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 12, 1998 No. 22

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

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

This morning the House welcomes New Hampshire's Fish and Game Conservation Officer James MacKenzie. Officer MacKenzie has been awarded three medals in the 1997 World Police and Fire Games in Canada.

This afternoon we welcome New Hampshire's three Olympic gold medal winners, Tara Mounsey of Concord, Katie King of Salem, and Tricia Dunn of Derry. All three are members of the United States Women's Olympic Hockey Team. Congratulations to all our champions.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, March 12 at 9:30 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, March 12 at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Points to Ponder

During debate, while the presiding officer is speaking, or the house is engaged in voting, no one is to disturb another in a speech by hissing, coughing, spitting, speaking or whispering to another, nor passing between the presiding officer and the member speaking, nor crossing the floor of the house, nor walking up and down, nor taking books or papers from the desk, nor writing there.

Mason's Legislative Manual

Section 121 Paragraph 3

Well at least I've never seen anyone spitting. The point here is that in conducting the people's business, we should use common courtesy. Every member, even one we may disagree with, deserves to be heard without distraction.

Rep. Donna Sytek, Speaker

THURSDAY, MARCH 12

SPECIAL ORDER FOR THE FIRST ORDER OF BUSINESS

CRIMINAL JUSTICE AND PUBLIC SAFETY

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.

THURSDAY, MARCH 12

REGULAR CALENDAR

COMMERCE

SPECIAL ORDER

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.

FINANCE

SPECIAL ORDER

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.

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

THURSDAY, MARCH 12

BILLS REMOVED FROM CONSENT CALENDAR

COMMERCE

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

Rep. Walter J. Mikowlski 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 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.

EDUCATION

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.

JUDICIARY AND FAMILY LAW

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 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 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.

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 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.

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. (House Concurred 3/5/98)

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. (House Concurred 3/5/98)

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 13

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

9:00 a.m. Quarterly meeting.

MONDAY, MARCH 16

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

11:00 a.m. Subcommittee work session on ***HB 1663-FN,*** relative to rulemaking under the administrative procedures act.

FINANCE, Rooms 210-211, LOB

10:00 a.m ***HB 1666-FN-A-L,*** establishing a new statewide tax on land values to fund a constitutionally adequate education.

10:45 a.m. ***HB 1669-FN-A-L,*** adding a capital gains tax to the interest and dividends tax, and designating all revenues from the interest and dividends tax for funding education.

11:30 a.m. ***HB 1670-FN-A-L,*** relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor.

1:30 p.m. ***HB 1671-FN-A-L,*** establishing a securities transfer excise tax to meet state obligations in funding education.

2:15 p.m. ***HB 1672-FN-A-L,*** replacing the business profits tax and the business enterprise tax with a reform business tax and establishing a committee to recommend a rate for the reform business tax.

3:00 p.m. ***HB 1674-FN-A-L,*** establishing a proportional statewide property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor.

Executive session on pending legislation to follow.

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

4:00 p.m. Regular meeting.

TUESDAY, MARCH 17

COMMERCE, Room 302, LOB

10:00 a.m. Rescheduled public hearing on ***SB 377,*** authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.

11:00 a.m. Rescheduled public hearing on ***SB 370-L,*** establishing an international trade corridor and border crossing planning and development advisory committee.

1:15 p.m. Full committee work session on ***SB 308***, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc.

ELECTION LAW, Room 308, LOB

10:00 a.m. Full committee work session on those bills which are Laid onTable in the in the House.

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. Subcommittee work session on ***HB 1663-FN***, relative to rulemaking under the administrative procedures act.

1:30 p.m. ***SB 397,*** relative to the composition of the pharmacy board.

2:00 p.m. ***SB 444-FN,*** requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules.

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

FINANCE, Rooms 210-211, LOB

1:00 p.m. ***CACR 46,*** relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable.

2:00 p.m. ***CACR 44,*** clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district.

3:00 p.m. ***CACR 47,*** relating to use of personal income taxes. Providing that the general court shall use net revenues from personal income taxes exclusively for educational purposes.

