

State of New Hampshire HOUSE RECORD

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

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Contains: Hearings, Notices and Work Sessions, Reports and Amendments for April 23.

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

Today the House welcomes 27 high school juniors from Hollis and Brookline, winners of the "We the People...The Citizen and the Constitution" state competition held in the Legislative Office Building in February. Congratulations!

SB 313, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits, from the State-Federal Relations and Veterans Affairs Committee which was printed in the previous calendar has been removed for correction at the request of the committee chairman. It will appear on the calendar for the May 7th session.

The House will meet in session on Thursday, May 7th at 10:00 a.m.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, April 23 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, April 23 at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Points to Ponder

The Speaker shall put the previous question in the following form: "Shall debate now be limited?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question. The motion for the previous question shall not be put unless demanded by three members.

House Rule 21 (a)

Many members have inquired about ways to reduce the number of speakers or to otherwise limit the length of debates. Long-standing practice in the House has been to accept a request to put the previous question only after at least one speaker on each side has spoken. Once the request is taken, our custom has been to allow everyone who had already signed up to be heard before actually taking the vote to limit debate. This practice allows those managing the debate to arrange their speakers in advance, while providing those who have heard enough the chance to call for an immediate vote once the scheduled lineup has been heard.

Donna Sytek, Speaker

THURSDAY, APRIL 23

CONSENT CALENDAR

COMMERCE

SB 337, relative to the order of distribution of claims from an insurer's estate. OUGHT TO PASS

Rep. Keith R. Herman for Commerce: A recent U. S. Supreme Court decision forces claims of the federal government to be paid immediately after administration costs and policyholder claims when an insurance company's assets are liquidated. New Hampshire statute lists the order in which liquidated assets are distributed. This bill simply changes the order to comply with the Supreme Court ruling. Vote 14-0.

SB 357, establishing a committee to study insurance coverage for infertility. OUGHT TO PASS

Rep. Martha Fuller Clark for Commerce: Treatment for infertility is a rapidly evolving science dealing with one of life's personal issues, the ability to have children. This is an issue which involves both women and men and has profound emotional, social and economic issues for individuals and for society. The cost of infertility treatment and the ability of insurance companies to provide or deny coverage of such services is also of critical concern. Opponents to the bill were anxious that such a study would automatically lead to another insurance mandate. The majority of the committee disagreed, believing that before any infertility legislation could be introduced, a comprehensive study of the issue, both within the state and nationwide, is essential. Vote 12-3.

EDUCATION

SB 452-FN-L, allowing students to choose alternatives to dissection as part of a course exercise. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles, Sr. for Education: The committee feels that it is important to review the current statutory requirement regarding vivisection which is found in the criminal code as well as the provision of this bill relating to dissection and to place the provision within the context of education laws. In order to do this the education committee has asked the Department of Education to prepare a legislative proposal to address both vivisection and dissection. Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 91-FN, relative to the water well board. OUGHT TO PASS

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill and the passage of HB 632, 1997 Chapter 339 last year resolved previous problems between the water well board, the drillers and Department of Environmental Services. This also assures that the public have a vehicle to easily present difficulties or concerns they may have with faulty wells. Vote 14-0.

SB 310, relative to the licensure of micropigmentation practitioners. INEXPEDIENT TO LEGISLATE

Rep. Nancy C. Stickney for Executive Departments and Administration: Micropigmentation is another name for cosmetic tattooing. (That is placing inert, non-toxic dye under the skin of a living being). Licensing requirements, hygienic standards for establishments and practitioners are already in place under RSA 314-A with special rules in place for cosmetic tattooing. Therefore, the committee decided this bill is not necessary. Vote 18-0.

SB 397, relative to the composition of the pharmacy board. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: The amended senate bill would have increased the pharmacy board from six to nine members. Testimony before our committee indicated there were no problems with the current composition of the board. The committee decided, as it has with other licensing boards, that more public representation would be helpful. The amendment replaces the senate bill and adds one more public member to the board.. Vote 18-0.

