSENT CALENDAR

COMMERCE

HB 1147, relative to corporate filings with the secretary of state. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill a) clarifies which corporate officers may submit an annual report and b) repeals an expired grandfather clause relative to trade name registrations. Vote 16-0.

HB 1153, establishing a committee to study uninsured and underinsured persons who have diabetes. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The committee is currently addressing, in general, all persons who are uninsured or underinsured with consideration of HB 1411. With the passage of legislation in the last two sessions, including that supplies counseling and services be covered, the committee has addressed the issues specific to diabetes. The committee will continue to look at other issues as they arise through HB 1411. Vote 12-0.

HB 1165, relative to the incorporation, management, branching and merger of banks. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill makes technical corrections and improvements to the banking laws. In essence, these changes clarify director duties, operating procedures and parity provisions. Vote 15-0.

HB 1178, relative to automobile leasing. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill allows the termination of a motor vehicle lease upon payment of an insurance settlement arising from the total loss of the vehicle. Vote 16-0.

HB 1203, establishing a committee to study methods of increasing the funding for the insurance fraud investigation unit. INEXPEDIENT TO LEGISLATE

Rep. George Hurt for Commerce: The committee found with testimony presented that current methods being used to alleviate fraud within the insurance marketplace is adequately being addressed within the legal framework of the insurance industry and the state insurance department. Vote 12-0.

HB 1237, relative to "salvage" motor vehicles. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The sponsor thought this bill was a lemon law for used vehicles. The bill doesn't accomplish this. The bill would require any owner of a vehicle which has a title with a salvage designation to report such designation when selling or transferring the vehicle. Current law requires any vehicle which has a salvage designation to have a sticker on the door frame. In addition, it is possible for an individual to trade in a used vehicle to a dealership and unknowingly be subject to this law. Vote 12-0.

HB 1257, authorizing landlords to conduct criminal background checks on prospective tenants with the consent of the prospective tenants. INEXPEDIENT TO LEGISLATE

Rep. Barbara L. Spear for Commerce: There are certain tenants who can be a problem for a landlord. Doing a criminal background check on each tenant applicant would burden local authorities and the FBI. Also, the report back to the landlord could take several weeks longer. Vote 11-1.

HB 1308, protecting the rights of distributors. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: The intent of this bill is to create a level playing field for negotiations between manufacturers and distributors. The committee would like additional time to examine the scope and impact of the problem, as well as the approach by other states. Vote 12-0.

HB 1311, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill brings New Hampshire into conformity with other states relative to certificated securities, which serve to reduce the need for paper-based indicia of ownership by allowing registration as an alternative. UCC 8, in turn, governs this intermediation between issuers and beneficial owners. The 1994 revisions simply clarify and modernize the customs and usage of these certificated securities. Vote 12-0.

HB 1312, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit. OUGHT TO PASS

Rep. Tara G. Reardon for Commerce: This bill revises and modernizes Article 5 of the Uniform Commercial Code use of letters of credit and makes conforming and miscellaneous amendments to Articles 1, 2, and 9. Letters of credit use is increasing in international and domestic transactions. From time to time New Hampshire must modernize and coordinate our laws with the uniform laws to keep up custom, practice and to provide solid standards for the governance of letter of credit transactions. Vote 14-0.

HB 1314, relative to enforceable provisions in retail installment contracts for motor vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill expands the exceptions to the prohibition against acceleration of a motor vehicle installment contract to include improper insurance coverage, unauthorized transfers and other significant impairments to the realization of the collateral. Vote 16-0.

HB 1379, making attorneys subject to the Consumer Protection Act. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The Consumer Protection Act doesn't apply to entities which are regulated by the state. Lawyers are regulated by the court system and the NH Bar Association. In addition, making an exception for lawyers would set a bad precedent. Vote 12-0.

HB 1380-FN, relative to energy costs for persons dependent upon life-support equipment. REFER FOR INTERIM STUDY

Rep. Keith R. Herman for Commerce: The bill as drafted is poorly crafted. However, the subject matter sparked some inquiry into the dilemma expressed by the proponents. The committee will be seeking input from the Health & Human Services, Science, Technology & Energy, and Finance Committees as to how best to address this issue. Vote 12-0.

HB 1391, requiring insurance coverage for the screening and treatment of glaucoma. REFER FOR INTERIM STUDY

Rep. Martha Fuller Clark for Commerce: The committee recognizes that glaucoma is a serious disease which can only be detected through screening and is a disease which will become increasingly prevalent as NH's population ages. The committee believes that the issue of mandating coverage for glaucoma clearly deserves more study. Currently, we lack an understanding of how prevalent are riders to cover this condition. Nor do we have a clear picture of how such mandates might affect the price of premiums in the individual market, which is already in such a precarious state in New Hampshire. Vote 14-0.

HB 1458, requiring health maintenance organizations to provide certain written statements. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: This bill repeats efforts being made in SB 371 to ensure relevant information is provided to individuals when a health carrier makes an "adverse determination". The committee believes this bill is not necessary and the committee is committed to follow through on the intent of this legislation. Vote 15-0.

HB 1461, relative to the definition of "destroyed" and "transfer" involving cashier's checks. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: The sponsor requested this bill's withdrawal because its focus is already adequately addressed in current law. Vote 12-0.

HB 1484, relative to motor vehicle insurance. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The bill as drafted prevents insurance companies forcing a specific repair shop be used for auto repairs. This House passed this law two years ago, so the bill as drafted is not necessary. The sponsor's intent was to require all auto repairs to be made using Original Equipment Manufacturer parts. The committee feels that this mandate would only lead to higher insurance premiums and that there are sufficient consumer protections in place to ensure auto repairs are made in a safe manner. Vote 12-0.

HB 1512-FN, relative to credit card rates and payments. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce: The sponsor asked to withdraw the bill. There is no way that this law could be enforced. Credit card companies in other states cannot be controlled by our banking department. There also is no mention of how to deal with variable rates. Vote 12-0.

HB 1529, reinstating the corporate charter of the Hampstead Garage, Inc. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce: When corporate charters lapse in the state of New Hampshire, it is necessary to petition the legislature to reinstate the charter. Although the committee was willing to remedy the immediate need of the corporation before us, we felt this was not an ongoing role that the legislature should play. This bill creates a study committee to investigate a procedure to create the scheme to reinstate these charters within the office of the Secretary of State. Vote 15-0.

HB 1536, establishing a committee to study women's health care and relative to breast feeding a baby. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill creates a study committee to look into women's health care issues. The amendment removes a provision allowing breast feeding in public. The committee wants to emphasize that the issue of breast feeding is a societal concern that the sponsor will be taking a closer look into to ensure that all concerns are addressed. Vote 12-0.

HB 1551-FN, adding dental insurance to the continuing insurance coverage for certain employees. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill expands the COBRA law to dental insurance as it relates to state employees. State employees (including legislators) may extend their dental coverage for 18 months after termination if they choose to pay for it. The amendment simply clarifies that this applies to state employees only. Vote 12-0.

HB 1598-FN, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud. INEXPEDIENT TO LEGISLATE

Rep. Martha Fuller Clark for Commerce: This legislation, while well intended, would wreak havoc economically and socially. For example, social security numbers now are used for all health records, including Medicaid and Medicare, at both the state and federal level. These numbers are also used as a mechanism to provide instant credit by many businesses. It is the only system, other than finger printing, which provides a unique identification process for individuals and is needed in many different venues. At the same time, it is clear that there is a fraud and abuse problem in the use of these numbers. The committee did not feel it had enough information to solve this problem at the present time, but would welcome future legislation that addresses identification. Vote 10-2.

HB 1604, relative to ownership of shares of professional corporations and relative to shareholders of firms practicing public accountancy. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: This bill would allow professionals such as accountants to place their corporations' shares into a trust for estate planning purposes. While this goal is sound, the details need further refinement. Vote 15-0.

HB 1628, relative to health care liability. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: This bill would allow individuals to sue HMOs for decisions which doctors within the HMOs network make, regardless of whether or not the HMO had anything to do with that decision. As it turns out, individuals in New Hampshire already have the ability under common law to file suits against HMOs. In addition, the state of Texas has a similar law being challenged as unconstitutional. Vote 12-0.

HB 1633, restricting unsolicited commercial electronic mail. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: This legislation requires the Consumer Protection and Antitrust Bureau to maintain a list of Internet Service Providers (ISP's) who register as a restricted solicitation electronic mail provider. The intent of the legislation is to reduce the number of unsolicited e-mails. This and similar services are currently available from ISPs' in the marketplace. While this is yet to be a significant issue, you can delete e-mail easier than throwing junk mail in the trash. The committee feels the work currently underway at the federal level better addresses the intent of this legislation. Vote 12-0.

HB 1654, relative to consumer credit solicitations. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: This bill prohibits the use of the term "pre-approved" or any similar term in the solicitation for consumer credit. The committee, however, does not see the harm in using such a phrase. "Pre-approved" simply denotes an invitation to apply for credit worthy individuals. The accuracy of the solicitations is adequately regulated by Truth-In-Lending and fair credit laws. Moreover, consumers can request a credit bureau to place their names on no solicitation lists and thereby effectively stop most if not all of these mailings. Vote 12-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1129, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is applicable to persons who have committed and been convicted of three or more DWI offenses. Currently, a 28 day treatment programs is required. This bill will replace the 28 day program requirement to a treatment program, with no set time, the duration of which is determined by an evaluation by a licensed alcohol and other drug counselor. Vote 14-1.

HB 1149, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill was introduced for the purpose of adding the basic language of RSA 173:B-8, I(a), violation of protective orders, penalty, and RSA 594:10, I(a+b), arrest without a warrant, into RSA 597:7-a, detention and sanctions for default or breach of conditions. Now, the domestic violence chapter, the arrest chapter, and the bail chapter will reflect the same interest. The amendment adds probation and parole officers to those who may detain as they may be assigned to supervise people on bail. Vote 13-1.

HB 1183, relative to use of force to prevent an unlawful taking of property. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The intent of this bill is to use force to stop the taking of property by the government through its public servants. Most of the testimony was in opposition to the bill for many reasons including using force against regulatory taking, using force against the police when taking of firearms pursuant to a domestic violence order, using force in response to a bank foreclosure. Most of these situations end in some sort of court order. The courts are the impartial trier of fact under our system of government and although we sometimes disagree with the decisions, we must abide by them and not let those few who don't agree take the law into their own hands. None of the sponsors appeared to testify on behalf of this bill. Vote 18-0.

HB 1227-FN, authorizing extended terms of imprisonment for persons who assault emergency medical personnel and fire services personnel. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: Testimony indicated present statutes have not been used by EMS personnel. This bill would enhance a penalty for assaulting EMS, fire or emergency room personnel. If that statute is not being invoked, it does not make sense to increase the penalty. Nothing in this bill would provide protection for emergency services people that they don't already have. Vote 18-0.

HB 1258, establishing a committee to study and investigate issues related to The State of New Hampshire v. Edward Silva. REFER FOR INTERIM STUDY

Rep. William V. Knowles for Criminal Justice and Public Safety: The committee would like the opportunity to address the concerns of the sponsors of this legislation which relates to convictions of sex offenders. We would like to have time to study this over the summer which would allow us time to research any problems that may exist. Vote 18-0.

HB 1265, establishing a study committee on the enactment of laws which would allow the office of the attorney general to freeze assets in white collar crime cases. INEXPEDIENT TO LEGISLATE

Rep. Doris R. MacIntyre for Criminal Justice and Public Safety: It was the unanimous decision of the committee that this bill is too far reaching. It calls for the freezing of assets during the investigative stage of an alleged crime. Although we understand the sponsor's concerns, the committee felt that to freeze a person's assets prior to being charged with a crime is contrary to a basic tenet of our judicial system, "innocent until proven guilty". Vote 14-0.

HB 1307, relative to penalties for habitual offenders. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill adds some language to RSA 262:19, IV Procedures of the Dept. of Safety in Habitual Defendant Hearing. Presently, the wording says "no conviction shall be annulled until at least 7 years after the conviction date." Presently, some cases are being continued at the motor vehicle hearing level and then the person goes to court and asks that they vacate the conviction. If the court does this, then the motor vehicle hearing officer has no option other than to dismiss the habitual offender hearing. By adding the words, "vacate, expunge, delete, cancel, or otherwise remove such a conviction...", we feel we have corrected this loophole in the law. Vote 14-1.

HB 1327, clarifying enforcement when structures such as manufactured housing are relocated without payment of taxes. INEXPEDIENT TO LEGISLATE

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: The sponsors of this bill were unaware that the provisions in this bill were already in statutes: RSAs 477:44, 73:16 and 80:2-A. cover the concerns brought forward in this bill. The committee did not want to duplicate present laws. Vote 14-0.

HB 1378-FN, making the penalty for the offense of official oppression a felony. INEXPEDIENT TO LEGISLATE

Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill increases the penalty for a public servant who commits an unauthorized act within the scope of his office to benefit to himself or to harm another. There was no evidence submitted that it was necessary to increase this penalty. There were no sponsors present at the public hearing. Vote 19-0.

HB 1448, relative to confidential communication between victims and counselors. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation exempts domestic violence and sexual assault counselors from the duty to report under RSA 169-c:29 where a minor is 14 years of age or older, and is alleging abuse as defined by RSA 173-B:1, sexual assault as defined by RSA 632-A, stalking as defined by 633:3a, or sexual harassment as defined by state or federal law, and the alleged perpetrator is not related to the minor by consanguinity or affinity and does not reside either permanently or temporarily with the minor. Testimony indicated that confidentiality was very important to minors in the lower age category and they would be more likely to seek help from domestic violence and sexual assault counselors. The counselor is required to report child abuse under circumstances where such counselor has reason to believe a minor aged 14 or older is or may be in imminent danger of physical harm. Vote 14-0.

HB 1472, relative to employment of prisoners. INEXPEDIENT TO LEGISLATE

Rep. Lori Cardin for Criminal Justice and Public Safety: The committee felt this bill was inexpedient to legislate because the decision to employ prisoners should be made by the city or town and the county, not by the legislature. Further, such restrictions can be part of a collective bargaining agreement. There was no evidence presented to indicate that a problem exists. Vote 13-1.

HB 1547-FN-L, relative to mandatory incarceration for violators of protective orders. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill would allow an individual who allegedly has violated a protective order to be arrested under a warrant and detained without bail until a hearing takes place. The committee unanimously felt that the defendant should not be incarcerated without an opportunity for bail or an immediate hearing as to whether he should be found in civil or criminal contempt of court and punished therefor. Vote 15-0.

HB 1559, legalizing the possession and cultivation of marijuana for medicinal purposes. INEXPEDIENT TO LEGISLATE

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: This bill would legalize the possession and cultivation of marijuana for medical purposes. No documentation was presented to show that there is a medical benefit to be derived from the use of marijuana other than anecdotal evidence. Because marijuana has not been shown to be a safe and/or effective drug, no physicians in this state are prescribing marijuana. This drug has not been approved by the Federal Food and Drug

Administration. There was no evidence to determine which, if any, diseases might be treated effectively by marijuana. The committee thinks that the jury is still out on medicinal use of marijuana. Vote 17-2.

HB 1561-FN, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. OUGHT TO PASS WITH AMENDMENT

Rep. Lori Cardin for Criminal Justice and Public Safety: This bill, as amended, establishes penalties for child pornography and exploitation committed by means of computer. This strengthens the state's child pornography laws to include online crimes. This technology is a new challenge for law enforcement who need new laws to help with those challenges. The penalty for possession is raised to a felony if a person knowingly buys, procures, possesses or controls any visual representation of a child engaging in sexual activity or causes same to be imported into the state. Vote 17-0.

HB 1588-FN, making it a felony to cause bodily injury to a police dog or horse. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The bill was brought forward to increase the penalty for injuring a police dog or horse from a misdemeanor to a class B felony. In another section of the law, RSA 644:8, cruelty to animals, it was already a class B felony to beat, torture, whip, or mutilate any animal. Therefore, our amendment repeals 644:8-d dealing with police dogs or horses but adds police dog or horse to the definition of animal in RSA 644:8,II. We think this simplifies and clarifies the statute. Vote 14-0.