3:30 p.m. ***CACR 48,*** relating to restricting any statewide property tax to education funding. Providing that all revenues resulting from a statewide property tax shall be used exclusively for elementary and secondary education.

Executive session on pending legislation to follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on optional fiscal year towns.

RESOURCES, RECREATION AND DEVELOPMENT, Rooms 305-307, LOB

10:00 a.m. ***SB 403,*** relative to mooring on Spofford Lake.

1:00 p.m. ***SB 493,*** establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources.

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. Presentation on Nuclear Decommissioning.

TRANSPORTATION, Room 203, LOB

10:00 a.m. ***SB 484,*** prohibiting triple-trailer trucks from the ways of this state.

10:45 a.m. ***SB 414,*** relative to official motor vehicle plates.

11:30 a.m. ***SB 386,*** relative to eligibility for antique motor vehicle plates.

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

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 on state property.

Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

FINANCE, Rooms 210-211, LOB

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

Division work and executive sessions will be held throughout the day.

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

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

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. ***SB 350,*** relative to probate court procedures.

10:15 a.m. ***SB 311,*** establishing the Uniform International Wills Act.

11:00 a.m. ***SB 348,*** relative to property left behind by tenants.

1:00 p.m. ***SB 315,*** relative to divorce proceedings.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***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

11:00 a.m. Rescheduled public hearing on ***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.

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

10:00 a.m. Marketing subcommittee meeting.

LONG-TERM CARE BOARD (RSA 126-L), Rooms 210-211, LOB

10:00 a.m. Regular meeting.

TUESDAY, MARCH 24

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. NH Electric Cooperative informational session on electric utility restructuring.

1:00 p.m. ***SB 390,*** relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility.

Utilities subcommittee will meet following the public hearing, if needed.

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.

FRIDAY, APRIL 3

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), ROOM 103, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 13

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

FRIDAY, APRIL 17

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 27

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

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet for final discussion and passage of the 1998 county budget on Monday, March 23 at 7:00 p.m. at the County Courthouse.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Delegation will meet immediately following session on Thursday, March 12. Place to be announced.

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

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

COUNTY DELEGATION NOTICE

Strafford County Executive Committee will meet Friday, March 13 at 8:30 a.m. in the Commissioners' Conference Room to vote on the County Budget.

Rep. Deborah F. Merritt, Chairman

Strafford County Executive Committee

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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

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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

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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, 1011, 1115, 1211, 1224, 1259, 1284, 1291, 1328, 1330, 1331, 1336, 1338, 1350, 1354, 1456, 1490, 1541, 1543, 1545, 1573, 1579, 1582, 1588, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617, 1639, 1644, 1660, 1662, 1664, HJR 24 and SB 485.

Leo J. Callahan, Assistant Clerk

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When the House Clerk's 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

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

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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.

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I would like to remind members that you may have your paychecks deposited directly into your bank account. The Direct Deposit program is convenient for you and saves the State considerable money as well. You will continue to receive a mock check with your attendance dates listed for your record keeping. Please see Carol Dunning in the Speaker's Office for details.

Donna Sytek, Speaker

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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

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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

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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

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Governor Shaheen is pleased to invite all legislators and State House staff for dessert and beverages Thursday, March 12, from noon to 1:30 p.m. (session break) in the Executive Council Chambers.

Rep. Peter Hoe Burling

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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

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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

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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

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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

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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

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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

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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.

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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 and Wednesday, April 1st. Refreshments will be served.

Rep. Robert K. Boyce

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The New Hampshire Order of Women Legislators First Gentleman's Dinner will be held March 20 at 6:00 p.m. at CR Sparks in Bedford. All proceeds will benefit the NH OWLs scholarship fund. The cost is $60 per person. For information and tickets contact Sen. Katherine Wheeler or Rep. Anne Grassie.