SB 431-FN-A, establishing a statewide database licensing program of the New Hampshire automated information system and making an appropriation therefor REFER FOR INTERIM STUDY

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill has full support of the committee with all testimony in favor. Interim study accomplishes two things: first by keeping the bill alive, the state library can continue its research relative to licensed program vendors for this data base, which will then be available to municipalities through libraries and schools, as well as to the general public. Savings will be realized when the data base replaces the need for subscriptions to newspapers, periodicals and other publications which now cost a considerable portion of library and school budgets. Secondly, although a one-dollar appropriation is in the bill, the fiscal impact projections are large. Interim study allows time for more realistic figures to be presented for implementation of the project. Vote 13-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 373, protecting quality assurance information of home health care providers from discovery. OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill extends the quality assurance process now provided hospitals to home health care providers. The process excludes the scrutiny of the legal profession from documents and records utilized during quality assurance procedures. Vote 12-0.

JUDICIARY AND FAMILY LAW

SB 311, establishing the Uniform International Wills Act. OUGHT TO PASS

Rep. Andrew R. Peterson for Judiciary and Family Law: The bill, which establishes the Uniform International Wills Act, is permissive legislation which allows New Hampshire residents the option to attach to their will a certificate which conforms to language agreed to by international convention. This would be particularly helpful to individuals who, for example, own real estate in other countries and wish to provide for expedited probate processes for their foreign-held assets. Vote 14-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 433-FN, relative to computing average weekly wages for the purpose of determining workers' compensation benefits, INEXPEDIENT TO LEGISLATE

Rep. Wanda McNamara for Labor, Industrial and Rehabilitative Services: The committee found this bill inexpedient to legislate based on three factors. When HB 630 passed in 1985, it was the intent of the legislature to ensure that all of the people government depends on to serve and protect the public do not suffer financial loss if injured performing that service. People who serve part-time, or volunteer, are recognized in this law to receive maximum benefits. The administrative hearing that raised the issue that prompted SB 433, has been overturned by the Department of Labor Appeals Board which ruled that RSA 105:1

includes all police and fire-fighters, whether full or part-time. The Department of Labor and the Attorney General's Office both agreed that the original intent of the existing statute included part-time police and fire personnel. The committee has a letter from the Department of Labor stating that further rulings will be based on statutory intent. Therefore, this bill is not needed. Vote 14-0.

LOCAL AND REGULATED REVENUES

SB 73-FN, providing that telecommunications poles and lines be subject to the property tax. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: The amendment, which replaces the bill, upholds the House position on this issue. This position has passed the house twice as recommended by both the policy and finance committees. Vote 15-1.

SB 332, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues: This legislation will, with a minimum of effort, allow tax assessors and selectmen immediate access to the selling price of property and relevant conditions of the sale within their jurisdiction so that they may keep property assessments current. Vote 15-1.

RESOURCES, RECREATION AND DEVELOPMENT

SB 412, designating skiing as the official New Hampshire sport. OUGHT TO PASS

Rep. Robert J. Laflam for Resources, Recreation and Development: This bill designates skiing as the official New Hampshire sport. The Committee recognized the contribution of all forms of outdoor recreation to the economic development and quality of life to New Hampshire's residents and visitors. Recognizing the dynamic impact this sport has had over all the state for over 60 years from its youth outreach programs to its major contribution to economic development the committee concluded that the sport of skiing in our state was most worthy of being designated as our state sport. Vote 12-3.