HB 1626-FN, relative to illegal gambling businesses. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The subject matter of this bill is contained in the amendment to HB 1011-FN. Vote 18-0.

HB 1646-FN, removing the intent requirement for crimes of possession under the controlled drug law and increasing penalties for violations of the controlled drug law involving marijuana and hashish. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill would remove from RSA 318-B:2, I and I-a, the "intent" requirement for crimes of possession, under the controlled drug law and increase the penalties for violation of the controlled drug law involving marijuana and hashish. This bill would increase state expenditures each year, depending on the level of prosecution. It was the consensus of the committee that this bill needed more work if it were to be of any value in the war on drugs. Vote 19-0.

EDUCATION

HB 1209, revising the interagency agreement for special education. OUGHT TO PASS WITH AMENDMENT

Rep. William A. Riley for Education: This bill, as amended, revises the interagency agreement for special education. Its purpose is to bring collaboration between the Department of Education and Health and Human Services for special education purposes. The amendment changes the date of the report from 1 May 1998 to 1 January 1999. Vote 19-0.

HB 1320, amending provisions of the advisory committee on the education of students with disabilities. OUGHT TO PASS WITH AMENDMENT

Rep. Iris Estabrook for Education: This bill amends the membership structure of the advisory committee on the education of students with disabilities. These changes are consistent with the 1997 federal reauthorization of IDEA (Individuals with Disabilities Education Act). The amendment assures that the membership be a majority of people associated with the special education community and gives specific duties to the committee. Vote 16-3.

HB 1356-L, revising the procedures for withdrawal from a cooperative school district. INEXPEDIENT TO LEGISLATE

Rep. Warren C. Henderson for Education: If adopted, this bill would have permitted any town which had joined a multi-town cooperative school district to unilaterally withdraw without concern for the adverse impact of those towns which remain in the cooperative. The committee felt that this process would result in discord among the towns of the cooperative and could be financially devastating if one large town withdrew from a co-op and left several small towns financially strained. Since every town involved must vote to form a school cooperative, every town in the co-op should have a say in any withdrawal initiative. Vote 19-1.

HB 1386, to establish a committee to study alternative school systems. INEXPEDIENT TO LEGISLATE

Rep. Marie Rabideau for Education: This bill creates a committee charged with studying educational organizations, non-traditional attendance areas, and alternative sources of funding. The objective of the sponsors, as understood by the committee, was to study alternative school systems as a vehicle for innovation and change. The committee found that the charge of the study committee was not in line with the sponsors' intent. Also, it was entirely unclear what the sponsors meant by "alternative school systems" even after considerable testimony. There exist opportunities for

districts to do this now. Vote 17-2.

HB 1428, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students, including disabled students. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee, Sr. for Education: This bill, as originally written, established requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students, including disabled students. The amendment addresses the concerns of the committee so the range of students will be broadened to "exceptional learners" which includes gifted and special education students. Vote 17-1.

HB 1429, amending state board of education rulemaking authority relative to certain educational personnel. OUGHT TO PASS WITH AMENDMENT

Rep. Charles B. Yeaton for Education: This bill brings the statute up to date by including special education administrators as personnel for which certification standards should be set and eliminates several categories which no longer are regulated by the state board of education. The amendment corrects the "special education director" to the appropriate term "special education administrator". Vote 16-0.

HB 1437, requiring the designation of alternative acceptable reading material for use in a school course following objection by a parent. INEXPEDIENT TO LEGISLATE

Rep. Warren C. Henderson for Education: This bill would establish a mechanism whereby school boards could assign alternative reading material when a parent or group of parents objected to the assigned material. While a worthy goal, the bill set no limits on how many times a parent might object, and the bill did not give school boards the discretion to reject such requests under any circumstances. This bill would encroach on matters best left to local control. Vote 15-1.

HB 1462, establishing an independent committee to study the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth K. Hoadley for Education: This bill and a further amendment by the sponsor concerned specific investigation into the admissions and scholarship programs in the New Hampshire university system. Both the amendment and the bill were voted inexpedient to legislate. Instead, the concerns of the proposed legislation will be passed to the university system oversight committee. Vote 17-0.

HB 1465, relative to eligibility for athletic scholarships with the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Marie Rabideau for Education: This bill would require 1/3 of all athletic scholarships granted within the university system be awarded to New Hampshire high school graduates and that a scholastic aptitude test (SAT) score of 1100 be required as the minimum for athletic scholarship eligibility. The committee felt that placing further restrictions on athletic scholarships was not in the best interest of the university system nor the duty of the committee to legislate. This matter would be better addressed to the university system legislative oversight committee. Vote 17-0.

HB 1487, allowing a receiving district to withdraw from an authorized regional enrollment area school. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Hill for Education: This bill did not satisfy the problem for area schools. The committee felt that SB 400, after a senate summer study and recent testimony, would be a better solution to the problem. Vote 18-1.

ELECTION LAW

HB 1121, making technical corrections to the election laws. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Election Law: This bill as amended makes minor but useful technical changes dealing with voter registration forms and supervisors of the checklist. The amendments restore original supervisor hours, and remove proposed political contribution changes Vote 15-0.

ENVIRONMENT AND AGRICULTURE

HB 1124, relative to disposal of septage or sludge. OUGHT TO PASS

Rep. Peter R. Leishman for Environment and Agriculture: This bill transfers the authority of notification of planned sludge and septage spreading activities from the Department of Agriculture to the Department of Environmental Services. This would consolidate the authority to regulate sludge and septage management under one agency where it should be. Vote 21-0.

HB 1160, relative to the definitions of the terms "farm," "agriculture," and "farming." OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth R. Marshall for Environment and Agriculture: The purpose of the act is to modernize the definition of "farm", "agriculture" and "farming" to represent what it really consists of

today. The amendment merely adds "alpacas" to the list of animals, changes the word domestic to domesticated and included a sentence in the statement of intent that makes it clear that this bill cannot be construed as an exemption from any regulation nor can it be construed as a regulation. Vote 20-0.

HB 1229, exempting biological control agents from registration requirements for pesticides. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson for Environment and Agriculture: This bill aligns the definitions and rules with those that are currently in place through the Federal Department of Agriculture. Vote 21-0.

HB 1238, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural character, and environmental quality. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The committee finds this bill a useful and well crafted way to deal with a perceived problem of meaningless and undesigned growth. We feel that there are ways both to keep NH beautiful and to allow growth and development. Vote 21-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1185, creating a committee to study the feasibility of establishing an audit division within the department of justice to audit and review state contracts. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The testimony before the committee was limited to construction contracts and dealt with the preparation of bids. The department of justice and department of transportation review all bids and contracts prior to awarding and also audit them for compliance during the execution at the present time. The committee was unclear as to the real focus of the study and what problems were to be examined. Therefore, the vote was inexpedient to legislate. Vote 15-0.

HB 1299, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements. OUGHT TO PASS

Rep. Robert K. Dodge for Executive Departments and Administration: This legislation, by adding a simple word, council, completes the original intent of RSA 21-G-5a and thus makes the filing of annual financial statements more inclusive and clarifies responsibility. Vote 17-0.

HB 1361, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. OUGHT TO PASS WITH AMENDMENT

Rep. Kipp A. Cooper for Executive Departments and Administration: This bill was introduced at the request of the engineers' board and will allow the board the ability to administer administrative fines and penalties, as well as the ability to issue subpoena with the approval of the attorney general. The committee felt this legislation will provide the engineers' board more flexibility in addressing misconduct issues among its membership and would be a positive step forward for the professional engineers and consumers alike. Vote 18-0.

HB 1415, relative to the regulation of the practice of optometry REFER FOR INTERIM STUDY

Rep. Sylvia A. Holley for Executive Departments and Administration: Although this bill was mainly crafted to do some "housekeeping" by the board of optometry, numerous issues surfaced during the public hearing and two ensuing subcommittee work sessions. One issue related to an optometrist having access to his/her office for an emergency, even if that office is located in a mall that is closed. Another issue was whether an optometrist should be required to issue a prescription for contact lenses only upon the request of the patient. Finally, numerous issues were raised regarding adjudicative hearings and subsequent concerns under RSA 541-A. The committee felt that interim study was indicated. Vote 18-0.

HB 1455, relative to the publication of administrative rules. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: At the present time, an agency rule becomes effective when filed with the director of legislative services, usually very shortly after the final hearing before the joint legislative committee on administrative rules. The rule as filed becomes the official rule. This bill, as amended, will now require the agency to file a proofed and certified copy with the New Hampshire state library and the state supreme court law library within 120 days of filing the official rule. At the present time, official rules need editorial corrections and proofing to be sure they comply with the vote of the JLCAR committee but there is no time frame in which to file the certified copies. This bill will require that this be done in 120 days. The bill only applies to rules filed and effective after the effective date of this act but does not apply to interim rules or emergency rules. Vote 18-0.

HB 1459, requiring that all administrative rules adopted by every state agency under the Administrative Procedures Act identify the specific state or federal statute or regulation which the rule is designed to implement. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment to this bill will require state agencies adopting regular rules or interim rules to identify, in the rule making notice, the specific sections of state statutes or federal regulations for which the rules are

designed to implement. The amendment also requires that the reference be specific in nature and in a uniform format as specified in the drafting and procedures manual. This will aid the public and the regulated community to reference the authority for promulgating such rule. Vote 17-0.

FINANCE

HB 1228, relative to notice required upon an agency's receipt of federal funds. INEXPEDIENT TO LEGISLATE

Rep. Margaret A. Lynch for Finance: This bill would require a state agency to notify the Legislative Fiscal Committee, Commissioner of Administrative Services, appropriate standing committees, and the coordinator of federal funds of the receipt of a federally funded grant. In the opinion of the committee, this bill serves little purpose as it simply requires notification after the fact. Current law requires Governor and Council to review, accept or refuse funds awarded outside the state budget, and in the event that a grant required the creation of a new position in any department, the Fiscal Committee would have to approve before the item could be forwarded to Governor and Council. Vote 17-0.

HB 1303-FN-A-L, continually appropriating boating fees and other revenues to the division of safety services. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: Starting with the next biennium, this bill, as amended, requires all boating registration fees and registration fines to be deposited into a non-lapsing fund for the Division of Safety Services, Department of Safety, that provides appropriations for navigation safety and enforcement. The effect is to increase the funding for navigation safety and enforcement from approximately \$900,000 currently to some \$1,900,000. As a result of this increase it is no longer necessary to allocate one-half of unrefunded road tolls, amounting to some \$750,000, to navigation safety, and so the bill returns it to the General Fund. Vote 17-0.

HB 1321-FN-A, to provide marine patrol officers with adequate communications systems and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill made an appropriation of \$125,000 to the marine patrol for the purchase of communications equipment. The committee, marine patrol and sponsors felt that this bill was not necessary based on the committee's support of HB 1303 which increases the revenue of the marine patrol by approximately \$800,000 by allowing it to keep the fines and licensing fees instead of sending them to the General Fund. Vote 22-0.

HB 1326, relative to applications for exemption to the state hiring delay. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill requires the department requesting an exemption from a hiring delay to obtain the approval of the Governor as well as the Fiscal Committee. The amendment adds the Governor as a recipient of the quarterly report from the Commissioner of Administrative Services concerning the savings realized from the hiring delay. This bill codifies what is existing practice. Vote 17-0.

HB 1384-FN-A, making appropriations for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: In the summer of 1999, New Hampshire will be the featured state in a special exhibition at the Smithsonian Institution in Washington, D.C. The exhibit is being coordinated by the New Hampshire Commission on the Smithsonian Festival of American Folklife which was created by Chapter 204, Laws of 1996 and will showcase New Hampshire's cultural heritage with crafts, music, dance, storytelling, food ways, occupational skills and workshops. Also taking place on the National Mall will be a salute to New Hampshire's hometown communities with a celebration of Old Home Day, complete with parades, church suppers and other community festivities. In addition, the Commission will re-stage the festival in New Hampshire and will also generate a package containing various inter-generational learning guides, videos and compact discs which will be freely provided to all libraries and schools throughout the state.

The Finance Committee acknowledges that the festival will become a major opportunity for the state to develop and generate significant tourism and economic development partnerships. The festival is expected to attract over 1.2 million international and national visitors and will clearly serve as a major component of New Hampshire's 1999 tourism and economic development promotional activities.

The bill, as amended, will provide the Commission with \$200,000 in FY 1999 which will join an additional \$2,000,000 in corporate and philanthropic gifts as well as federal funds which comprise a total Commission budget of \$2,200,000. The funds for this appropriation of \$200,000 will come from the additional \$1,000,000 budgeted for increased tourism and promotional activities at DRED in the current biennial operating budget for FY 1999. Vote 21-1.

HB 1456, relative to the budget making process. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill is the result of a study this past summer by the New Hampshire Center for Public Policy Studies in regard to preparation of our state budget. The bill requires the budget be available in electronic and printed format, that there be a narrative explanation of all appropriations recommended in the Governor's budget from a maintenance expenditure budget as well as putting into statute the ability for performance-based budgeting. The

amendment states that an agency or program selected for performance-based budgeting must be approved in the budget process, not the Fiscal Committee. Vote 17-0.

HB 1548-FN, providing for the health care of New Hampshire children and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Mary Jane Wallner for Finance: This bill would provide a source of matching funds for a children's health insurance program. The federal government is making funding available to states to expand health care to low-income children. States will need to provide a source of state matching funds. At this time the committee is awaiting additional information in order to identify a source of matching funds. Vote 21-0.

HB 1586-FN-A, making an appropriation for the purpose of increasing coverage on highways by state troopers and for additional state troopers. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill made an appropriation of \$1,000,000 from the highway surplus account for the purpose of hiring six full-time state troopers to collect defaulted fines. The committee felt that although this was a worthwhile endeavor the price tag was far too high and the department should find other means to track down these individuals, either from within the department or through outside sources. Vote 22-0.

HB 1644-FN-A, relative to general fund operating budget surpluses. INEXPEDIENT TO LEGISLATE

Rep. Franklin G. Torr for Finance: The content of this bill was similar to HB 1300. Therefore, we combined the bills, and HB 1644 became unnecessary. Vote 17-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1118, relative to the expiration of contact lens prescriptions. OUGHT TO PASS WITH AMENDMENT

Rep. Eileen P. Dawe for Health, Human Services and Elderly Affairs: This bill changes the expiration of a contact lens prescription under the law governing ophthalmic dispensing to match the one year expiration term under the law regulating optometrists. Vote 17-0.

HB 1150, establishing a committee to study the authority, functions, duties, and responsibilities of the bureau of emergency medical services. OUGHT TO PASS WITH AMENDMENT

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: Currently, emergency medical services personnel guidelines, education, certification, and protocol are unclear with many unregulated options. This bill sets up a committee to study the authority, functions, duties, funding and responsibilities through a coordinated process to be set forth by the Bureau of Emergency Medical Services (a bureau within Health and Human Services). The goal is to have a coordinated and quality emergency response effort to life or death situations. Vote 17-0.

HB 1166, relative to the oversight committee on health and human services. OUGHT TO PASS WITH AMENDMENT

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill strengthens the current statute on the health and human services oversight committee by establishing a meeting and reporting schedule. Vote 15-1.

HB 1298-FN-L, requiring health care providers to wear identification. OUGHT TO PASS WITH AMENDMENT

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill requires caregivers, including consulting doctors, volunteers and students, who come in contact with clients and residents of a health care facility (licensed under RSA 151) to wear identification which discloses name, licensure status and staff position. Health and Human Services would be notified of a fault but the facility would not be cited for a deficiency. Vote 16-0.

HB 1498, requiring emergency medical care providers to inform patients of transport options. OUGHT TO PASS WITH AMENDMENT

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill is one of three that tightens up and coordinates a more professional emergency medical services response as it deals with transportation options for the patient. Emergency medical service personnel may advise individuals of their options after an assessment of signs and symptoms is made. EMS personnel are authorized to secure a signed waiver from the individual if they refuse transportation to a medical facility. Vote 15-2.