Rep. Anne C. Grassie

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As previously noticed in the calendar, Ski New Hampshire will be hosting its 6th annual legislative ski day on March 22 and March 23 at Attitash Bear Peak in Bartlett. Skiing will be available on Sunday for $25 all day or $10 for Sunday afternoon only. Sunday evening from 5:00 to 7:00 p.m., a reception will be held for those participants arriving on Sunday. Skiing on Monday is included in the program for each legislator and guest. Additional tickets may be purchased for $25 per person.

Rates at the Grand Summit Hotel are $65 per room that evening and you must make your own reservation by calling 374-1900. For Ski New Hampshire's planning purposes, please fill out the form below if you will be attending any of the events on March 22 & 23 and return same to the Sergeant-at-Arms Office. Non-skiers are welcome to participate as well as other activities will be available such as grooming tours, snow shoe tours, and cross country skiing. Remember, this year's event is a fundraiser for Keep Kids SAFE and we hope you attend. Staff is also invited and encouraged to attend.

1. _____

2. _____

3. _____

4. _____

Rep. Gene G. Chandler

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The Strafford County Republican Party will meet on 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

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The New Hampshire Automobile Dealers Association cordially invites all legislators and staff to its "Crossover Reception" on March 25 from 4:00 to 7:00 p.m. or immediately following session, at the New Hampshire Automobile Dealers Association Offices, 507 South Street, Bow, New Hampshire.

Reps. Robert L. Wheeler and Peter Hoe Burling

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Three April Open Houses will be open to the public in different locations throughout the Route 16 Corridor:

April 1 - Chocorua, Runnells Hall, Route 113 from 1:00 to 9:30 p.m.

April 9 - Newington, Newington Town Hall, 205 Nimble Hill Road from 3:00 to 8:00 p.m.

April 15 - Berlin, N. Forest Heritage Park's Brown Co. House Museum, 961 Main Street from 3:30 to 9:30 p.m.

Refreshments will be available throughout the day.

Reps. Lawrence J. Guay and Gene G. Chandler

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The Department of Transportation will hold the following meetings:

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).

Mar 30 - Haverhill Town Office, Morrill Municipal Building, Route 10, North Haverhill, 7:00 p.m. Public officials meeting, Haverhill, NH-Newbury, VT, US 302 bridge over the Connecticut River.

Mar 31 - Rollinsford Town Office, 667 Main Street, Rollinsford, 7:00 p.m. Public informational meeting, Rollinsford, replacement of the Rollins Road Bridge.

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

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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

DATE	***TIME***	***GROUP***	***CLASS/Size***
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 2nd 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 12

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-0820h

Amendment to HB 1025-FN

Proposed by the Committee on Criminal Justice and Public Safety - R

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

1 Statement of Policy. It is the intent of the legislature that the provisions of this act shall apply not only to the principal actor,

but also to any person who is legally responsible for such conduct of the principal actor which amounts to murder, under the law of accomplice liability.

2 Capital Murder. Amend RSA 630:1 to read as follows:

630:1 Capital Murder.

I. A person is guilty of capital murder if [~~he~~] ***such person*** knowingly causes the death ***or serious bodily injury that results in the death*** of:

(a) A law enforcement officer or a judicial officer acting in the line of duty or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;

(b) Another before, after, while engaged in the commission of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;

(c) Another by criminally soliciting a person to cause said death [~~or after having been criminally solicited by another~~] for [~~his~~] personal pecuniary ***or other tangible*** gain;

(d) Another after having been criminally solicited by another for personal pecuniary or other tangible gain;

[~~(d) Another after being sentenced to life imprisonment without parole pursuant to RSA630:1-a, III;~~]

(e) Another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault as defined in RSA 632-A:2;

(f) Another when the person previously was convicted of first degree or second degree murder in this state, or a reasonably equivalent offense in this state, any other state, any territory or possession of the United States, or the District of Columbia;

[~~(f)~~]***(g)*** Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b)***;***

(h) A witness or informer in a criminal investigation or case, and the death is caused as a consequence of or in retaliation for anything done by the victim as a witness or informer;

(i) A person under the age of 13 years;

(j) More than one person, and the deaths, or serious bodily injuries resulting in death, are caused by a course of conduct of the actor that is part of a common scheme or plan or part of a related series of acts;

(k) More than one person, and the deaths, or serious bodily injuries resulting in death, are the result of conduct which created a substantial risk of death to one or more persons in addition to the victims of the offense.

II. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer.

II-a. As used in this section, a "judicial officer" is a judge of a district, probate, superior or supreme court; ***a juror; the attorney general or*** an attorney employed by the department of justice [~~or a municipal prosecutor's office~~]; or a county attorney; or ***an*** attorney employed by [~~the~~] ***a*** county [~~attorney~~] ***attorney's office or a municipal prosecutor's office***.

III. A person convicted of [~~a~~] capital murder [~~may~~] ***shall*** be punished by death ***or life imprisonment without parole in accordance with the procedures set forth in RSA 630:5***.

IV. As used in this section and RSA 630:1-a, 1-b, 2, 3 and 4, the meaning of "another" ***and of "victim" and of "person"*** does not include a [~~foetus~~] ***fetus***.

V. [~~In no event shall any~~] ***A*** person under [~~the age of~~] 17 years ***of age shall not*** be culpable of [~~a~~] capital murder.

3 First Degree Murder. Amend RSA 630:1-a to read as follows:

630:1-a First Degree Murder.

I. A person is guilty of murder in the first degree if [~~he~~] ***such person***:

(a) Purposely causes the death ***or serious bodily injury that results in the death*** of another; or

(b) Knowingly causes the death ***or serious bodily injury that results in the death*** of:

(1) Another before, after, while engaged in the commission of, or while attempting to commit felonious sexual assault as defined in RSA632-A:3;

(2) Another before, after, while engaged in the commission of, or while attempting to commit robbery or burglary while armed with a deadly weapon, the death being caused by the use of such weapon;

(3) Another in perpetrating or attempting to perpetrate arson as defined in RSA634:1, I, II, or III; ***or***

(4) The president or president-elect or vice-president or vice-president-elect of the United States, the governor or governor-elect of New Hampshire or any state or any member or member-elect of the Congress of the United States, or any candidate for such office after such candidate has been nominated at his party's primary, when such killing is motivated by knowledge of the foregoing capacity of the victim.

II. For the purpose of RSA 630:1-a, I(a), "purposely" shall mean that the actor's conscious object is the death of another, and that his act or acts in furtherance of that object were deliberate and premeditated.

III. A person convicted of a murder in the first degree shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

4 Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) [~~He~~] ***Such person*** knowingly causes the death ***or serious bodily injury that results in the death*** of another; [~~or~~]

(b) [~~He~~] ***Such person*** causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon [~~in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.~~]***; or***

(c) Such person causes the death of another in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

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

1998-0989h

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

Proposed by Reps. Below and Cushing

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

AN ACT abolishing the death penalty.

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

1 Capital Murder; Death Penalty Abolished. Amend RSA 630:1, III to read as follows:

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.***

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

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

AMENDED ANALYSIS

This bill abolishes the death penalty.

1998-0827h

Amendment to HB 1178

Proposed by the Committee on Commerce - C

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

1 Retail Installment Sales; Motor Vehicle Leasing; Restriction on Liability for Early Termination; Lessee Termination Rights Expanded. Amend RSA 361-D:17, I to read as follows:

I.***(a)*** The lessee shall have the right to terminate the lease at any time***:***

(1) After the lessee has made 12 full periodic lease payments for which lease charges have been accrued by the holder[~~, or,~~]***:***

(2) In the case of a single payment lease, at the expiration of 12 months from the consummation of the lease***; or***

(3) Upon payment of an insurance settlement as a result of the total loss of the vehicle.

(b) Nothing in this section shall be deemed to prohibit the holder from ***terminating the lease pursuant to its terms or from*** permitting the lessee to terminate the lease before the expiration of 12 months.