SCIENCE, TECHNOLOGY AND ENERGY

SB 140, relative to the obligations of joint owners to the nuclear decommissioning finance fund. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill is the result of much hard work in both the Senate and House Committees. The bill came as a result of a Nuclear Regulatory Commission (NRC) concern that one of the joint owners (Great Bay Power—12% share) of the Seabrook Power Plant does not have retail customers from whom decommissioning charges could be collected. Great Bay sells power into the wholesale market. The NRC gave Great Bay a one (1) year extension in which to solve this funding assurance problem which is of great concern also to members of the committee. Great Bay is currently up-to-date with all payments to the nuclear decommissioning fund. Great Bay has agreed, however, to accelerate funding for decommissioning on the basis of a 25-year life expectancy of the nuclear plant, rather than the current 36 years. The other joint owners will proportionally guarantee Great Bay's twelve percent (12%) share of Seabrook decommissioning costs under the terms of SB 140. The other joint owners have agreed to this accelerated funding mechanism for Great Bay. The other portion of the bill merges the contents of SB 341, which deals with the make-up of the Nuclear Decommissioning Finance Committee (NDFC). Currently, only members of the Fiscal Committee can serve on the NDFC. Under the proposed amendment, one member from each of the respective House and Senate policy committees would be appointed, as would one member from each body. The director of the Governor's Office of Energy and Community Services would replace a representative of the lead joint owners. There was no opposition to these changes in the composition of the NDFC at the public hearing. The Seabrook joint owners are also supporting this bill as amended. Vote 14-0.

THURSDAY, APRIL 23

REGULAR CALENDAR

COMMERCE

SB 308, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce: Delta Dental Plan of New Hampshire(DDPNH) was enabled by the Legislature through passage of Chapter 345 on 6/30/61. Accordingly, DDPNH is under the purview of the Legislature. DDPNH was incorporated on 7/26/66, recorded as a Voluntary Corporation under RSA 292 on 3/20/68, and was granted its tax exempt status on 2/21/73 as a 501©(4) organization.

In 1992, the Legislature enacted RSA 420-F which brought DDPNH's rate filing and other activities under the jurisdiction of the Department of Insurance. As a not-for-profit, DDPNH has a special obligation to promote the spread of affordable dental care to the citizens of New Hampshire. As documented recently by Michael DeLucia, Director of Charitable Trust, DDPNH's requirements for maintaining its tax exempt status include the promotion of "social welfare" – the activities of the organization must benefit the community as a whole, rather than merely benefiting the organization's membership.

Senate Bill 308, as passed by the Senate, was extremely controversial because it changed the election of board members by the dentists to the election of board members by the subscribers only, leaving the dentists out of the process.

After five(5) Public Work sessions, the Commerce Committee ("Committee of the whole") amended the original SB 308 to address concerns raised by both opponents and proponents of the Senate's version of SB 308.

The committee's amendment is a compromise now supported by the original proponents of the bill, the DDPNH Corporation, group purchasers, subscribers and dentist members, carefully crafted after over one month of negotiations. While retaining the current 7 dentist composition of the DDPNH board – everyone agrees that dentist input on the DDPNH board is important – an External Nominating Committee will now develop board candidates as terms expire and members of the board of directors will elect their own members from a slate developed by this impartial Nominating Committee. The board will no longer be elected by dentists in the state, eliminating perceived and potentially real conflict of interest in the current process. Dentists, however, retain their status as the sole members of the corporation and can approve DDPNH corporate by-laws by a majority vote. The by-laws also must be approved by 2/3 majority of the board. Vote 14-1.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1663-FN, relative to rulemaking under the administrative procedures act. OUGHT TO PASS WITH AMENDMENT