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill establishes a 2-year pilot program for the administration of medications in certain residential care facilities. The amendment clearly sets out the criteria which have to be met by the Department of Health and Human Services. This lengthy amendment will appear in the session laws, not in the regular RSAs. The committee took pains to insure that the safety and well-being of these frail elderly are protected. Vote 16-0.

JUDICIARY AND FAMILY LAW

HB 1164, relative to requests for changes in superior court justices assigned to trials. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The committee feels this bill would bring about a scheduling nightmare and dramatically increase costs. New Hampshire has a limited number of judges and therefore are assigned only 2-3 days before the trial date. Further, there are ample opportunities to challenge judges if they do not recuse themselves. The administrative judge has developed an assignment system based on "weighted" case load in order to facilitate the system. Vote 12-0.

HB 1261-FN, prohibiting part-time judges from sitting on courts located within 50 miles of their primary places of business. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: The committee believes this bill is unworkable and to be a possible cause of mischief within the courts. Vote 13-0.

HB 1266, relative to reporting of alleged criminal conduct by the professional conduct committee and the judicial conduct committee. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill requires the Professional and Judicial Conduct Committees to refer allegations of criminal conduct to the attorney general and the county attorneys. This bill is not necessary because the Judicial Conduct Committee is already required by statute to report alleged criminal behavior and the Professional Conduct Committee does this in practice. Additionally the attorney general can refer criminal investigations to the county attorneys. Vote 12-0.

HB 1302, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The committee did not find a need for this bill at this time. The university testified that in the last two years there were seven cases brought forward, six of which were dismissed. While the university is a non-profit institution, it is not the same as a municipality. Vote 12-2.

HB 1325, relative to the rooms and meals tax and occupants of rooming houses. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This bill was proposed last year and turned down. The sponsor had agreed to bring in a new bill which would address the concerns. Currently, rooming houses are considered transitional housing and give the landlord 90 days in which to make a determination on the character of the tenant. During that period the tenant is a "tenant at will" and has no rights to occupancy. The committee believes a six-month period during which the tenant has no rights is too long a period. Vote 11-2.

HB 1360, revising the formula for determining child support. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This bill does not take into consideration HB 774 which was passed this January and is now in the senate. We need to wait to evaluate how that bill, which is a result of study committee, functions. It provides for major changes to the current support guidelines. Vote 12-1.

HB 1371, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. OUGHT TO PASS WITH AMENDMENT

Rep. Julie M. Brown for Judiciary and Family Law: This legislation provides for the entry of standardized data for children and parents for use in child support enforcement. Vote 11-2.

HB 1408, requiring a criminal background investigation for certain child care agencies. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill, as amended, would require criminal record and central registry checks for those who are receiving state funds for providing child care but are exempt from licensing. Currently, in New Hampshire, there are 1,500 providers caring for between 1,500 and 4,500 children who fall into that category. A finding would not result in an automatic denial but the Department of Health and Human Services would have the authority to conduct an investigation as to whether the individual poses a current threat. Health and Human Services says that there will be no additional costs. Vote 12-1.

HB 1419, making victims of juvenile offenses eligible for compensation from the victim's assistance fund. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee unanimously found that this legislation would not serve to further the intent of the sponsor that juveniles should be made more accountable to the victims of crimes which involve personal property damage. The victim's assistance fund, according to testimony from the Attorney General's office, the Department of Justice and the N.H. Police Chiefs Association would be drained of needed resources if expanded to

include victims of property crimes. Vote 12-0.

HB 1445-FN, relative to nonpublic sessions and relative to attorneys in certain proceedings. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This is a change in the right to know law. It adds the word "private" to the current statute while never defining who is referred to. For municipalities it becomes a problem because often non-public sessions are used to discuss employees who are being disciplined without the infraction becoming the object of gossip in the community. The 3rd section adds court hearings to the right to know. The committee believes that is not a good idea, especially in cases of juveniles, incompetency hearings and civil commitments. Vote 15-0.

HB 1510-FN, requiring probate court judges to report attorneys who are fiduciaries and have been cited for delinquencies in accounting by the probate court to the professional conduct committee of the supreme court. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: There was no evidence presented that this bill was necessary to solve an existing problem. No sponsors appeared and no testimony in support was received. Enacting this bill would increase state expenditures by a significant but indeterminable amount. The vast majority of delinquencies are missed deadlines by one or two weeks, and internal probate procedures now ensure that the vast majority are cured in a timely fashion. The probate court judges already have the power to report attorneys who are delinquent fiduciaries to the professional conduct committee of the supreme court when they deem it to be warranted. Vote 12-1.

HB 1511-FN, requiring registers of probate to send a notice to each beneficiary when a fiduciary is delinquent in filing an inventory or account. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: The Probate Court has rules and systems in place to take care of this. RSA 548:5 mandates that the register of probate send notice of the default to the fiduciary by first class mail within 12 days after default. The fiduciary then has 30 days to either file the inventory or account or show good cause for the failure to file. If the fiduciary neither files nor shows good cause for the failure to file, the probate judge shall issue a citation to the fiduciary to appear before the judge. RSA 548:5-a, II mandates that the register of probate send a copy of such citation by first class mail to any beneficiary. Vote 11-1.

HB 1519, requiring registers of probate to be consistent and uniform in the enforcement of delinquency notices, citations, and contempt charges. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The procedures identified in this bill are already in place as a result of legislation passed in 1991, 1994 and 1995 and the adoption of rules proposed by the Probate Court Forms committee, the Probate Court Procedures committee and the Probate Court Rules committee. Vote 12-0.

HB 1554-FN, allowing punitive damages in actions for domestic violence and sexual assault. REFER FOR INTERIM STUDY

Rep. Andrew R. Peterson for Judiciary and Family Law: Although the committee was disinclined to pass this bill allowing an expansion of the use of punitive damages in civil court, the majority felt that giving victims of abuse enhanced access to "expanded compensatory damages" merits study. Vote 14-1.

HB 1565-FN-A, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: Testimony was given that as a result of the Fairbanks investigation it was revealed that most fiduciaries are not lawyers and are not under the same conduct or rules. It was also stated that there are thousands of trusts that are inter vivos which assures privacy and as a result lack court oversight. However, uniform bonding and accounting procedures now exist. In addition, RSA 506:7 was enacted to bring the court eyes to look at judiciary responsibility. If the legislature took on the oversight responsibility it would be costly and inefficient, cut into privacy issues and cause separation of power problems. Vote 15-0.

HB 1610, relative to back wages owed by employers. REFER FOR INTERIM STUDY

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes a problem exists in that there are small corporations that build up debt including back wages and then leave town. However, we are not sure that this bill is worded correctly to solve the problem without opening up other problems for legitimate operating companies. Vote 7-5.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1423-FN, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill allows the Commissioner of Employment Security to accept authorization for child support payments from a court or administrative agency of competent jurisdiction. It also allows the department to accept certain

federal funds to administer the compensation statute. Vote 18-0.

LOCAL AND REGULATED REVENUES

HB 1107-L, relative to the rate setting duties of the department of revenue administration. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee was unanimous that this legislation was not only unnecessary but was also ill-advised and could penalize the local property tax-rate process. The checks and balances of the present system were preferred over any changes. Vote 15-0.

HB 1109, allowing prepayment of property taxes before April 1. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: This bill allows taxpayers to prepay their taxes if the municipality has authorized such payments. The payment allows taxpayers to maximize the IRS federal tax deductions and allows the municipality up to 16 months of early collection. Any prepayment is entirely voluntary. Vote 14-0.

HB 1122, relative to the definition of charitable organization for the purposes of conducting bingo games. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill modifies existing law by allowing charitable organizations to play bingo and Lucky Seven in towns other than the town in which they are organized. It limits the play to one town during the term of the license and limits the charity to no more than ten game dates in one calendar month. Vote 12-1.

HB 1131, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. OUGHT TO PASS WITH AMENDMENT

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill serves a variety of purposes in updating the operations of the liquor commission. The enforcement of liquor laws is strengthened by further tightening of photo identification requirements by increases in fines for underage possession of liquor and by more business-like reporting requirements for full service restaurant licenses. This bill is user friendly to the commission and the general public as well. No one appeared in opposition. Vote 16-0.

HB 1136, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill would have changed the appointing authority for the board of tax and land appeals from the Supreme Court to the Governor and Council. Almost all of the testimony on this bill was in support of no change. The system is working well and no need was seen to make any changes. Vote 15-0.

HB 1188, requiring a 24-hour rest for beer at the warehouse after delivery to the wholesale distributor by the brewer or manufacturer. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Local and Regulated Revenues: After hearing testimony, the committee decided this bill is unnecessary at this time. Vote 16-0.

HB 1276, relative to charitable organizations conducting bingo. INEXPEDIENT TO LEGISLATE

Rep. Lauren Carney for Local and Regulated Revenues: The intent of this bill has been incorporated into House Bill 1122 as amended. Vote 13-0.

HB 1277, prohibiting beverage, wine, and liquor tasting in grocery and convenience stores. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Local and Regulated Revenues: Beer, wine and liquor tasting in grocery and other retail outlets has been allowed for many years. This marketing tool has been used responsibly and successfully according to the Liquor Commission. The committee sees no reason to prohibit the practice. Vote 15-0.

HB 1381, relative to charitable organizations eligible to sell Lucky 7 tickets. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: The concerns of the sponsor were taken care of in the amendment to House Bill 1122. Vote 13-0.

HB 1469-L, clarifying the value of public utility property for property tax purposes. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: The amendment to this bill establishes a study committee to examine the valuation of public utility property. The committee believes that the deregulation of the electric industry makes this issue especially relevant. Vote 15-0.

HB 1492-L, relative to limiting increases in the assessed valuation of property. INEXPEDIENT TO

LEGISLATE

Rep. Douglass P. Teschner for Local and Regulated Revenues: Property is assessed based upon the market value of that property. This bill would change this long-standing policy by capping increases in assessed valuations at 2 percent per year. The committee believes that this change would be disruptive of local property taxation and poor public policy. Vote 15-0.

HB 1566-FN-L, providing that state-owned lands leased to or under an operating agreement with a private business entity are subject to the local property tax. REFER FOR INTERIM STUDY

Rep. Linda T. Foster for Local and Regulated Revenues: This bill involves subject matter which ranges from taxation to tourism. Interim Study will provide the opportunity for the thoughtful and thorough consideration which this bill deserves. Vote 15-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1111, relative to the types of investments allowable by local treasurers. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Municipal and County Government: The committee has a sub-committee currently studying county government. During one of its meetings with the NH Association of Counties, the problem of repurchase agreements was brought to the sub-committee's attention by the Grafton County Treasurer. Working closely with the State Treasurer the committee amended this legislation so now it is possible for county treasurers, when they have in their custody a surplus of funds not immediately needed for the purpose of expenditure, to invest in repurchase agreements with banks incorporated under the laws of the State of New Hampshire or in banks recognized by the State Treasurer. Vote 13-0.

HB 1112, relative to the placement of articles on the official ballot. OUGHT TO PASS

Rep. Robert A. Lockwood for Municipal and County Government: This bill clarifies that articles concerning the issuance of bonds and notes may be placed on the official ballot in municipalities that have adopted a charter authorizing such votes or have adopted the provisions of RSA 40:12-14. Vote 13-0.

HB 1113, relative to reports of town and school district meetings to be certified to the department of revenue administration. OUGHT TO PASS WITH AMENDMENT

Rep. Marilyn A. Fraser for Municipal and County Government: This bill provides a procedure for towns and school districts which have adopted official ballot voting, either by charter or adoption of RSA 40:13, to file their minutes and certify votes on ballots. This bill is a request of the Department of Revenue Administration. Vote 14-0.

HB 1126-L, relative to municipal debt limits. OUGHT TO PASS

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill, sponsored at the request of the NH Municipal Association, would raise the municipal debt limit from 1.75% to 5%. Testimony revealed that many municipal bond counsels believe the municipal debt in New Hampshire is artificially low. A higher rate may favorably affect bond interest rates. Vote 13-1.

HB 1172-L, relative to the number of members on a municipal budget committee. OUGHT TO PASS

Rep. Kathleen N. Taylor for Municipal and County Government: This bill allows a municipal budget committee to consist of 3 to 12 members who shall serve staggered terms of three years. The law says 3, 6, 9 or 12 and this resulted sometimes in even numbers on a committee which would stymie progress on budget issues. Vote 12-0.

HB 1236-L, relative to limitations on the amendment of warrant articles in official ballot voting. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: During the recent official ballot process under RSA 40:13 collective bargaining agreements were amended at the first session and those amendments were required to be placed on the official ballot. Under RSA 273-A, the local legislative body is authorized only to reject or accept a collective bargaining agreement. Any change negates the agreement and negotiations may either resume or the pre-existing contract is in force. The bill reinforces the current RSAs. If a change is necessary in the collective bargaining agreement process, then the House Labor, Industrial and Rehabilitative Services Committee needs to review RSA 273-A as it oversees the labor laws. Vote 15-0.

HB 1239-L, allowing school districts and village districts to independently adopt the provisions of the municipal budget law concerning establishment of a budget committee. INEXPEDIENT TO LEGISLATE

Rep. Cynthia J. Dokmo for Municipal and County Government: The Municipal Budget Act provides a coordinated framework in which one budget committee reviews and makes recommendations on all budgets proposed by all political subdivisions of a municipality. It is an efficient system which minimizes confusion and provides an efficient comprehensive evaluation of a municipality's appropriations. The committee unanimously believed that the proposed legislation would fragment this coordinated effort, leading to additional cost, work and confusion for our citizens. Vote 17-

0.

HB 1282-L, requiring a public hearing and vote of the town before a conservation commission may expend funds received through the current use penalty. INEXPEDIENT TO LEGISLATE

Rep. Mary E. Griffin for Municipal and County Government: This bill requires that revenues received by a town through the current use penalty for deposit in the town's conservation fund be accounted for separately and that a public hearing and vote of the town be taken before such funds may be spent by the conservation commission to acquire real property. The sponsor of this bill stated this bill does not accomplish what he intended and therefore requests that the bill be ITL. Vote 14-0.

HB 1343, relative to multiple and contingent warrant articles under the official ballot voting process. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill attempted to address some issues regarding multiple and contingent warrant articles that are on the official ballot. The attempt was to provide fairness and efficiency to the process which is a laudable goal. However, the committee felt that this seemingly simple bill would change the democratic process of majority rule into rule by the minority or plurality in that there would be three choices on any given warrant article-the governing body's proposal, the amended version from the first session and a "none of the above" option. This is a fundamental change in the official ballot process and the committee felt that it was a significant change and definitely in conflict with Article 30 of the Constitution which states that "No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law". Vote 13-0.

HB 1434-L, simplifying the charter amendment procedure for the purpose of establishing official ballot voting. OUGHT TO PASS

Rep. Marilyn A. Fraser for Municipal and County Government: This bill references HB 141, Chapter 53, Laws of 1995 which established a charter commission for official ballot voting. HB 1434 allows a charter commission for the express purpose of official ballot voting and basically condenses and streamlines the charter process for official ballot voting. It provides that a charter commission question and the election of charter commission members shall be placed on the same ballot in situations in which the only issue to be addressed by the charter commission is the adoption of official ballot voting procedures. Vote 15-0.

HB 1447-L, relative to approval by the legislative body of cost items in a collective bargaining agreement. OUGHT TO PASS

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill provides reasonable time lines in which cost items in a collective bargaining agreement must be submitted to and acted upon by the appropriate legislative body. The change was supported by the Granite State Taxpayers as well as NEA-NH. Vote 12-0.

HB 1482, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures. REFER FOR INTERIM STUDY

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill presents several important issues for which the committee needs additional time to thoroughly review. The issue relative to allowing May meeting dates for optional fiscal year official ballot towns will be addressed this year in Senate Bill 353, concerning the official ballot bill. Vote 15-0.