2 Retail Installment Sales; Motor Vehicle Leasing; Restriction on Liability for Early Termination; Credits at Termination. Amend RSA 361-D:17, V to read as follows:

V. Any refundable security deposit [~~or~~]***,*** advance lease payment***, or single payment*** held by the holder may be retained by the holder and shall be credited against the lessee's early termination obligation to the extent it has not been applied against other obligations. The amount of such ***refundable*** security deposit [~~or~~]***,*** advance lease payment***, or single payment*** in excess of the amount of the lessee's early termination obligation shall be returned to the lessee. The holder is not obligated to pay interest to the lessee on [~~the security deposit~~] ***such excess amounts returned to the lessee***.

AMENDED ANALYSIS

This bill modifies certain provisions relative to liability for early termination of a motor vehicle lease.

1998-0867h

Amendment to HB 1189-FN

Proposed by the Committee on Local and Regulated Revenues - R

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

1 Beverage Manufacturer; Off-Premises Sales. Amend RSA 178:10, V to read as follows:

V. The holder of a beverage manufacturer license may sell beverages to the general public for off-premises consumption***,*** in quantities not to exceed [~~72 fluid ounces~~] ***the equivalent of one case of 12 ounce containers per person per day***. Package sizes shall be approved, pursuant to RSA 179:33, I and II. Such beverages shall not be sold to retail licensees for resale. Each beverage manufacturer shall pay a fee as required by RSA 178:30, I for each gallon of beverage sold under this paragraph.

2 Brew Pub; Off-Premises Sales. Amend RSA 178:10-a, II to read as follows:

II. Brew pub licenses shall authorize the licensee to manufacture and sell beer to individuals for on-sale consumption, for off-sale consumption; and additionally to sell the beer it manufactures to wholesale distributors for distribution within the state

and to transport the beer the brew pub manufactures to the state line for sale outside the state. A brew pub, as a functional part of its premises, shall maintain a full service restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:19, II(a)(1) and RSA 178:20, V(q). Off-sales of beer brewed by a brew pub, not to exceed [~~180 fluid ounces~~] ***the equivalent of one case of 12 ounce containers*** per person per day shall be made in containers ordinary and customary to the industry which shall be approved by the commission.

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

1998-0862h

Amendment to HB 1196

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

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

AN ACT relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife.

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

1 Findings. The legislature finds that the loon population of New Hampshire is increasing and further finds that this unique and popular threatened species is an integral part of the economic and social fabric of our citizenry. However, a preliminary review of research and literature on the toxicity of lead to loons and other waterbirds indicates that ingestion of lead fishing sinkers may pose a significant hazard to waterbirds. Therefore, the legislature finds a need to educate the public, acquire additional information, and review research on the effects of waterbird ingestible lead fishing gear on this important segment of our wildlife resource, and to authorize the executive director to regulate waterbird ingestible lead fishing gear if found hazardous to waterbird populations.

2 Lead Studies and Reports.

I. The executive director of the department of fish and game, in consultation with the commissioners of the department of health and human services and the department of environmental services, shall coordinate and compile studies, in partnership with appropriate agencies and organizations, detailing the causative effects of lead poisoning in waterbirds.

II. The executive director shall prepare a report that makes recommendations on protecting waterbirds from the effects of lead in New Hampshire. The report shall specifically address alternatives to waterbird ingestible lead fishing gear and shall include a determination, based upon scientific studies, as to whether lead fishing gear poses a hazard to the state's waterbirds. The final report shall be submitted no later than January 1, 2003, to the governor, the speaker of the house, the senate president, the house wildlife and marine resources committee, the senate wildlife and recreation committee, and the state library. Until the final report is issued, annual interim reports shall be submitted by January 1 to these entities.

3 New Subdivision; Lead Education Program. Amend RSA 207 by inserting after section 57 the following new subdivision:

Lead Education Program

207:58 Lead Education Program.

I. To discourage the use of lead, the fish and game department, in consultation with the department of health and human services and in partnership with the department of environmental services, the Loon Preservation Committee, the New Hampshire Audubon Society, and the New Hampshire Wildlife Federation, shall institute an educational program consisting of, but not limited to, press releases or articles for all news media, an informational brochure for distribution by licensing agents and at department sponsored training programs, videos for use by television outlets, posters for boat access kiosks and other bulletin boards, and a mobile display for use at public events.