Reps. Robert S. Mercer for Executive Departments and Administration: This amendment corrects most of the problems that the original bill addressed without taking away legislative oversight of the administrative rulemaking process: 1. The commissioner of administrative services has been given the responsibility to set up an administrative rules unit to train agencies, boards, and commissions in rule drafting procedures and to help these agencies, boards and commissions in the writing of proposed rules prior to the public hearings and before these rules are presented to the Joint Legislative Committee on Administrative Rules (JLCAR). 2. It directs the Commissioner of Administrative Services to complete his review of the rulemaking manual and to fulfill his obligation to have rules for all of his respective departments. 3. Several sections of the bill make technical changes to RSA 541-A which some agencies requested. These changes simplify and streamline the rule making process without jeopardizing legislative oversight, or the protection of the interests of the legislature, business, and the public. 4. To strengthen legislative oversight we included a "sunset provision" for agencies, boards and commissions that do not comply with the statutory authority to promulgate rules granted them by the legislature. 5 The original bill cut JLCAR staff by three people. This amendment leaves the staff intact and authorizes them to notify the chair of appropriate standing committees in the house and senate when agencies do not comply with 541-A or when JLCAR recommendations are made to agencies relative to legislation as a result of JLCAR's review of proposed or adopted rules. 6. JLCAR and its staff should be reviewing all proposed legislation dealing with rulemaking and assisting legislative policy committees in their consideration of such legislation. This will help policy committees draft proper rulemaking authority in pending legislation so that it is clear what authority will be given to the agency, board, or commission. 7. Finally, a legislative study committee is recommended to oversee the new responsibilities granted to the Commissioner of Administrative Services and to make recommendations for further changes to the rule making process if the need is justified. Vote 16-1.

SB 406, establishing a legislative task force to develop a state government restructuring plan. INEXPEDIENT TO LEGISLATE

Rep. James P. Pilliod for Executive Departments and Administration: This bill suggests a task force to develop a state government restructuring plan in about six months with a report due on or before November 1, 1998. The committee considered carefully the merits of such a task force and despite many benefits that might accrue decided that the task assigned was too

monumental to accomplish in such a short time. It was noted that a prior effort of a task force in 1991 and 1992 was not eminently successful. Documentation of spotty and early successes elsewhere were considered to be interesting but inconclusive. Many reforms that are needed could probably be initiated without new legislation. The makeup of the task force as proposed does not include members from the executive branch or the public. Vote 12-5.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 476-FN, relative to ambulatory surgical facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: After much collaboration an amendment replacing the entire bill was generated. Because the data from the two-year pilot program allowing 24-hour stay in an ambulatory surgical facility was not adequate to reach a conclusion, the pilot will be extended for two years. The facility will continue to offer two 24-hour beds. On October 1, 1999, the health services and review board will issue a report of findings and recommendations. The legislature can use these recommendations to further assure that public protection is in place. In July of 2000 ambulatory surgical centers, still under pilot program regulations, may offer 5 beds for 24-hour stays. As these facilities are already a part of our health care system, this bill will help assure consumer safety. Vote 12-3.

LOCAL AND REGULATED REVENUES

SB 309, relative to distributors and suppliers of bingo equipment. OUGHT TO PASS

Rep. William J. Desrosiers for Local and Regulated Revenues: This bill would provide for a better tracking system of bingo paper sales in order to prevent possible illegal lost revenue to charitable organizations. Vote 13-3.

PUBLIC WORKS AND HIGHWAYS

SB 467-FN, requiring the department of transportation to construct sound barriers along certain streets in Nashua. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works and Highways: This bill, if enacted, would require the Department of Transportation to construct sound barriers in two locations along the F.E. Everett Turnpike at an estimated cost of \$800,000. Those two areas that are the focus of this bill are the Freshwater Court and Tempo Topaz developments. Testimony before the committee revealed that the Freshwater Court development came well after all hearings regarding the expansion of the turnpike, location of sound barriers, landscaping plans, etc., were finalized. In a letter to residents of the area from the Mayor of Nashua, he states that the New Hampshire Department of Transportation has the right-of-way to all land utilized in the turnpike expansion, and had the expansion plans, including sound walls, completed several years before Freshwater Court was developed. The Mayor also states that the Planing Board of Nashua took several steps to ensure that prospective homeowners were well aware of the turnpike expansion, and the city of Nashua allowed prospective purchasers to make their own decisions concerning the discounted house prices at Freshwater Court due to the location. The committee felt it would be setting a bad precedent to require after the fact sound barriers in the Freshwater Court area. The Tempo Topaz area is a different situation, as the turnpike expansion affected existing homes, and both the committee and the Department of Transportation felt there was an obligation to provide sound relief in this area. The Department met with residents of the area, and the outcome of those discussions was a commitment by the Department of Transportation to construct 1400 feet of treated timber fencing varying in height from eight to ten feet. In addition, further tree planting and landscaping will be done in both areas. The committee feels that both areas highlighted in SB 467 have been taken care of in an appropriate manner, and the bill is unnecessary at this time. Vote 11-5.