HB 1483, authorizing secret ballot voting at annual meeting. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: Adoption of this bill would allow any municipality to conduct voting at annual and special meetings by secret ballot and require that the business portion of the meeting be conducted over two days. RSA 40:4-A, which has been on the books since 1971, provides for secret balloting, if so requested by a minimum of voters (three or five depending on the population of town), on any warrant article. The proposal to change the meeting to be conducted over a two day period was totally unacceptable to the committee. Vote 13-0.

HB 1491, making the second Tuesday in April, rather than the second Tuesday in March, the election day for all local offices and for official ballot voting. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill would require the election date for local officials in all traditional and official ballot towns and school districts to change from the second Tuesday in March to the second Tuesday in April without a vote of the local legislative body. The committee feels that this mandated change without a local vote is not warranted. Vote 15-0.

HB 1533-L, requiring court diversion programs to provide an accounting of funds appropriated by municipalities, requiring municipalities to publish such accounting in the annual report of the municipality, and requiring municipalities to separately state anticipated expenditures for court diversion programs in the budget. INEXPEDIENT TO LEGISLATE

Rep. Norma A. Sabella for Municipal and County Government: To pass this bill would put the state legislature in the position of interfering with local control. Furthermore, such information is already available under the current right to know law. Vote 14-0.

HB 1567-L, relative to local excavation permits for bedrock quarrying or crushing operations. REFER FOR INTERIM STUDY

Rep. Joseph E. Stone for Municipal and County Government: This bill requires the existing local excavation permitting process be applied to certain bedrock quarrying or crushers operations and clarifies the extent of preemption of local regulations of excavation and reclamation sites. The feeling of the committee is this issue has many areas that should be studied in depth and there just was not enough time to do this. Therefore, the committee recommends continued work on the subject. Vote 15-0.

HB 1568, relative to the timing of special school district meetings. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: A request for a special meeting to raise and appropriate money or reduce or rescind an appropriation needs to be presented to the governing body no less than 60 days prior to the next annual meeting. By setting December 31 as the last day a vote may be taken to raise and appropriate or reduce or rescind an appropriation HB 1568 ensures that no special school district meetings are held so late in the property tax year that municipalities are unable to collect taxes with which to pay the school district requirement. Vote 15-0.

HB 1608, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board. OUGHT TO PASS

Rep. Thomas E. Rice for Municipal and County Government: This bill is a simple exercise in fairness. It established proportional representation on a charter commission in a multi-school district along lines already established in the district. Vote 16-0.

PUBLIC WORKS AND HIGHWAYS

HB 1571, relative to the acquisition of abandoned or inactive rail lines in the city of Lebanon. REFER FOR INTERIM STUDY

Rep. Merle W. Schotanus for Public Works and Highways: The committee learned in the public hearing on this bill that it was filed to influence or replace the ongoing negotiations between the New Hampshire Department of Transportation (NHDOT) and Guilford Transportation Co. to acquire a certain section of rail line in the city of Lebanon. The committee hopes this bill will not be needed, but concluded that is prudent to hold the bill and reactivate it in the unfortunate event that negotiations falter or breakdown. Vote 17-0.

HB 1585, requiring the state to notify the town or city in which state-owned real estate is located prior to a change in use of such real estate. INEXPEDIENT TO LEGISLATE

Rep. Paul I. LaMott for Public Works and Highways : The committee review of this bill and the issues to which it relates indicates the bill is not necessary. The state, as a matter of policy, routinely notifies the town or city in which state-owned property is located prior to sale, lease or change of use of the property. Vote 17-0.

HB 1591, relative to a width exception for highway building and maintenance equipment owned by private businesses and used for winter snow removal. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Daigle for Public Works and Highways: While sympathetic with the plight of one individual constituent whose fixed blade plow exceeds the width limit, the committee could not support this bill. The plow in question is 150 inches, nearly half again as large as the 102 inch maximum currently in statutes. Considering how narrow some of our roads are, the committee felt removing this maximum width could well present a safety hazard. The largest plow used by the state's Bureau of Highway Maintenance is 12 feet, and that blade is angled. Vote 17-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1496, relative to energy facility evaluation. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill updates the energy facility site evaluation laws (RSA 162-H) to be consistent with competition in electric generation. Under current RSA 162-H, proposed energy facilities are divided into "energy facilities", requiring environmental review by the site evaluation committee, and "bulk power supply facilities", requiring both this environmental review and an additional certificate from the Public Utilities Commission that the project is needed. The bill, as amended, moves all of the following from "bulk power supply facilities" to "energy facilities" and thus eliminates the need for them to obtain the certificate that the project is needed: (1) all electric plants built by entities not subject to rate regulation; (2) all electric plants built by anyone after competition exists in half of the state; and (3) transmission lines connecting generating plants to the transmission grid. The bill also exempts electric generating facilities of less than 30 megawatts from RSA 162-H, updates the purpose statement of RSA 162-H to conform with these changes, and corrects and eliminates cross references. Vote 16-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 23, urging Congress to provide relief for the Palestinian Christians by direct aid or by negotiation with the government of Israel. INEXPEDIENT TO LEGISLATE

Rep. Leighton C. Pratt for State-Federal Relations and Veterans Affairs: While well intentioned, this resolution posed serious difficulties to the committee, particularly in asking that the Congress usurp the role of the executive branch and enter into direct negotiation with a sovereign government. The committee offered to work with the sponsor to correct the language of the resolution, but that offer was not accepted. The committee, consequently, votes unanimously ITL. Vote 12-0.

HCR 24, urging Congress to enact legislation amending the Social Security Act to authorize issuance of waivers to states allowing design and implementation of alternative retirement plans. INEXPEDIENT TO LEGISLATE

Rep. Kenneth J. MacDonald for State-Federal Relations and Veterans Affairs: It would appear that Congress plans to make changes in Social Security or "fix Social Security". We should wait to review their work. Now is not the time to remove people from the system. Vote 15-0.

THURSDAY, MARCH 5

REGULAR CALENDAR

COMMERCE

HB 1212, prohibiting the use of credit reports to deny property or casualty insurance. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Anthony Syracuse for the Majority of Commerce: The use of credit reports to deny Homeowner Insurance, including Tenants Homeowners Insurance was discussed in detail at the public hearing and at two subcommittee meetings. The full committee, by overwhelming majority, believes passage at this time is inappropriate. The committee and the Insurance Department want to analyze more closely if a problem on this topic exists. In addition, SB 500 addresses a similar topic and may yield additional data. The committee is committed in any case, to review this issue in conjunction with the Insurance Department and the industry to prepare legislation, if needed, next session. Vote 11-1.

Rep. Tim S. McGough for the Minority of Commerce: This bill would prevent the extremely unfair practice of denying insurance based on a bad credit report. A consumer is not more likely to be a victim of theft and have to file a claim if they have had a bad credit history. Currently, insurance companies are all too readily refusing to cover a homeowner or tenant because they have had credit problems in the distant past. It is only right to allow consumers a fair shake when dealing with large insurance underwriting companies. SB 500 also deals with the subject of credit data usage in the insurance industry. If this bill is not passed by the Senate, the chairman of the House Commerce committee has committed to appointing an ad hoc committee to study the use of data in the insurance industry. It is for that reason the Minority supports referring this bill for Interim Study to provide a vehicle to examine all aspects of this practice.

HB 1281, eliminating the requirement for precertification from a primary care physician to access OB/GYN services in managed care plans. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill creates a mechanism for OB/GYN physicians to be recognized as primary care physicians. In addition, plan subscribers may access OB/GYN services without a referral for covered services and follow-up treatment. This bill, as amended, recognizes the importance of a woman to seek specialized care while protecting the basic structure of managed care. Vote 16-0.

HB 1365, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David T. Mittelman for the Majority of Commerce: At the present time, it is neither prudent nor necessary to establish a study committee to examine the merger between Catholic Medical Center and Elliot Hospital. There are already mechanisms in place for doing exactly that. On the state level, the Attorney General's office is reviewing the legality of the merger. On the local level, the mayor has created a Task Force on the Future of Healthcare in Greater Manchester. For the legislature to conduct an additional study would only duplicate these efforts. In fact, another study may only serve to distract from the Attorney General's and the Task Force's work. While it may be necessary to establish a legislative study committee in the future, to do so now would be both premature and counterproductive. Vote 11-4.

Rep. William J. McCarthy for the Minority of Commerce: With the recent and continuing controversy regarding the Optima merger of Elliot and CMC and the ensuing suspicions, it would seem to be a very prudent, responsible, considerate, respectful and effective move to keep this bill, a bill calling simply for a committee to study possible violations of ANY state laws in the merger of CMC

and Elliot Hospitals, rather than dealing it a death blow now. Keeping it alive would not only be considerate of the people of Manchester who have expressed their serious concerns over this controversial merger, but would also provide the legislature with the flexibility and power to learn how to prevent possible problems in the future. The minority urges you to pass HB 1365 and thinks that an ITL recommendation is premature, peremptory and unnecessary. The House should keep its options open and pass HB 1365 which the Minority believes duplicates neither the efforts of the Attorney General or the Mayors Task Force.

HB 1411, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill creates a study committee to look at an option to provide insurance to the uninsured and underinsured population. The amendment adds to the bill a "codification" of the New Hampshire Insurance Department's emergency order which creates a risk pool subsidized by the group health market. The committee feels this codification is an important first step in addressing the problems in the individual health market. Vote 10-3.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1011-FN, prohibiting possession of gambling machines unless specifically authorized under state law. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill deals with the so-called "gray machines" that are being used all over the state for illegal video gambling. The revised bill incorporates the provisions of HB 1626-FN making it a class B felony to permit gambling or gambling machines at a business or to run a gambling business. It also expands the current forfeiture provisions to include cash and proceeds of the illegal gambling operation. Additionally, the bill increases from a misdemeanor to a class B felony the unlawful possession of a gambling machine. Exceptions are included for antique machines, cruise ship machines, and machines used at charity Monte Carlo night, the state lottery or other legal uses. This does not prohibit games of skill. Vote 17-1.

HB 1025-FN, relative to capital murder, first degree murder, and second degree murder. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Many people are surprised that our current capital murder law does not cover certain murders that are universally considered to be particularly heinous. Although we have had a capital murder statute in this state for more than 20 years, this bill provided a vehicle to consider expanding the current laws to include a few uncovered types of murder. The committee reviewed the proposed legislation and crafted an amended version which makes it a capital murder to knowingly cause the death of a child under the age of 13, the death of a witness or informer in a criminal investigation, the death of a juror, or the deaths of multiple persons (serial murder victims or single event mass murder victims). This expansion is more limited than the original bill. The committee deleted the felony murder provision which would have made a person who participated in a felony where a death occurred guilty of a capital murder without proof of the intent to cause a death. This legislature has historically supported a capital murder statute which applies to those murders which are deemed serious crimes against society by the very nature of the victims. The committee believes that the expansion proposed here is the appropriate answer to the concern that certain heinous murders are not covered by the current capital murder law. The committee members individually have diverse opinions relative to the death penalty. Some members who voted for this amendment may have done so to present a bill that would likely meet the constitutional requirements. We believe that the amendment will meet those requirements. Vote 14-4.

HB 1248-FN, establishing the crime of assault against a sports official. INEXPEDIENT TO LEGISLATE

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill creates a class "A" misdemeanor penalty for a simple assault under RSA 631:2-a. If the victim is a sports official and the assault takes place immediately prior to, during or immediately following an organized amateur or professional athletic contest. Although the committee fully understands and supports the need for the protection of sports officials from assault, the committee believes that this protection is provided in the current assault statutes. Vote 12-5.

HB 1499, establishing a committee to study the circumstances and investigation of the deaths of Janet and Steven Dow; providing an exception from statutes of limitations for certain unlawful acts related to murders; relative to false reports to law enforcement officers; and nullifying the adoption of Steven Medeiros. REFER FOR INTERIM STUDY

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The bill proposes the establishment of a committee to investigate the circumstances surrounding the deaths of Janet and Stephen Dow which occurred in 1982. The proponents of the bill believe that the case was not properly or fully investigated thereby allowing an alleged murder to go unsolved. The committee heard testimony that the police investigators either did not gather or preserve some critical evidence needed to prove that the deaths were the result of murder and to prove who committed the murder. The committee does believe that mistakes were made in the investigation and that if a full and proper collection of evidence had occurred, the murders might have been solved and prosecuted. However, it is now 16 years later and although there is no statute of limitations on the prosecution of murder, the

state's prosecutors have testified that they do not currently have enough evidence to charge a particular defendant or to prove beyond a reasonable doubt that the deaths were the result of murder. As the case is still open, the committee strongly urges continuing the investigation and aggressively pursuing and maintaining an ongoing review of the facts and evidence in the case. The committee also urges the attorney general to convene the grand jury when the evidence is sufficient to do so. The committee further believes that for many reasons, the legislature is not the forum for criminal investigations. The legislature does not have the resources, the training, the expertise, or the authority to investigate criminal cases. Furthermore, this would open up the possibility that every time in a criminal case there was dissatisfaction with a police investigation and/or prosecutorial decision making there would be an expectation that the legislature could solve the problem. This would raise false hope in victims of crimes that the legislature could fix every bad event. So, while the committee fully understands the frustration of the parties involved in this particular case and concedes that errors might have been made, we do not believe that a legislative study committee is the proper vehicle to address the problem. The bill is recommended for interim study in order to inform the executive branch agency that there is strong support for continuing the investigation Vote 18-0.

HB 1543-FN-L, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William V. Knowles for the Majority of Criminal Justice and Public Safety: Current law provides that a portion of the wages or salaries from the work of all persons held for trial or sentenced to imprisonment at a county department of corrections facility may be applied to the cost of board and all other expenses of the county maintaining the facility. This proposed legislation enables the county commissioners of each county to require sentenced inmates only to pay a fraction of their income payable to them from sources other than wages or salaries, to offset the costs of incarceration when sanctioned by the sentencing court. In setting the amount of such payments, the court shall take into consideration and make allowances for the maintenance and support of an inmate's spouses dependent children, or any other persons having a legal right to support and maintenance by the inmate. This proposed legislation shall not apply to persons on pre trial detention. Vote 10-5.

Rep. Walter J. Mikowski for the Minority of Criminal Justice and Public Safety: The minority of the committee was concerned that the pensions, interest from mutual funds, interest from savings accounts, and rental income could all be taken from joint accounts of the person being prosecuted and the spouse and family, leaving the spouse and family on welfare. These concerns came from the wording of the bill and the lack of a firm definition of what was a "portion". At present, a prisoner can be dunned part of his earnings from work in jail to cover the expense of their keep. The minority felt this bill went too far and left too much discretion to the judge.

HB 1562, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. OUGHT TO PASS

Rep. Edwin O. Smith for Criminal Justice and Public Safety: While now permissible, this type of distribution is not used by health and human services. They are not interested in starting to use this procedure for various reasons. The most important reason is the lack of quality control from possibly locally produced cannabis-type drugs. Since we do not have a need by health and human services for this bill, all cannabis-type drugs confiscated will be disposed of as is currently being done. Vote 17-0

HB 1635-FN, establishing the crime of criminal storage of a firearm. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Walter J. Mikowski for the Majority of Criminal Justice and Public Safety: This bill would make it a class A misdemeanor if a person did not secure a firearm by locking it up or using a gun lock and allowed a child to get it. Although well intended, the bill does not take into account the reason many people have firearms in the home, for security of themselves and their families. The majority felt that the answer was firearm safety training at home by the parents and possibly in schools. There are many safety training courses available by different organizations that can be used for this purpose. Vote 9-5.

Rep. William V. Knowles for the Minority of Criminal Justice and Public Safety: This proposed legislation has merit but we did not have the time to clarify and refine some parts. There seemed to be a high percentage of gun owners who admitted to having unsecured loaded firearms on their premises. This bill is aimed at preventing access to firearms by children

EDUCATION

CACR 42, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: This measure would open the door to the use of public money for the support of sectarian schools. The committee felt that the separation of church and state is a long cherished tradition in our state which should be preserved. In addition, with the changes which are being considered due to the Claremont decision, now is not the time to make such a major decision. Vote 14-4.