II. The purpose of the educational program is to inform the public about adverse, though unintentional, effects of lead on wildlife, and how to reduce the introduction of lead into the environment through personal action.

4 New Section; Rulemaking; Restrictions on Lead Fishing Gear. Amend RSA 211 by inserting after section 13-a the following new section:

211:13-b Rulemaking; Restrictions on Lead Fishing Gear. The executive director may adopt rules, pursuant to RSA 541-A, relative to restrictions on the use or sale of waterbird ingestible lead fishing gear. This rulemaking authority may be exercised with reference to the state as a whole or for any specified county or part thereof.

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

AMENDED ANALYSIS

This bill requires the department of fish and game to coordinate and compile studies detailing the causative effects of lead poisoning in waterbirds and report by January 1, 2003. This bill also establishes a lead education program and allows the executive director of fish and game to adopt rules restricting waterbird ingestible lead fishing gear.

1998-0849h

Amendment to HB 1252

Proposed by the Committee on Municipal and County Government - R

Amend RSA 674:32-a as inserted by section 3 of the bill by replacing it with the following:

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as 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.

Amend RSA 674:32-b, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception or other permit, and may be regulated to the extent necessary to prevent demonstrated adverse impacts on adjacent property.

Amend RSA 674:32-c, II as inserted by section 3 of the bill by replacing it with the following:

II. Nothing in this subdivision shall exempt agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the building inspector, administrative officer, or board of adjustment or building code board of appeals acting on appeal, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property.

Amend the bill by replacing section 4 with the following:

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

AMENDED ANALYSIS

This bill provides protections 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 all applicable laws and regulations.

1998-0583h

Amendment to HB 1341

Proposed by the Majority of the Committee on Resources, Recreation and Development - R

Amend the bill by replacing section 1 with the following:

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

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

(a) Have a length of less than 50 feet;

(b) Have a total surface area of less than 200 square feet;

(c) Be removed from the water for at least 5 months of every calendar year;

(d) Have a width of 8 feet or less;

(e) Not obstruct navigation;

(f) Be the only structure on the frontage;

(g) Be on at least 60 feet of frontage owned by the owner of the dock;

(h) Be at least 20 feet from any property line or the imaginary extension of any property line into the water;

(i) Not impact wetlands along or adjacent to the shoreline.

1998-0861h

Amendment to HB 1371 - R

Proposed by the Committee on Judiciary and Family Law

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 2 of this act shall take effect October 1, 1998 at 12:01 a.m.

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

1998-0978h

Floor Amendment to HB 1371 (Judiciary and Family Law - C)

Proposed by Rep. Kurk

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

3 Revocation and Denial of License; Applicability Revised. Amend RSA 161-B:11, VI-a to read as follows:

VI-a. The social security number of any applicant for a professional license, [~~commercial~~] driver's license, occupational license, or marriage license shall be recorded on the application, provided that if the use of [~~a number other than~~] the social security number is allowed ***to appear on the face of the license,*** the applicant shall be so advised. Any application required by this section to contain a social security number shall be confidential and not subject to the right to know law. The use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided to or entered in any out-of-state or federal data base for those cases for which the department is providing services.

4 Social Security Numbers; Driver's License Application Form; Requirements. Amend RSA263:40-a, I and II to read as follows:

I. [~~The application form for a driver's license or a renewal of a driver's license may request the social security number of the applicant. An applicant for a renewal of a driver's license who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number.~~] ***The social security number of any applicant for a driver's license or a renewal of a driver's license shall be recorded on the application but shall not appear on the driver's license.*** The application form shall include [~~a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph, a box to check off if the applicant does not wish to have his or her social security number appear on the license, and~~] a box to check off if the applicant does not wish to have his or her computerized image, likeness, or photograph retained in the records of the department of safety. ***Any application required by this section to contain a***

social security number shall be confidential and not subject to the right to know law. The use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided or entered in any out-of-state or federal data base for those cases for which the department of health and human services is providing services.