NOTICE

LEGISLATIVE ETHICS COMMITTEE

AVAILABILITY OF NEW FINANCIAL DISCLOSURE FORM

Copies of the revised "Financial Disclosure Form" are available at the House Clerk's Office. For the 1998 session, members may use the form as an addendum to the disclosure form already filed.

Representative Jeb E. Bradley, Chairman

COMMITTEES OF CONFERENCE

HB 385, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (Reps. Wheeler, Lozeau, Hager and A. Merrill)

HOUSE BILLS AMENDED BY THE SENATE

HB 170, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (SJ 10)

HB 177, increasing the wild bear license and tag fee. (House Concurred 4/10/98)

HB 385, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (House Nonconcurred; C-of-C 4/10/98)

HB 497, excluding domestic septage from regulation as sludge or biosolids. (SJ 11)

HB 517, relative to aggravated felonious sexual assault. (House Concurred 3/5/98)

HB 544, relative to dwellings which extend over public waters. (House Concurred 3/19/98)

HB 697, establishing a homeless coordination council. (SJ 10)

HB 707, relative to municipal taxation of telecommunications poles and conduits. (SJ 10)

HB 1119, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (House Concurred 3/5/98)

HB 1126, relative to municipal debt limits. (SJ 10)

HB 1128, relative to space heaters. (SJ 11)

HB 1131, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (SJ 11)

HB 1158, changing the process for designating a part-time district court justice a full-time district court justice. (SJ 10)

HB 1175, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (SJ 11)

HB 1245, relative to the management of New Hampshire retirement system funds by the board of trustees. (SJ 10)

HB 1330, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (SJ 10)

HB 1430, relative to political expenditure limitation amounts. (SJ 8)

HB 1468, clarifying the legal status of home brewers of beer. (SJ 10)

HB 1627, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (SJ 9)

HCR 21, encouraging the designation of the Connecticut River as an American Heritage River. (House Concurred 3/19/98)

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 floor amendment.)

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

committee report.)

COMMITTEE HEARINGS

THURSDAY, APRIL 23

ELECTION LAW, Room 308, LOB

9:00 a.m. Full committee work session on the proposed amendment to **HB1520** which is Laid on Table in the House.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Subcommittee work session on **SB 191**, relative to mental health providers and **SB 352**, relative to continuing education requirements for electrologists.

FINANCE - (DIVISION I), Room 212, LOB

At the conclusion of the House Session there will be a WORK AND EXECUTIVE SESSION ON **HB 1000-FN-L**, relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation.

FINANCE - (DIVISION II), ROOM 209, LOB

At the conclusion of the House Session there will be a WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

HB 1075-FN-A-L, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

HB 1679-FN-A-L, relative to local property taxation and state aid to support public education.

JUDICIARY AND FAMILY LAW, Room 208, LOB

Subcommittee work session on **SB 306-L**, relative to municipal officials and their discretion over the use of traffic devices and the purchase of liability insurance. (Immediately following the House session.)

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Full committee work session on **SB 341**, relative to the decommissioning finance committee, if needed. (Immediately following the House session.)

Executive session on pending legislation may follow.

FRIDAY, APRIL 24

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

9:00 a.m. Rescheduled regular meeting.