HB 1215, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Clair A. Snyder for the Majority of Education: There is a vast shortage of qualified and certified personnel required to deliver services to special education students. This committee will investigate methods of enabling more graduates in these shortage areas to avail themselves of scholarships, special training programs, and interstate agreements in higher education. It would also investigate opportunities for districts to share services in these shortage areas. Vote 17-2.

Rep. Michael F. Marcinkowski for the Minority of Education: The minority feels the study is premature at this point in time. This legislative body has not addressed the major task and issue of defining adequate education nor the attendant costs of providing the level of the yet undefined definition of adequate education.

HB 1230-FN-L, establishing a teacher improvement and evaluation program. REFER FOR INTERIM STUDY

Rep. Iris Estabrook for Education: It is generally recognized that improvement of teacher performance is an essential element of a successful school system. It is also essential that there be adequate teacher evaluation in order to insure fair non-renewal of teachers who do not meet the standards of the district. Since members of the committee felt this bill had some remaining problems to resolve, it is recommended that interim study be carried out so that this important issue may be properly addressed. Vote 13-7.

HB 1280-L, clarifying the procedures for background criminal checks for school employees and volunteers. OUGHT TO PASS WITH AMENDMENT

Rep. Michael F. Marcinkowski for Education: The bill and amendment clarifies that the school district shall identify the circumstances under which "designated" volunteers are required to undergo a criminal background check and to formulate appropriate procedure to govern such circumstances. Vote 18-2.

HB 1357-L, authorizing teachers in public schools to remove dangerous, disruptive, or uncooperative pupils from the classroom. INEXPEDIENT TO LEGISLATE

Rep. Phil A. Weber for Education: This is a well intended bill. However, this bill is not the solution to the issue of disruptive students in the classroom. Vote 15-2.

HB 1369, revising the student membership of the university system of New Hampshire board of trustees. OUGHT TO PASS WITH AMENDMENT

Rep. Amanda Merrill for Education: The original version of this bill called for the addition of two students to the university system of New Hampshire board of trustees, such that UNH, Keene State College and Plymouth State College would each have a representative. (Presently representation rotates among the three campuses.) The amendment, instead, calls for the addition of one student, such that UNH will have a student representative and the Keene and Plymouth campuses will have rotating student representation. Two students working together, one from the university campus and the other rotating member from the smaller college campuses will have more to offer the board than one isolated student representative. The bill also changes the dates of students' terms of office from June 1 - May 31 to July 1 - June 30 so that the students are dealing with the system budget near the end of their terms rather than at the beginning. Vote 11-8.

HB 1414, relative to review of non-renewal of teachers contracts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Susan B. Durham for the Majority of Education: The underlying intent of this bill is to help local school boards maintain excellent teachers in our schools. Local school boards recommending the non-renewal of a teacher must provide a full and fair hearing for the teacher thereby guaranteeing that the teacher is afforded all rights of due process. This bill provides that the exclusive remedy from a local school board non-renewal decision is a review by the state board of education. The amendment was added to clarify that the review will make sure that the decision of the local board is based on proper procedure and is not clearly erroneous, arbitrary or capricious, or in violation of law. (A further review by the supreme court also remains available to an aggrieved teacher.) The bill eliminates another review of local school board decisions by prohibiting grievances of the failure of a teacher to be renewed to be subject to binding arbitration. This does not interfere with existing collective bargaining agreements because a provision in the bill specifically provides that all current teacher contracts with binding arbitration provisions remain valid until the expiration of the contracts. This bill has the support of the NH School Boards Association and the NH School Administrators. The committee believes that this bill guarantees teachers receive a full and fair process for review of non-renewal decisions while at the same time streamlining the currently cumbersome process for local school boards to non-renew a teacher which is costly and time-consuming to the local school districts. Vote 15-3.

Rep. Arthur J. Pelletier for the Minority of Education: The minority recognizes that although there may be some problems with the current system regarding teacher non-renewals, the bill, even as amended, doesn't protect the rights of teachers who are non-renewed for other than poor performance. Still more serious, though, is the provision regarding grievance procedures which states, "no grievance resulting from the failure of a teacher to be renominated or reelected

pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement." This is an unwarranted interference by the state in local affairs, as it restricts the terms of a local contract while eliminating previously negotiated provisions upon expiration of a contract.

HB 1420-L, establishing a committee to study the impact of class sizes on overall educational performance. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Luebker for Education: Much of the comment was that class size is a local issue and should not be mandated by the state. The committee recognizes that class size is important in the educational process but a study of the issue is not necessary at this time. Vote 14-4.

HB 1441, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services. INEXPEDIENT TO LEGISLATE

Rep. Arthur Tufts for Education: The costs of special education are being assessed and are available to all. A subcommittee of the house education committee met from April 24 to October 8 of 1997 and held fifteen meetings. Most of the single proponent's testimony concerned federal concerns and not New Hampshire's concerns. Vote 16-1.

HB 1476-L, enabling school districts to allow parental choice among public and nonpublic schools. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Susan B. Durham for the Majority of Education: During an all-day hearing the committee heard from many New Hampshire residents and two experts from out-of-state. The supporters say this is just enabling, but it would allow a school district to pass this by majority vote at a special meeting. Many testified that this would cost taxpayers more overall because special education costs would remain with the local education agency. Charter schools could provide choice in public schools if the local voters felt it would be beneficial fiscally or educationally. Vote 12-5.

Rep. Phil A. Weber for the Minority of Education: School choice, and competition with the current monopolistic public school structure, is a must. We will never be able to provide quality educational opportunities until the public school system has accountability. An outstanding method of improving public education would be if parents had the ability to choose the best educational opportunities for their kids. The current system of confiscatory taxation to support a closed monopolistic structure will in the end fail, even as it has in the former Soviet Union. We must be willing to admit the truth about the shortcomings of our current system and have the courage to change.

HB 1478, recognizing American sign language as the primary language of deaf citizens. INEXPEDIENT TO LEGISLATE

Rep. Warren C. Henderson for Education: The committee heard testimony that there are many variations of language used by the hearing impaired. Designating one as superior to the others seemed unwarranted. The bill also would permit American sign language to satisfy the college foreign language requirement. The University of New Hampshire already offers such a course for credit. It is also not the duty of the legislature to direct colleges or schools as to what to offer for credit courses. Vote 11-4.

HB 1479, establishing education partnership agreements to encourage and enhance the study of scientific and technological discipline in the public schools. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: The committee is in favor of encouraging schools in New Hampshire to establish educational partnership with federal laboratories but legislation is not needed. The information about these opportunities will be sent to the school technology plan oversight committees around the state. The person in charge of technology transfer at the Cold Regions Lab in Hanover is willing to be a conduit for inquiries about partnerships with federal laboratories around the country. Vote 17-2.

HB 1501, relative to amending certain provisions of the charter school law. OUGHT TO PASS

Rep. Marie Rabideau for Education: This bill amends charter school law by clarifying school districts will be "held harmless" from charter school action or inaction. It also clarifies that no duties are to be added to those of the school board and revises the method used to determine cost per pupil to reflect most recent and available data. The committee felt this was a "housekeeping" bill which refines charter school law. Vote 17-2.

HB 1530, regarding the reappointment of teachers in their probationary period. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles for Education: Although this bill had some support in committee, its features have some overlap with HB 1414 and certain Senate bills. The committee chose to ITL this bill and deal with these features in the Senate bills. Vote 12-5.

HB 1618-L, requiring schools to provide evaluative materials to non-custodial parents of pupils. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth K. Hoadley for Education: This bill allows non-custodial parents access to evaluative materials concerning their children. The bill provides those parents will also have access to notices of school-based activities. The committee found several unresolved problems with the bill. Accordingly, the study committee investigating parental involvement in schools will be asked to consider the issues raised by this bill. Vote 17-2.

HR 52, encouraging school districts to include special education students in drug education programs. INEXPEDIENT TO LEGISLATE

Rep. William A. Riley for Education: School districts must include special education students in drug education programs by law. Therefore, HR 52 was considered to be unnecessary by the majority of the committee. Vote 15-4.

ENVIRONMENT AND AGRICULTURE

HB 1145, relative to the definition of "livestock." OUGHT TO PASS WITH AMENDMENT

Rep. Perley E. Davis for Environment and Agriculture: This bill expands the definition of "livestock" to more clearly define the term as it is used today in agriculture, by including domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yak, elk, fallow deer and reindeer. Vote 19-1.

HB 1225, restricting the land application of solid wastes within certain distances of natural, rural, and community rivers. OUGHT TO PASS WITH AMENDMENT

Rep. Peter R. Leishman for Environment and Agriculture: This bill would exempt current approved sludge and septage agricultural application practices from the 250 foot set-back requirements along rural/community rivers. This exemption would continue for five years only for past agricultural uses and indefinitely for research done by the University of New Hampshire. The committee believes before we prohibit the use of sludge and biosolids from some of our agricultural lands, more research needs to be conducted. However, to remove the 250 foot protective set-back for new applications of sludge and bio-solids from the comprehensive Shoreland Protection Act would be unwise. Vote 20-0.

HB 1346, relative to the definition of disposal under the solid waste management act. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill is an agency bill to make clear and consistent the regulations of incineration and disposal of solid waste. It changes no regulation and is necessary housekeeping. Vote 21-0.

HB 1431, prohibiting the aerial spraying of herbicides for forestry purposes. INEXPEDIENT TO LEGISLATE

Rep. David L. Babson for Environment and Agriculture: The committee felt that the revised rules on aerial spraying of herbicides which will be in place in the near future should be given an opportunity to work. Vote 14-6.

HB 1453, relative to products from sludge-treated soil. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Leishman for Environment and Agriculture: The committee felt the bill as written was unworkable and could raise issues with labeling unwarranted from evidence presented. However, there may be merit in the concept and as a result the Committee Chairman has created a study committee on labeling to report back with potential legislation next session. Vote 18-3.

HB 1454, relative to the spreading of sludge or biosolids. REFER FOR INTERIM STUDY

Rep. Betty B. Hall for Environment and Agriculture: This controversial issue, landspreading of sludge, has so many ramifications a moratorium is only one solution. More study is needed to review evolving research. New rules are in the process of adoption, random testing is currently happening and results need to be carefully analyzed. Vote 19-2.

HB 1477, clarifying the waste reduction goals for the state of New Hampshire. REFER FOR INTERIM STUDY

Rep. Betty B. Hall for Environment and Agriculture: The recycling sub-committee has been studying clarifying recycling goals and needs more time to complete its work. Therefore the committee recommends interim study. Vote 21-1.

HB 1606-L, relative to liability for response to hazardous materials accidents. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Environment and Agriculture: As introduced this bill modified existing statutes to broaden liability for contamination of equipment and personnel gear occurring during response of police, fire, emergency preparedness or emergency response equipment to a discharge of hazardous or toxic wastes, and to include certain personnel costs. The bill also changed the initial appeal process for the liable person from the Commissioner of the Department of

Environmental Services to the Commissioner of the Department of Safety. The amendment clarifies definition of the person liable, clarifies and limits that liable person's financial exposure and sets up appropriate mechanisms for control. Vote 17-2.

HB 1623, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Environment and Agriculture: As introduced, this bill required a waiting period before an animal care center could consider an unlicensed cat or dog to be abandoned. It also required outdoor cats to have identification and to be spayed or neutered. The amendment replaces the original bill and accomplishes the following: 1.) Increases the waiting period before euthanization for cats which have a form of positive identification. 2.) Mandates that all animal shelter facilities (as defined in RSA 437:2, I) shall have on premises a microchip scanner (no charge to the shelter) and a file of recognized pet retrieval agencies. Where an owner is not known all shelters shall inspect for tattoos, ear tags or other forms of positive identification and shall scan for a microchip upon admission of an animal and prior to transferring ownership of an unclaimed or abandoned animal. 3.) Sets up safeguards for transfer of ownership of a cat to include a) inoculation b) issuance of a health certificate and c) establishing a form of positive identification including but not limited to a tattoo, collar microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets and food. 4.) Changes the holding period for vaccinated ferrets from 45 days to 10 days to reflect increased knowledge of ferret immune reactions pursuant to studies by the USDA. Vote 18-1.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1438, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools. OUGHT TO PASS WITH AMENDMENT

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill creates a study committee to examine the issues of regulating personnel employed in early child care and education, including, but not limited to, center and family-based child care and preschools. The committee will review relevant research and national studies with specific attention to the role of regulation in improving the quality of care for our youngest children. The amendment expands the committee's duties to include input from the public, professionals, parents and related state agencies. Vote 14-4.

HB 1556-FN, transferring the division of fire standards and training to the department of regional community-technical colleges. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: Except for the sponsor all of the testimony the committee heard was opposed to the bill for various reasons: (1) there were no funds to support the division if the transfer was approved, (2) the firemen would have difficulties meeting training standards, and (3) such a move would place training for firefighters back 20 to 40 years. Vote 17-0.

HB 1640-FN, prohibiting the use of public resources for political purposes. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill as written made little sense, so the committee focused on the sponsor's amendment which prohibits public employees or appointed officials of the state or its political subdivisions from working on political agendas or committees for candidates. Also, these same employees or officials would be prevented from using public facilities or their office equipment or supplies or from soliciting contributions for their purposes. While this may seem to make good sense and many were surprised to discover that this was not already on the books, the amendment goes on to say that the prohibitions shall not apply to public employees who work for elected officials. Clearly, this leads to some very strange places and situations, and the committee wished to explore these further during the interim. Vote 15-3.

HB 1653, relative to the composition of the board of barbering, cosmetology, and esthetics. OUGHT TO PASS

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill changes the make up of the Board of Barbering, Cosmetology and Esthetics. One of two licensed barbers members is replaced by a licensed manicurist. This change in make up of the board more accurately reflects the membership of those licensed by the board. No other changes are made. Vote 12-5.

FINANCE

CACR 40, relating to imposing limitations on state government spending. Providing that the legislative and executive budgets cannot be more than 98 percent of the previous year's revenues, with the remainder being placed into a stabilization fund. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: This bill, if passed, would limit the legislative and executive budgets to 98 percent of the previous year's revenues with the remainder being placed into a stabilization fund. The committee felt that we already have the power to do this and we would not be giving ourselves any new authority that we don't already possess and that there must be some flexibility to deal with the budget in good times as well as bad. Vote 17-5.

HB 1217, relative to balancing the operating budget. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill puts into statute what is the legislature's current practice. This bill states that the General Court must pass a balanced budget not only from the Finance Committee but the entire House and Senate. The amendment puts into statute that in creating a balanced budget neither the Governor nor the General Court can bond indebtedness to fund operating appropriations. The amendment also states that projected lapses may be used in balancing the budget. Vote 16-6.

HB 1295-FN, relative to reimbursing the state medical assistance program. OUGHT TO PASS

Rep. William S. Belvin for Finance: This bill is a clarification that allows the state to recover Medicaid payments from third parties, typically insurance companies. It requires that timely notice be given to the Department of Health and Human Services prior to disbursement of any third party funds to recipients. No attorneys' fees shall be deducted from the amount due the state from such award or settlement. \$250,000 of annual revenue is estimated, half of which will be returned to the federal government as their Medicaid match. Vote 12-5.

HB 1300, relative to the revenue stabilization reserve account. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill, as amended, is an attempt by the Finance Committee to build up our reserves in the "rainy day" fund and the Health Care Transition Fund. It will require at the end of the biennium any surplus be divided as follows: 25% would go into the General Fund surplus account, and the remaining 75% would be split 50/50 between the Revenue Stabilization Reserve Account and the Health Care Transition Fund. There is a cap of \$100,000,000 of principal being placed on the Health Fund with any extra money going into the Revenue Stabilization Reserve Account. The amendment also changes the cap on the "rainy day" fund from 5 to 10% of the actual General Fund unrestricted revenues for the most recently completed fiscal year as well as changing the name of the Health Care Transition Fund to the Health Care Fund. Vote 19-3.