II. An applicant for a driver's license who has established residency as provided in RSA263:35 shall provide his ***or her*** social security number in the application. [~~The social security number shall be retained in the department's records unless the applicant obtains a waiver pursuant to paragraph I.~~]

5 Effective Date.

I. Section 2 of this act shall take effect October 1, 1998 at 12:01 a.m.

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

AMENDED ANALYSIS

This bill provides for the entry of standardized data for children and parents in the state case registry and provides that social security numbers shall not appear on a driver's license, professional license, occupational license, or marriage license unless the applicant is so advised.

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.

1998-0875h

Amendment to HB 1435-LOCAL - R

Proposed by the Committee on Municipal and County Government

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

AN ACT relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning streets.

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

1 Disputed Town Line; Certain Board of Tax and Land Appeals Added. Amend RSA 51:7 to read as follows:

51:7 Disagreement.

I. When the selectmen of adjoining towns shall disagree in renewing and establishing the lines and bounds of such towns, the superior court for the county in which the town first incorporated or paying the highest tax as aforesaid is situate, upon petition and after notice to the other towns interested, shall, either examine said disputed lines or appoint a committee for that purpose, and the court's decision thereon shall be final; and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

2 Failure to File Inventory; References Added. Amend RSA 74:7-a, I to read as follows:

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty

be less than $10 or more than $50. Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose the right to appeal the denial of an abatement [~~which is claimed on the grounds of improper assessment valuation~~] ***of an assessment under RSA 75:1***, but shall not lose the right to apply for, or appeal the denial of, any other type of tax relief ***including an appeal under RSA 72:34, an assessment under RSA 75:10, and a land use change tax under RSA79-A:7***. This penalty has all the force of taxation and shall be treated as incident to the tax.

3 Extensions of Applications; Reference Removed. Amend the introductory paragraph of RSA76:16-d, II to read as follows:

II. In towns with dates of notice of tax, as defined in RSA 72:1-d and RSA 76:1-a, after December 31, the uniform deadlines in exemption, deferral, and taxation applications, replies and appeals statutes, including RSA 72:33, 34, 34-a, 38-a[~~,~~] ***and*** RSA 76:16, 16-a, ***and*** 17[~~, and RSA79-A:10,~~] shall be as follows:

4 Abatement of Land Use Change Tax. RSA 79-A:10 is repealed and reenacted to read as follows:

79-A:10 Abatement of Land Use Change Tax.

I. Any person aggrieved by the assessment of a land use change tax may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the land use change tax.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the land use change tax, any person aggrieved may either:

(1) Apply in writing to the board of tax and land appeals accompanied with a $65 filing fee; or

(2) Petition the superior court in the county.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the land use change tax bill.

V. Each land use change tax bill shall require a separate abatement request and appeal.

5 Acceptance of Streets; Vote of Those Present and Voting. Amend RSA674:40, III(a) and (b) to read as follows:

(a) If approved by the board, be approved by a majority vote of [~~the entire membership~~] ***those present and voting at a regular or special meeting*** of the local legislative body; or

(b) If disapproved by the planning board, be approved by not less than 2/3 of [~~the entire membership of the local legislative body in the case of a city or of a county in which there are located unincorporated towns or unorganized places, or by majority vote of the legal voters present and voting at a regular or special town or district meeting in the case of a town or district~~] ***those present and voting at a regular or special meeting of the local legislative body***.

6 New Paragraph; Building Permits; Streets on Islands. Amend RSA 674:41 by inserting after paragraph II the following new paragraph:

II-a. Municipalities may except island lots for islands served exclusively by boats from the requirements of paragraphs I and II by an affirmative vote of the local legislative body, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

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

AMENDED ANALYSIS

This bill :

I. Allows the board of tax and land appeals to decide disputes as to the location of town lines in an appeal concerning abatement of taxes.

II. Clarifies the time limits for abatement and appeal of a land use change tax.

III. Changes the vote required by a legislative body to accept a street.

IV. Allows municipalities to except islands from certain requirements concerning streets.

1998-0819h

Amendment to HB 1529

Proposed by the Committee on Commerce - C

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

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

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

2 Reinstatement of Corporate Charter of Raycor Corporation. The charter of Raycor Corporation, of Salem, New Hampshire, incorporated on February 6, 1996, was forfeited on November 2, 1992, 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, Raycor Corporation shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 2, 1992.

3 Committee Established. There is established a committee to study the process for reinstating a corporate charter after revocation.

4 Membership and Compensation.

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

(a) Three members of the house, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the senate president.

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

5 Duties. The committee shall study the current process for reinstating a corporate charter after revocation by the secretary of state.

6 Chairperson; Quorum. The first meeting of the committee shall be called by the first-named house member. At the first meeting, the members of the committee shall elect a chairperson from among the members. All subsequent meetings shall be at the call of the chairperson. Four members of the committee shall constitute a quorum.

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

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

AMENDED ANALYSIS

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

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

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.

1998-0912h

Amendment to HB 1656

Proposed by the Minority of the Committee on Public Works and Highways - R

Amend RSA 4:9-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a memorial to commemorate the New Hampshire law enforcement community. Notwithstanding any other provision of law to the contrary, the memorial shall be situated on the [~~southeast corner on the front~~] grounds [~~connected with the legislative office building~~] ***of the department of justice***. The governor is authorized to accept in the name of the state the law enforcement memorial as a private gift upon its completion.

Amend the bill by deleting section 4 and renumbering the original section 4 to read as 5.

AMENDED ANALYSIS

This bill changes the location on which the law enforcement memorial is to be situated from the grounds of the legislative office building to the grounds of the department of justice. The bill also adds legislative members to the committee established to oversee the law enforcement memorial.

1998-0908h

Floor Amendment to HB 1656 (Public Works and Highways - R)

Proposed by Rep. Katherine D. Rogers

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

AN ACT relative to the law enforcement memorial and making an appropriation therefor.

Amend RSA 4:9-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a memorial to commemorate the New Hampshire law enforcement community. Notwithstanding any other

provision of law to the contrary, the memorial shall be situated on the [~~southeast corner on the front~~] grounds [~~connected with the legislative office building~~] ***of the department of justice***. The governor is authorized to accept in the name of the state the law enforcement memorial as a private gift upon its completion.

Amend the bill by replacing all after section 3 with the following:

4 Appropriation; Department of Administrative Services. The sum of $110,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for purposes of site preparation for the law enforcement memorial. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill changes the location on which the law enforcement memorial is to be situated from the grounds of the legislative office building to the grounds of the department of justice and makes an appropriation for site preparation for the law enforcement memorial. The bill also adds legislative members to the committee established to oversee the law enforcement memorial.

1998-0765h

Amendment to HB 1659

Proposed by the Majority of the Committee on Science, Technology and Energy - R

Amend RSA 371:1 s inserted by section 1 of the bill by replacing it with the following:

371:1 Petition. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line, branch line, extension, or a pipeline, conduit, line of poles, towers or wires across the land of another, or should acquire land, land for an electric [~~generating station or electric~~] substation, [~~land for a dam site,~~] or flowage, drainage***,*** or other rights for the necessary construction, extension or improvement of any [~~plant,~~] water power[~~,~~] or other works owned or operated by such public utility, and it cannot agree with the owners of such land or rights as to the necessity or the price to be paid therefor, such public utility may petition the public utilities commission for such rights and easements or for permission to take such lands or rights as may be needed for said purposes. ***No public utility may petition for permission to take private land or property rights for the construction or operation of an electric generating plant.***

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

3 Contingency. Sections 1 and 2 of this act shall take effect upon the date of certification by the chairman of the public utilities commission to the secretary of state, pursuant to RSA 38:36, that retail electric competition exists in at least 70 percent of the state.

4 Effective Date.

I. Sections 1-2 of this act shall take effect as provided in section 3.

II. Section 3 of this act shall take effect upon its passage.