HB 1310, relative to legislative approval of expenditure of federal and other funds. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill adds the Legislative Fiscal Committee to the present procedure utilized for the acceptance and expenditure of non-state funds, i.e., federal aid, bequests, gifts, etc. by the Governor and Council for sums exceeding \$100,000. Vote 13-9.

HB 1397-FN-A-L, reestablishing the investment tax credit against the business profits tax under the community development finance authority. REFER FOR INTERIM STUDY

Rep. Avis B. Nichols for Finance: This bill would not only extend the investment tax credit against the Business Profits Tax for investments under the Community Finance Authority but would increase the amount of the credit from \$2,000,000 per year to \$5,000,000. This could decrease state revenue each year up to \$6,200,000 in year 2002. By voting Interim Study for this bill the approved projects will continue to be funded. It will also give the legislature time to continue looking at funding for the Claremont decision before decreasing proceeds from the BPT. Vote 12-5.

HB 1399-FN, revising certain information required in the state operating budget. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill provides for the elimination of all but Class 90 accounts in the University System of New Hampshire budget. The USNH budget will show only the General Fund activity within the Class 90 accounts. This change recognizes the reality of the existing situation, which is that the state funds the University System on a grant basis. All budget details, however, would be available for executive and legislative review. The amendment removes the section of the bill requiring all departments to prepare a supplemental schedule of equipment inventories. This addition would have required the establishment of a Supervisor I labor grade 18 position. Because of the fiscal impact, this section was removed from the original bill. Vote 22-0.

HB 1400-FN, relative to the powers and duties of the commissioner of health and human services. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: This bill as amended makes several changes to the powers and duties of the Commissioner of Health and Human Services. The first change is restoring to the transfer of funds process the need for Fiscal Committee approval before funds are transferred. This process will end at the end of this biennium (June 30, 1999). In 1995 with **HB 32**, the legislature took away the bumping privileges of the employees of Health and Human Services. This bill will restore the bumping privileges. The bill also provides that a department will not need prior authorization from the Governor and Council for out-of-state trip expenses unless four or more employees are traveling. This provision of the bill pertains to all departments. In addition, the bill requires the Department of Health and Human Services to produce quarterly reports on accounts payable and how promptly bills are being paid to providers of services. The bill also repeals the rule-making authority given to the Commissioner of Health and Human Services in HB 32. Vote 20-1.

HB 1439-FN-A, relative to reducing the amount of meals and rooms tax retained by operators and designating the moneys to a nonlapsing fund in the department of resources and economic development for the promotion of tourism. INEXPEDIENT TO LEGISLATE

Rep. Marie C. Hawkinson for Finance: The Department of Revenue Administration requires businesses to keep records and submit taxes collected by them. This bill would reduce the amount of meals and rooms tax retained by operators from 3% to 1 1/2% and put the other 1 1/2% into a non-lapsing fund in the Department of Resources and Economic Development for the promotion of tourism. This would affect harshly many small businesses which receive the small reimbursement fee. During the last session DRED received substantial increases in its budget for printing and advertising, joint promotion advertising, and international tourism. Additional funds for this biennium are unnecessary. Vote 17-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

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

Rep. Alphonse A. Haettenschwiler for the Majority of Health, Human Services and Elderly Affairs: This bill was recommitted to consider more information. The original bill called for repeal of the schedule allowing physicians to prescribe cannabis derivatives, mainly Marinol, which has been law since 1981, for treatment of some post-treatment cancer patients. As amended by the committee, the bill was passed 18-0 to permit prescribing for other medical conditions. After receiving further information, the committee majority decided to retain the bill as originally amended. Vote 15-1.

Rep. Robert K. Boyce for the Minority of Health, Human Services and Elderly Affairs: All discussion in the committee revolved around the schedule II drug, Marinol, a derivative of marijuana. There was question about whether this section allows the prescriptive use of marijuana. The consensus was that it should not. The committee rejected an amendment stating that this RSA does not allow prescriptive use of marijuana.

HB 1658-FN, relative to prohibiting the cloning of human beings in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes a 5-year moratorium relative to the cloning of a human being. The bill also establishes a commission to study the issue of cloning and requires the commission to present annual reports to the house, senate and governor. Vote 11-6.

JUDICIARY AND FAMILY LAW

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

Rep. Sandra B. Keans for Judiciary and Family Law: It is inappropriate to put this question before the voters because another bill setting up a study committee has been passed to deal with the same sections of the Constitution. The report of the study is due November 1, 1998. If there is a reason to go forward this CACR can be introduced in January. Vote 10-5.

HB 1144, relative to protecting personal privacy. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee deadlocked twice on this piece of legislation which concerns personal privacy issues to which we are all sensitive. However, the majority found that this bill, if enacted, would leave the State of New Hampshire an island in the broad ocean of credit (and other) practices in the United States and could result in serious unintended consequences to the flow of commerce. The aims of this bill, in the opinion of the majority, are better pursued through Federal legislation, as it presupposes changes which would indeed be national in scope. Vote 9-7.

HB 1376, relative to co-parenting of children. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Terence R. Pfaff for the Majority of Judiciary and Family Law: In 99% of divorce cases joint legal custody is granted. This bill presumes we can legislate better communication between parents when it is the breakdown in communications which frequently precedes divorces. While the intent of this bill is to have more and better contact between children and parents, this isn't the appropriate method to achieve that. The committee believes that within the context of the best interest of the child the custody issues are extremely important and urge the court to ensure that judges and masters take advantage of every possible opportunity to receive training that will help them render fair and impartial decisions based on the very real individual circumstances of each family. Vote 13-2.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: This bill recognizes the value of both parents and would create a policy to assure minor children could have frequent and significant time with each parent on a shared basis whenever possible, but not necessarily equal in time and hours.

HB 1452, relative to expanding the court's authority for debt collection by including license revocation and suspension. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Sandra B. Keans for the Majority of Judiciary and Family Law: The committee is sympathetic with the intent of the sponsor to use the threat of removal of a driver's license to collect debts between individuals. The courts do use this system to enforce child support payments because the

state sees this as in the best interests of the child's security. However, we don't believe there is a compelling state reason to enter into the middle of financial matters between two adults. Vote 11-1.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: License revocation is a collection method presently used for the benefit of custodial parents which helps alleviate jail overcrowding. This bill expands this tool to benefit all citizens. It would be of particular help to non-custodial parents to collect debts owed to them thereby reducing the need to lower child support payments. The collection of debts owed to all members of a family is paramount to supporting families.

HB 1470, relative to protection of religious freedoms. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill alludes to some serious and complex issues relating to balancing potentially competing constitutional rights. However, it was not heard by the committee until the Friday before the reporting deadline, leaving no time for appropriate consideration. There was testimony that the bill might not adequately address the issue. Some suggested that a constitutional amendment might be the appropriate solution, others favored legislation under consideration in other states. Because this is the second year of the biennium and the Judiciary and Family Law has already committed to interim study on six bills, the committee concluded that it would be appropriate to ask the sponsor to work with interested parties both within and outside of the legislature in order to come back in the next session with a bill which more closely meets the goals of the sponsors. Vote 10-3.

HB 1471, allowing loss of familial relationship damages in wrongful death actions. OUGHT TO PASS

Rep. Benjamin J. DePecol for Judiciary and Family Law: At times our legal system seems to treat our children as economic property. In our non-agrarian society this concept is outdated. This bill says to the courts that our children provide we parents with comfort, society, affection, guidance, companionship and many other qualities as the parents provide to our children. This puts all concerned on an equal legal level of recovery in wrongful death cases. Vote 9-5.

HB 1486, establishing a committee to study joint physical custody and child support guidelines. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Irene A. Pratt for the Majority of Judiciary and Family Law: It appears premature to establish another study committee regarding joint physical custody and child support guideline issues when the 1995 study and findings are presently addressed in SB 774. Vote 14-1.

Rep. David F. Bickford for the Minority of Judiciary and Family Law: This bill would have merely studied what 14 other states have adopted in whole or part.

HB 1622-FN, relative to remedies and appeals under the whistleblowers' protection act. OUGHT TO PASS

Rep. David A. Bickford for Judiciary and Family Law: This bill allows compensation and attorneys' fees for employees under the whistleblowers' protection act and permits appeals to the superior court. Vote 7-5.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1417-L, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert E. Clegg, Jr. for the Majority of Labor, Industrial and Rehabilitative Services: This bill only pertains to those municipalities where the employer is also the legislative body. Under current law a mediator can require that the full employer body attend mediation in public bargaining. Being that the employer is also the legislative body, the result is that anything done during negotiations is done as a legislative body, making it impossible to separate the two functions. In at least a couple of cases the mediator has called the full body into negotiations. In those cases the employer body, recognizing the conflict, refused to participate as a whole and sent a representative(s) instead. While those known cases came to agreement, had they not the employer body could have been hit with an unfair labor practice for not following the mediator's instructions. It is worthy of noting that while mediators have instructed full employer/legislative bodies to participate in negotiations, no such requirement has ever been placed upon the union's bargaining unit—that the full legislative body of the union participate in negotiations. Those individuals serving in governing positions within municipalities currently affected want nothing more than to make the process fair, even, and beneficial for those they were elected to represent. This bill will do that. Vote 10-9.

Rep. Edgar H. Mears for the Minority of Labor, Industrial and Rehabilitative Services: The Minority contends that no compelling testimony was given to justify changes to RSA 273-A:12. Under current law, mediation is a voluntary process where either party can walk away. Furthermore, the Labor Committee is currently sponsoring public sessions to further study the public employee labor relations law. We feel it is premature to change the law at this time.

HB 1446, relative to certain private employers under workers' compensation. OUGHT TO PASS

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This allows small

farmers with an aggregate payroll of less than \$2,000. per calendar year to elect to carry private insurance instead of Workers' Compensation Insurance. Vote 13-5.

LOCAL AND REGULATED REVENUES

HB 1189-FN, increasing the limits of direct off-premises sales from breweries and brew pubs. OUGHT TO PASS WITH AMENDMENT

Rep. William J. Desrosiers for Local and Regulated Revenues: This bill as amended will allow small craft brewers to sell one case of beer per person per day directly from the place of manufacture. Present law allows one 6-pack to be sold. This helps the brewer create demand for its product through tourism and "word of mouth," i.e., taste. Vote 12-3.

HB 1467, establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire's long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Local and Regulated Revenues: This vehicle will permit the committee to review and analyze the state of New Hampshire's long term strategic options regarding the sale and distribution of distilled spirits, wine and beer. Vote 12-3.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1252, relative to the right to farm. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill provides protection for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets and food and with federal and state laws, regulations and rules. The amendment changed the effective date to July 1, 1999 to give municipalities the opportunity to amend their zoning laws if necessary. Vote 13-2.

HB 1435-L, relative to the vote required for a legislative body of a municipality to accept a street. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government: Currently, when a landowner has a tax dispute over a town boundary which affects his/her boundary, an appeal is filed. Section 1 of this bill gives the Board of Land & Tax Appeals the authority to settle the appeal instead of requiring the taxpayer to go to Superior Court. Section 2, 3 and 4 deal with conflicting and confusing appeal dates regarding Land Use Change Tax. Right now, there are two separate appeal periods for Land Use Change Tax and this portion of the bill provides a single appeal period (two months from the date of bill for an appeal to the town and eight months from date of bill for an appeal to Board of Land and Tax Appeals.) Section 5 deals with the votes required for the acceptance of streets by an authorized Planning Board. In the bill a majority of those present and voting or 2/3 of those present and voting are required, instead of a majority or 2/3 of the entire membership of the local legislative body. Section 6 deals with exempting islands served exclusively by boats from the requirement of being on an approved or platted road if the local legislative body votes to approve the policy. Vote 11-3.

PUBLIC WORKS AND HIGHWAYS

HB 1656, relative to the law enforcement memorial. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Lou D'Allesandro for the Majority of Public Works and Highways: This bill deals with the issue of moving the previously approved Legislative Office Building location of the law enforcement memorial. New locations proposed included the Police Academy and the Justice Department. Previous legislation approving the LOB site did not include any legislative oversight, and the majority of committee members felt that since the design has been approved and work is already commencing on the memorial it was too late to throw other locations into the mix, and the committee strongly supported having the memorial remain in its previously approved location. The committee did not approve any of the offered amendments. Vote 12-4.

Rep. Katherine D. Rogers for the Minority of Public Works and Highways: This bill, if amended, would place the law enforcement memorial on the grounds of the Department of Justice. Although the design of the memorial is not what was originally envisioned or anticipated, it is impressive and a fitting tribute to those it honors. To fulfill its purpose this memorial should have the quality of a sanctuary, a place which inspires contemplation and reflection. The lawn of the Legislative Office Building is not the most appropriate location for the memorial that has been designed. The design overwhelms rather than enhances the site. The memorial is a plaza, 42 feet in diameter, emblazoned by a flame standing 10-1/2 feet high. It does not grace the space, but consumes it. The lawn of the LOB offers little sanctuary. The memorial would stand on one of the busiest intersections in Concord. This will not provide the serenity and tranquillity this memorial deserves. The grounds of the Department of Justice would offer sufficient shelter but accessible space where the memorial would foster the contemplative and reflective setting for which it is designed.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1187, relative to breakwater permitting. REFER FOR INTERIM STUDY

Rep. David M. Lawton for Resources, Recreation and Development: This bill is an attempt to clarify the current Department of Environmental Services (DES) rules relating to breakwater permitting. The majority of this committee strongly believes that the subject matter in the bill has merit, however, current time constraints inhibit a comprehensive airing of the issues at this time. Vote 15-0.

HB 1341, relative to temporary seasonal docks on lakes and ponds. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William E. Williams, Jr. for the Majority of Resources, Recreation and Development: This legislation exempts temporary seasonal docks on lakes and ponds from excavating and dredging permit filing requirements. The bill provides specifications and conditions that the property owner must meet in order to comply with the act. The bill was amended at the suggestion of the Department of Environmental Services (DES) with the approval of the sponsor and encourages the use of a single temporary seasonal dock as a means to access the water in front of one's property. The majority believes that this bill represents a reasonable property use while not adversely impacting the public trust of lakes and ponds. Vote 10-9.

Rep. Sidney Lovett for the Minority of Resources, Recreation and Development: The minority believe that this bill has little merit. It provides a broad exemption without any accountable information to be provided to municipalities and or the Department of Environmental Services. It is simply a "give away" which evades both local control and responsible state planning.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1659, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Clifton C. Below for the Majority of Science, Technology and Energy: This bill simply removes the right of a public utility to use eminent domain powers to take private land for the construction or operation of an electric generating plant. The amendment makes this change in policy only effective when competition for electric generation supply exists in at least 70% of the state. This policy will put competitive generation suppliers on a level playing field with public utilities that retain generation. It is also consistent with the restructuring policy principle in RSA 374-F:3, VII, that states: "The rules that govern market activity should apply to all buyers and sellers in a fair and consistent manner in order to ensure a fully competitive market". Vote 11-5.

Rep. Donald B. White for the Minority of Science, Technology and Energy: This bill is well intended as written as part of electrical restructuring. The Minority feels that this bill is premature and unnecessary prior to the time competition is in full force. This bill also leaves municipalities free of eminent domain restriction, so an unequal playing field exists. Of great concern, too, is the potential for the reduction of opportunity for new technology which is in the public interest because the cost and availability of logical sites may be priced out of reach for any buyer to construct a cost-competitive generation plant. Eminent domain for an electric energy supplier has been used only once in the past thirty years and only after demonstrating a clear public interest.

HB 1662-FN, restructuring the nuclear decommissioning finance committee and the office of the consumer advocate and amending laws relative to atomic energy to reflect the policies of electric utility restructuring. REFER FOR INTERIM STUDY

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee believes that the nuclear decommissioning statutes, Chapters 162-B and 162-F, need updating due to electric utility restructuring. However, since this bill was not completed, and could not be scheduled for public hearing until February 10, the committee was unable to examine decommissioning with any thoroughness. The committee also needs ample time to study how best to accomplish the sponsors' goal of making the Office of the Consumer Advocate more accountable. The current statute provides that the Attorney General appoints the Consumer Advocate and the office is administratively attached to the Public Utilities Commission. Apparently, the current Consumer Advocate is a hold-over from a previous statute (before 1985) that provided Public Utilities Commission appointment and there is no appointment letter from the Attorney General according to a research request performed by the Office of Legislative Services. There is no term of office for the Consumer Advocate who is a classified employee and as such can be removed only for cause. The sponsors believe that were the office to have a four or five year term, with re-appointment necessary, the office would be more accountable to the public, and to the residential consumers of utility services whom the Consumer Advocate represents. The committee is sympathetic to the goals of the sponsors, but believes other states' statutes should be thoroughly studied if changes in appointment are to be made. The committee also believes that due to electric utility restructuring, the role of the Consumer Advocate must be carefully examined. Interim Study will allow for this examination. The committee takes no position on the current Consumer Advocate. Vote 16-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 22, rescinding the 1979 call for a federal constitutional convention. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Kenneth J. MacDonald for the Majority of State-Federal Relations and Veterans Affairs: In 1979, House Concurrent Resolution 8, dealing with a call for a federal constitutional convention to propose an amendment requiring a balanced federal budget, and alternatively calling on Congress to present such an amendment to the states for ratification, was passed. Over a period of years this state has stayed firm on the need for a balanced federal budget. This is not the time to back down but it is the time to stand our ground. A balanced budget is the only mechanism which can ensure our nation's economic future. Fears of a runaway convention are false due to the fact that the call for a convention would have a specific purpose, and would not have the authority other than specific purpose. Vote 10-7.

Rep. William H. Barry for the Minority of State-Federal Relations and Veterans Affairs: The minority of the committee believes that the call for a constitutional convention can not be limited to a single issue. A vote to rescind is not a vote against the balanced budget amendment. The founders did not allow for the constitutional convention to be limited to a single issue when called by the states. Disaster could result if a constitutional convention was open to amend the constitution on issues such as privacy, abortion, states rights, taxes and gun ownership.

HJR 22, requesting the government of the United States to adopt and ratify the international treaty to ban land mines. INEXPEDIENT TO LEGISLATE

Reps. Thomas A Varrell and Robert J. Letourneau for State-Federal Relations and Veterans Affairs: Passage of HJR 22 would greatly reduce the safety capabilities and morale of our existing armed forces. The United States currently only uses land mines in a defensive posture and maintains the exact location of all our land mines recently deployed throughout the world. In addition, our modern technology allows us to produce land mines which can be programmed to deactivate on command. As far as existing older unexploded ordinance is concerned, the United States maintains comprehensive SOFAs (Status of Forces Agreements) in all countries where American troops are deployed. All of these SOFAs contain provisions where American explosive ordinance disposal personnel shall assist the host country in the disarmament of all discovered older unexploded ordinance. This treaty has already been addressed by the Department of Defense, the Congress and the President. Under recommendation from DOD and the Congress, the President has declined to sign this treaty, since it would put our armed forces in great jeopardy. In addition, some of the other non-signatory nations are some of our greatest potential adversaries i.e. Cuba, North Korea, Iraq, Iran, Bosnia, etc. This resolution upon first blush appears to be a humanitarian treaty, which certainly has merit. However, upon closer reading of the treaty itself, the treaty is about open ended financial assistance to over 100 third world countries through the United Nations Voluntary Trust Fund. Disclosure of stockpiles of weapons, including lot numbers, would have national security concerns. The majority of the committee felt that it should leave foreign affairs of this nature up to the policy makers in our nation's capitol without interference, no matter how dignified, from state law makers. Vote 11-5.

WILDLIFE AND MARINE RESOURCES

HB1196, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Donald Carlson for the Majority of Wildlife and Marine Resources: As originally drafted, this bill would have outlawed the sale, possession and use of lead sinkers and jigs in New Hampshire. The committee heard testimony at the public hearing that was inconclusive as to the threat of lead fishing tackle to water birds. This bill, as amended, takes a two pronged approach. First an education program, already underway, to alert sportsmen and the public to the dangers to, not only wildlife, but also humans. (We heard testimony from health and human services that there were 250 to 300 new cases of human lead poisoning in New Hampshire, annually). Second, the Department of Fish and Game in consultation with Environmental Services and Health and Human Services and in partnership with other interested organizations shall study existing scientific literature and coordinate and compile additional studies into the causes of water bird, and in particular loon, deaths due to lead poisoning and the extent of these deaths. The Director is to report the findings to the Governor, Speaker of the House, President of the Senate and appropriate committees of the House and Senate. Should these studies prove, to a reasonable extent, the need to discontinue the use of lead sinkers and jigs, the Director of Fish and Game may make rules banning the use of the offending devices in New Hampshire's fresh waters. There does not seem to be a threat in New Hampshire's salt waters. Vote 9-1.

Rep. Dennis F. Abbott for the Minority of Wildlife and Marine Resources: The bill, as amended, offers little protection to the common loon from the effects of lead poisoning. The bill provides for a continuing study until the year 2003 ensuring that loon mortality shall escalate annually as it has in recent years. The proposed educational program may help, but until loons stop ingesting lead sinkers, they will continue to die from unnecessary and avoidable lead poisoning. The minority does support the hard work and efforts of the committee and the Fish and Game Department in grappling with this difficult issue

HOUSE BILLS AMENDED BY THE SENATE

HB 385, relative to reporting and registration requirements for lobbyists and clients of lobbyists. (SJ 3)

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

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

HB 1119, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (SJ 4)

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.)

HB 1520-FN, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Pending question is the adoption of the committee amendment.)

HB 1577-FN-A, relative to campaign finance expenditure and contribution reform. (Pending question is the adoption of the committee report.)

COMMITTEE HEARINGS

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.

NUCLEAR DECOMMISSIONING FINANCE COMMITTEE (RSA 162-F:15), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, MARCH 9

FINANCE, Rooms 210-211, LOB

10:00 a.m. **HB 1600**, relative to the multiple DWI offender intervention detention center program. (A)

11:00 a.m. **HB 1503-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor.

1:00 p.m. Division work and executive sessions.

Full committee executive session to follow.

FINANCE - (DIVISION I), Room 212, LOB

WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

1:00 p.m. **HB 1210-FN**, relative to the licensing rate for beverage manufacturers.(A)

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

HB 1297-FN-A, establishing a program of integrated pest management and continually appropriating an integrated pest management fund.(A)

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

HB 1545-FN, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.(A)

HB 1636-FN, relative to the executive director of fish and game and the fish and game commission. (A)

HB 1337-FN, making technical corrections in laws related to the department of corrections.(A)

HB 1344-FN, relative to state employees receiving workers' compensation benefits.(A)

HB 1409-FN, relative to licenses for taking lobster and crab.(A)

HB 1509-FN, relative to the content of motor vehicle registrations. (A)

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

WORK SESSION ON THE FOLLOWING BILLS:

1:00 p.m. **HB 1377-FN**, establishing a state commission on the status of men. (A)

1:45 p.m. **HB 1387-FN**, relative to the state art fund. (A)

2:30 p.m. **HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor.

Executive session to follow.

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

TUESDAY, MARCH 10

FINANCE - (DIVISION I), Room 212, LOB

WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

10:00 a.m. **HB 1513-FN-L**, relative to vehicle emissions control equipment and testing.(A)

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.(A)

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.

HB 1630-FN, relative to the transportation of high level radioactive waste.(A)

HB 1575-FN, relative to highway modifications on lands acquired through the land conservation investment program.(A)

Executive session on pending legislation to follow.

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

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

WEDNESDAY, MARCH 11

COMMERCE, Room 302, LOB

- 10:00 a.m. **SB 340**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.
- 10:30 a.m. **SB 344**, clarifying requirements regarding certain trusts.
- 11:00 a.m. **SB 357**, establishing a committee to study insurance coverage for infertility.
- 11:30 a.m. Continued public hearing on **SB 372**, relative to forms and rates for large scale commercial insurance policies.
- 1:00 p.m. Informational meeting of health insurance for individuals.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 9:30 a.m. Subcommittee work session on **HB 1660-FN-LOCAL**, relative to defining educational adequacy within the public school system.
- 1:00 p.m. **HB 1667**, to place a question concerning electronic gaming machines to the voters on the November 1998 state general election ballot.
- 2:00 p.m. Public hearing on the proposed amendment to **HB 1660-FN-LOCAL**, relative to defining educational adequacy within the public school system. (Copy of the floor amendment is available from the Sergeant-at-Arms office.)
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. UNH relations subcommittee work session.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

- 10:00 a.m. **SB 320**, relative to notice by a state agency to certain persons of proposed rulemaking activity.
- 10:30 a.m. **SB 322**, repealing the prospective repeal relative to an exemption for certain rules regarding the radiological health program from drafting and numbering requirements of the rulemaking process.
- 11:00 a.m. **SB 486**, relative to old age and survivors' insurance.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE - (DIVISION I), Room 212, LOB

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

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

- 11:00 a.m. Work and executive session on pending legislation.

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.

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

10:00 a.m. ***SB 476-FN***, relative to ambulatory surgical facilities.

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

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. ***SB 324-FN***, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification.

10:45 a.m. ***SB 328***, allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals.

11:15 a.m. ***SB 309***, relative to distributors and suppliers of bingo equipment.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

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

1:00 p.m. Presentation by Granite State Electric on their proposed restructuring settlement.

FRIDAY, MARCH 13

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

9:00 a.m. Quarterly meeting.

tuesday, march 17

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on closure of incinerators.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Presentation on Nuclear Decommissioning.

WEDNESDAY, MARCH 18

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

9:30 a.m. Public hearing on the proposed amendment to the Ethics Guidelines for the 1999 session to

allow a general disclosure of potential conflicts of interest.

Public hearing on a request for an advisory opinion concerning the participation of legislators and staff in certain fundraising or commercial activities.

Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

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

1:00 p.m. Long-term care plan presentation by Commissioner Terry Morton.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 349***, enabling a town or school district moderator to postpone the deliberative session of a meeting because of a weather emergency.

11:00 a.m. ***SB 353-FN***, relative to official ballot procedures.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. ***SB 140***, relative to the obligations of joint owners to the nuclear decommissioning finance fund.

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

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.

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

9:30 a.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

Coos County Delegation will meet to finalize the budget at the County Nursing Home, West Stewartstown at 10:00 a.m. on March 7.

Rep. Lynn C. Horton, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Delegation will meet on Monday, March 9 at the Hillsborough County Courthouse, Manchester at 7:00 p.m. for a public hearing on the Sheriff’s Department Mediator’s Report and at 7:30 p.m. the delegation will meet in County Convention to vote on the report.

Hillsborough County Executive Committee will meet on Friday, March 20 at 9:00 a.m. at the Hillsborough County Nursing Home, Goffstown.

Rep. Frances L. Riley, Chairman

Hillsborough County Delegation

COUNTY DELEGATION NOTICE

The Executive Committee of the Merrimack County Delegation will meet on 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

A public hearing will be held on the 1998 Merrimack County Budget on Thursday, March 19 at 7:00 p.m. in Rooms 206-208, LOB. Immediately following the public hearing the Merrimack County Delegation will meet to act on that budget.

Rep. David W. Hess, Chairman

Merrimack 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, 605, 606, 651, 670, 676, 697, 707, 717, 730, 734, 736, 747, 749, 753, 774, 784, 1000, 1115, 1211, 1224, 1259, 1284, 1291, 1328, 1330, 1331, 1336, 1338, 1350, 1354, 1456, 1490, 1541, 1545, 1573, 1579, 1582, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617, 1639, 1644, 1660, 1662, 1664 and HJR 24.

Leo J. Callahan, Assistant Clerk

When the House Clerk Office is aware of House Members who are hospitalized or homebound by serious illness, we 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.

Charles W. Ferguson, 160 Foster Road, Milford, New Hampshire 03055-3608

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

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

At the request of several members, the Concord Toastmaster Group has offered to conduct an 8 week Speechcraft Program here at the State House for members interested in improving their public speaking skills. Please contact Carol Dunning at the Speaker's Office if you are interested and would like more information.

Rep. Donnalee Lozeau

The Department of Administrative Services, Division of Information Technology Management (DITM) has just completed work on a paper entitled, The Year 2000 Report. This report is a compilation of a survey taken in the fall of 1997 to gauge the level of awareness and preparedness of state agencies relative to agency computers and the Year 2000 century date change.

Copies of the Year 2000 Report are available from the Legislative Budget Assistants Office, Room 102, State House. The report is also expected to be available soon in electronic form on the State's web site.

Rep. Gene G. Chandler

Members of the American Legislative Exchange Council will meet in Room 105A, State House on Thursday, March 5 during the session lunch break. Lunch will be available.

Rep. Frances L. Riley

On Thursday, March 5, during the session lunch break, all legislators are invited to a presentation and discussion of the Four Point Plan for Education and Fairness, HB 1668, with a 4% flat income tax, in Rooms 305-307, LOB. Box lunches and beverages will be available for purchase outside the door.

Reps. Clifton C. Below, Elizabeth S. Hager, William E. Williams, Jr., Martin Feuerstein and W. Gordon Allen

The Strafford County Republican Party will hold meetings Saturday, March 7 at 9:00 a.m. and Monday, March 23 at 7:00 p.m. at the Gateway Restaurant, Somersworth. The Lincoln Day Dinner will be held on Friday, March 27 at the Elks Lodge, Rochester. 6:00 p.m. social, 7:00 p.m. dinner. For tickets contact Jim Connelly (332-5333). Jack Kemp will be the featured Speaker.

Rep. Robert E. McKinley

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

All legislators are invited to a rally to honor New Hampshire's athletes who participated in the Winter Olympics. This rally will be held Thursday, March 12 at 5:00 p.m. at the State House Plaza. Please come and show our pride in their accomplishments.

Rep. Katherine Rogers

The Governor's Commission on Disability will be holding Disabilities Awareness Day for Legislators on Thursday, March 12th from 8:30 a.m. to 4:00 p.m. in the basement of the LOB. Please take a moment during the day to stop by to get information and have your questions answered.

Rep. Eugene L. Gagnon

The Manchester Ward 8 delegation, in conjunction with the ward alderman and school board member, will hold a public forum on solutions to the Claremont law suit and other matter of state and local interest, Thursday, March 12, 7:00 p.m. at the Jewett Street School. Handouts will be available. You and your constituents need not be Ward 8 or Manchester residents to attend. A sign on the school door will direct you to the room of the forum.

Reps. Steve Vaillancourt and Raymond C. Buckley

Manchester City Democrats will roast veteran and venerable Alderman Bill Cashin at a St. Patrick's Day breakfast on Saturday, March 14 at 8:00 a.m. at the Black Brimmer Restaurant, 1087 Elm Street, Manchester. Tickets are \$20 per person, \$100 for sponsorships. Contact Rep. Raymond Buckley at 668-7151 or Alderman Dan O'Neil at 668-9814. Tickets are also available in the House Democratic Office, Room 307, State House.

Rep. Steve Vaillancourt

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

Rep. John Thomas

The Legislative Caucus for Young Children will meet on Tuesday, March 17 at noon in the Upham Walker House.

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

Bobby Stephen’s 20th Annual St. Patrick’s Day Celebration to benefit Jobs for New Hampshire’s Graduates will be held Tuesday, March 17 from 4:00 p.m. ‘til the wee hours at The Courtyard, 1199 South Mammoth Road, Manchester. Traditional Irish feast. Tickets are \$20 (meal and entertainment). Dinner served at 7:30 p.m. Tickets available from Foto-Rama. For more details, call 1-800-772-7001. ext. 383.

Rep. Paul J. Dwyer, Sr.

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

Rep. Robert K. Boyce

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 Department of Transportation will hold the following meetings:

- Mar 5 - Room 201, LOB, 3:00-5:00 p.m. Committee meeting to discuss project applications. Transportation Enhancement (TE) Advisory Committee.
- Mar 9 - Enfield Town Hall, Whitney Hall Auditorium, Main Street, Enfield, 7:00 p.m. Public informational meeting, Enfield, slope stabilization and realignment of US Route 4.
- 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).

April 1 - Runnell’s Hall, Chocorua, 2:00 p.m. Open house, Route 16 corridor study.

April 8 - Mabel Brown Room, Keene State College, 7:00 p.m. Special committee public hearing, Keene-Swanzey.

April 9 - Newington Town Hall, Newington, 3:00 p.m. Open house, Route 16 corridor study.

April 15 - Northern Forest Heritage Park, Berlin, 3:00 p.m. Open house, Route 16 corridor study.

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 March, 1998. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors’ Center for further information. Thank you for your continued participation with our School Visitation Program.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
3/5	10:00 & 12:00	Bicentennial Elementary - Nashua	4 / 50
3/6	10:00 & 11:15	Stratham Memorial	4 / 60
3/9	10:00 & 11:15	Stratham Memorial	4 / 40
3/9	12:30	Bethel Christian School - Hudson	4 / 13
3/9	12:30	Goffstown Christian - Goffstown	4 / 11
3/9	1:30	Pleasant Street - Laconia	5 / 24
3/10	9:30 & 11:30	Canaan Elementary	4 / 84
3/11	10:00 & 11:15	Johnathan Daniels School - Keene	4 / 40
3/11	1:00	Unity Elementary	3&4 - 6&7 /46
3/12	9:30	Broadstreet Elementary - Nashua	4 / 25
3/12	10:00 & 11:15	Hanover Street School - Lebanon	4 / 50
3/13	9:00	Bow Elementary	4 / 25
3/13	10:00 & 12:00	Newmarket Elementary	4 / 92
3/16	9:00	Bow Elementary	4 / 25

3/16	10:00 & 11:15	Seabrook Elementary	4 / 80
3/17	9:00	Bow Elementary	4 / 25
3/17	10:00 & 11:15	Hanover Elementary - Lebanon	4 / 50
3/17	1:00	White Farm	7&8 / 8
3/18	9:00	Parkside/Eng as a 2 nd Language - Manchester	7&8/60
3/19	9:00 & 10:00	Deerfield Community School	4 / 36
3/19	11:00 & 1:00	Symonds Elementary - Keene	5 / 75
3/20	9:00 & 10:00	Webster School - Manchester	4 / 50
3/20	11:15 & 12:15	Bedford Memorial School	4 / 60
3/23	9:00	Bow Elementary	4 / 25
3/23	10:15 & 11:30	Moultonborough Central School	4 / 55
3/23	1:00	Calvary Christian High School	12 / 18
3/24	9:00	Bow Elementary	4 / 25
3/24	10:00 & 11:00	Lancaster School - Lancaster	4 / 60
3/24	12:30 & 2:00	Memorial School - Newton	4 / 75
3/25	10:00 & 11:30	Lincoln Street School - Exeter	4 / 75
3/26	10:00 & 11:30	Lincoln Street School - Exeter	4 / 75
3/27	9:00 & 10:00	Webster School - Manchester	4 / 50
3/27	11:00 & 1:00	Bedford Memorial School	4 / 80
3/30	10:00; 11:15 & 12:30	Mount Pleasant School - Nashua	4 / 75
3/31	9:15 & 10:45	Bristol Elementary	4 / 60
3/31	1:00	Walker School - Concord	4 / 36

THURSDAY, MARCH 5

ADDITIONAL AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-0961h

Floor Amendment to HB 1025-FN (Criminal Justice and Public Safety - R)

Proposed by Reps. Below and Cushing

Amend RSA 630:1, III as inserted by section 1 of the bill by replacing it with the following:

III. A person convicted of a capital murder ~~[may be punished by death]~~ ***shall be sentenced to life imprisonment and shall not be eligible for parole at any time.***

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Repeal. RSA 630:5, relative to sentencing procedures and the death sentence in capital murder cases, is repealed.

AMENDED ANALYSIS

This bill abolishes capital murder and the death penalty and expands the circumstances under which a person may be convicted of first degree murder and second degree murder.

1998-0976h

Floor Amendment to HB 1397-FN-A-LOCAL (Finance - R)

Proposed by Rep. M. Fuller Clark

Amend the bill by replacing section 5 with the following:

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

1998-0963h

Floor Amendment to HB 1411 (Commerce - R)

Proposed by Rep. Vachon

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The committee shall solicit information and assistance from the insurance commissioner and the commissioner of health and human services.

1998-0937h

Floor Amendment to HB 1414 (Education - R)

Proposed by Rep. Amanda Merrill

Amend the bill by replacing section 1 with the following:

1 Review by State Board; Teacher Renomination or Rehiring; Appointment of Fair Hearing Officer. Amend RSA 189:14-b as follows:

189:14-b Review by State Board.

I. A teacher aggrieved by such decision may request the state board of education for review thereof ***to determine whether reasonable cause exists for failure to be renominated or reelected.*** Such request must be in writing and filed with the state board within 10 days after the ~~[issuance]~~ ***receipt*** of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include ~~[a]~~ ***an evidentiary*** hearing if either party shall request it. The state board shall issue its decision within ~~[15]~~ ***30*** days ~~[after the request for review is filed.]~~ ***of the hearing*** and the decision of the state board shall be final and binding upon both parties.

II. The state board may appoint one or more persons as fair hearings officers as provided by RSA 186:10-a for cases arising under this section. Such hearings officers appointed under this section shall not currently be nor in the past have been employed as educators, school administrators, members of a local school board, professionally engaged in school related work, or currently be, or in the past have been employed by a labor organization. The

decision of the fair hearings officer shall become final upon approval by the state board of education.

III. A request for review under this section shall constitute the exclusive remedy available to a teacher on the matter of the failure of such teacher to be renominated or reelected.

AMENDED ANALYSIS

This bill designates the state board review of a teacher’s contract as the exclusive remedy in cases where a teacher is not renominated or reelected, limits this review to a procedural review, and prohibits a teacher’s grievance based on failure to be renominated or reelected from being subject to binding arbitration. The bill permits the state board to appoint a fair hearings officer to review cases in which a teacher is not renominated or reelected.

1998-0942h

Floor Amendment to HB 1417-LOCAL (Labor, Industrial and Rehabilitative Services - R)

Proposed by Rep. Clegg

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

1 Mediation with Certain Municipalities. Amend RSA 273-A:12, IV to read as follows:

IV. If the impasse is not resolved following the action of the legislative body, negotiations shall be reopened. Mediation may be requested by either party and may, ***at the mediator’s option***, involve the board of the public employer [~~if the mediator so chooses~~]. ***In cases where the board of the public employer also serves as the legislative body of a political subdivision, the mediator may request no more than one less than a quorum of the legislative body to participate in the mediation.***

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

AMENDED ANALYSIS

This bill provides that in mediation in collective bargaining negotiations, where the public employer also serves as the legislative body of a political subdivision, the mediator may request no more than one less than a quorum of the legislative body to participate in the mediation.

1998-0966h

Floor Amendment to HB 1529 (Commerce - C)

Proposed by Rep. Lynde

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

AN ACT reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-8 to read as 3-9, respectively:

2 Reinstatement of Corporate Charter of Shannon Ridge Development, Inc. The charter of Shannon Ridge Development, Inc., of Pelham, New Hampshire, incorporated on March 20, 1989, was forfeited on November 1, 1991, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee of \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Shannon Ridge Development, Inc. shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 1, 1991.

AMENDED ANALYSIS

This bill reinstates the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation.

The bill also establishes a committee to study the process for reinstating a corporate charter.

1998-0948h

Floor Amendment to HB 1543-FN-LOCAL (Criminal Justice and Public Safety - R)

Proposed by Rep. Mikowski

Amend RSA 30-B:19 as inserted by section 1 of the bill by replacing it with the following:

30-B:19 Application of Earnings.

I. The wages or salaries from the work of all persons held for trial or for any other cause or sentenced to imprisonment in a county department of corrections facility shall be disbursed by the superintendent for:

~~[I.]~~ **(a)** Restitution or reparation or both, to the victim of his conduct for the damage or injury which was sustained, in a sum and manner determined by the court.

~~[II.]~~ **(b)** The cost of board and all other expenses of the county maintaining the facility with the county of commitment receiving a credit for the cost of board and all other expenses.

~~[III.]~~ **(c)** Payment of a fine.

~~[IV.]~~ **(d)** Incidental expenses of the person so employed.

~~[V.]~~ **(e)** Support of the person's dependents, if any.

~~[VI.]~~ **(f)** The account of the person so employed which shall be payable to such person upon discharge.

II. *The county commissioners of each county may require sentenced inmates to pay a portion of their income payable to them from sources other than wages or salaries, to offset the costs of incarceration, when sanctioned by the sentencing court. In setting the amount of such payments, which shall in no case exceed the lesser of 15 percent of income from sources other than wages or salaries or \$20 per day, the court shall take into consideration and make allowances for the maintenance and support of an inmate's spouse, dependent children, or any other persons having a legal right to support and maintenance by the inmate.*

1998-0881h

Corrected Amendment to HB 1652

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

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

1 Statement of Intent. The general court recognizes the growing need of frail elderly in the state who require supervised living environments but do not require 24-hour per day skilled nursing services. Residential care facilities offer elders these services in a cost-effective manner and their existence enables such elders to remain as independent as possible while receiving needed care. The general court recognizes that in order to address the growing number of frail seniors in the state, alternative means and settings for providing such care must be explored. It is the intent of the general court that investment in this form of care for seniors will result in more cost-effective means to provide services to the frail elderly in the state of New Hampshire. Therefore, the general court hereby establishes a pilot program relative to medication administration in residential care facilities.

2 Pilot Program.

I. The commissioner of the department of health and human services is hereby directed to create a pilot program for medication administration in residential care facilities. The commissioner may approve a waiver to He-P 804. The requirements for the pilot program shall be as follows:

(a) Facility criteria:

(1) Residential care facility shall have had the same administrator for 2 previous years.

(2) Facility may have any number of beds.

(b) Resident criteria:

(1) Resident must be either cognitively intact, have a guardian who has power to make medical decisions, or have given power of attorney for medical decisions to another individual.

(2) Cognitive state to be determined by bureau of health facilities, department of health and human services, needs assessment tool.

(3) Cognitive ability to be determined within 30 days prior to application for medication waiver.

(c) Program criteria:

(1) Residential care facilities with 24-hour RN staff are under no restrictions on the number of residents or number and type of medications that may be administered.

(2) Residential care facilities with an LPN on staff and supervision provided by a RN are under no restrictions on number of residents or number and type of medications.

(3) All medication administration under subparagraph (1) and (2) shall be in accordance with RSA 326-B.

(4) If the residential care facility does not have licensed staff, the following shall apply:

(A) Waiver request must be specific for both the resident and the individual or individuals who will be administering medications.

(B) The resident shall have resided in the home for at least 6 months prior to the waiver request.

(C) The resident shall have a single ordering health care practitioner and/or have a primary care practitioner sign off that he or she has reviewed all medications for compatibility.

(D) Medications (prescription and over the counter) shall come from the same pharmacy or medications shall be reviewed quarterly by a pharmacist. If a quarterly review is required, the first shall be completed prior to the waiver request. A drug review shall be completed each time a new medication is ordered.

(E) The resident shall be assessed utilizing the states' needs assessment no more than 30 days prior to request. A full resident needs assessment shall be done quarterly and sent to the bureau of health facilities within 7 days of completion.

(F) The facility shall have had no medication deficiencies which threaten the health and safety of a resident within the last year.

(G) Administration of injectable or rectal medication, class 2 or class 3 narcotics will be denied, except as deemed appropriate by the consulting RN.

(H) Administration of eyedrops shall require individualized training by an RN.

(I) All individuals administering medications shall have a minimum of a high school diploma.

(J) The number of medications shall be determined by the consulting RN based on the type of prescription, the type of medication, and the capability of the staff member.

(K) Waivers will be granted for no more than 5 residents per facility.

(L) Quarterly quality assurance reports shall be filed with the bureau of health facilities, department of health and human services using indicators developed by that bureau.

(M) Facilities shall hire a registered nurse consultant, qualified to perform the resident needs assessment.

(N) The nurse consultant shall be responsible for:

(i) implementing the program based on the requirements of He-M 1201, including staff training and procedures for documentation.

(ii) performing the quarterly resident assessments.

(iii) completing the quarterly quality assurance program.

(iv) performing any additional training required by a change in the residents' medications.

(d) Waiver may be revoked for any of the following reasons:

(1) The bureau of health facilities, in consultation with the consulting RN, determines that medication errors threaten the well being of the residents and/or are excessive.

(2) Allowing unauthorized staff to administer medications.

(3) Failure to follow any criterion for the pilot program.

II. Due process rights of the facility shall not apply to this pilot program.

III. Administration of medications under this pilot program shall be exempt from the provisions of RSA 326-B.

IV. This pilot program shall be exempt from the provisions of RSA 541-A.

V. Facilities eligible for the pilot program shall hire a registered nurse as a consultant.

VI. This pilot program shall terminate on December 31, 2000, unless authorized to continue by the legislature.

VII. The commissioner may pursue additional funding for the pilot program in the form of grants from federal and private foundations sources and expend such grants, moneys, and any appropriation for the purpose of said program.

VIII. The commissioner shall submit a report on the activities, findings and recommendations relative to the pilot program to the speaker of the house, the president of the senate, and the governor before the termination date specified in paragraph VI of this section.

3 Residential Care Pilot Program Advisory Committee Established.

I. There is hereby established the residential care pilot program advisory committee to review the implementation of the pilot program established in section 2 of this act. The members of the committee shall be as follows:

(a) The commissioner of the department of health and human services, or designee.

(b) An RN from the bureau of health facilities, department of health and human services, appointed by the commissioner of the department.

(c) A representative of the New Hampshire board of nursing, appointed by the board.

(d) A representative of the New Hampshire Residential Care Association, appointed by the association.

(e) A representative of the New Hampshire Nurses Association, appointed by the association.

(f) A representative of the New Hampshire Health Care Association, appointed by the association.

(g) A representative of the New Hampshire Home Care Association, appointed by the association.

II. The committee's duties shall include, but not be limited to reviewing the implementation of the pilot program established under section 2 of this act.

4 Funding. The pilot program established in section 2 of this act shall be funded through existing appropriations to the department of health and human services.

5 Repeal. Sections 1-4 of this act, relative to the residential care pilot program, are repealed.

6 Effective Date.

I. Section 5 of this act shall take effect December 31, 2000.

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

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to establish a pilot program for medication administration in residential care facilities. The pilot program shall terminate on December 31, 2000.

1998-0974h

Floor Amendment to HB 1653 (Executive Departments and Administration - R)

Proposed by Reps. Steere and Dodge

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

1 Board Composition Changed; Licensed Manicurist and Additional Public Member Added. Amend RSA 313-A:2, I to read as follows:

I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: ~~[2] one licensed [barbers]~~ **barber**, ~~[2] one licensed [cosmetologists]~~ **cosmetologist**, one licensed esthetician, **one licensed manicurist**, one licensed cosmetology school owner who shall be a resident of New Hampshire or a designee of such owner who shall be a licensed cosmetologist and a resident of New Hampshire, and ~~[one]~~ **2 public [member] members**, each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

2 Application; Current Board Members. Barber members and cosmetologist members of the board of barbering, cosmetology, and esthetics serving on the effective date of this act shall serve for the remainder of their terms. The appointment of a manicurist member of the board as required by RSA 313-A:2, I as amended in section 1 of this act shall be made upon the first expiration of the term, or other vacancy, of a barber member occurring on the board. The appointment of the additional public member of the board as required by RSA 313-A:2, I as amended in section 1 of this act shall be made upon the first expiration of the term, or other vacancy, of a cosmetologist member occurring on the board, who is not the cosmetology school owner or designee.

AMENDED ANALYSIS

This bill changes the membership on the board of barbering, cosmetology, and esthetics by replacing a member who is licensed barber with a member who is a licensed manicurist and by replacing a member who is a licensed cosmetologist with an additional public member.