MONDAY, APRIL 27

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

HB 1075-FN-A-L, implementing the Advancing Better Classrooms program to provide a

constitutionally adequate public education to all the children of New Hampshire.

HB 1679-FN-A-L, relative to local property taxation and state aid to support public education.

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

9:30 a.m. Subcommittee work session on ***SB 383***, establishing a committee to study the use of telemedicine and ***SB 409-FN***, relative to long-term care and extending the moratorium on new nursing home beds.

JUDICIAL COUNCIL (RSA 494), Room 208, LOB

3:00 p.m. Rescheduled regular meeting.

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

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

TUESDAY, APRIL 28

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on ***SB 500***, relative to obtaining automobile and homeowners insurance.

10:00 a.m. ***SB 427***, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements.

11:00 a.m. ***SB 472-FN-L***, relative to filing security interests under the Uniform Commercial Code.

1:30 p.m. Subcommittee work session on ***SB 358-L***, relative to the term physician in health care provider contracts.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. ***SB 437***, requiring a one year mandatory prison sentence for a third DWI conviction.

10:15 a.m. ***SB 471-FN***, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult.

10:30 a.m. Executive session on pending legislation.

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 400***, relative to withdrawal of a school district from an area district.

11:00 a.m. ***SB 481***, relative to the availability of school building aid for year-round schools.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Subcommittee work session on ***SB 362***, relative to the proper classification of jobs in the New Hampshire retirement system.

10:00 a.m. ***SB 423-FN***, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system.

11:00 a.m. ***SB 501-FN-A***, relative to authorizing an attorney for prosecutions by the board of medicine and making an appropriation therefor.

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

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. REVENUE ESTIMATES

WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

HB 1075-FN-A-L, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

HB 1679-FN-A-L, relative to local property taxation and state aid to support public education.

JUDICIARY AND FAMILY LAW (Joint with Science, Technology and Energy), Rooms 306-308, LOB

10:00 a.m. Public hearing on ***SB 464-FN***, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles and the proposed amendment for the year 2000. (Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.)

Room 208, LOB

1:00 p.m. ***SB 367***, relative to the public protection fund administered by the New Hampshire Bar Association.

Executive session on pending legislation to follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on excavation of bedrock.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Joint meeting with Judiciary and Family Law in Rooms 306-308, LOB.

1:00 p.m. Full committee work session on ***SB 341***, relative to the decommissioning finance committee, if needed.

Executive session on pending legislation may follow.

TRANSPORTATION, Room 203, LOB

10:00 a.m. Subcommittee work session on ***SB 429***, relative to the confidentiality of drivers' motor vehicle records.

WEDNESDAY, APRIL 29

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 503-FN***, relative to the New Hampshire community technical college system.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Full committee work session on comparative risk.

10:00 a.m. Full committee presentation on valuing NH Agriculture.

Executive session on pending legislation to follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

HB 1075-FN-A-L, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

HB 1679-FN-A-L, relative to local property taxation and state aid to support public education.

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

9:30 a.m. Subcommittee work session on ***SB 379***, establishing an immunization registry.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. ***SB 374***, relative to large water withdrawals and relative to exemptions from local planning and zoning requirements for public utilities.

Rooms 305-307, LOB

1:00 p.m. ***SB 488-FN***, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on ***SB 341***, relative to the decommissioning finance committee, if needed.

Executive session on pending legislation may follow.

THURSDAY, APRIL 30

ENVIRONMENT AND AGRICULTURE (Joint with Senate Environment), Rooms 301-303, LOB

3:30 p.m. Presentation by Dr. Machno re: biosolids. (Or following the House session.)

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

HB 1075-FN-A-L, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

HB 1679-FN-A-L, relative to local property taxation and state aid to support public education.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on ***SB 341***, relative to the decommissioning finance committee, if needed.

Executive session on pending legislation may follow.

FRIDAY, MAY 1

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

1:30 p.m. Regular meeting.

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

9:00 a.m. Rescheduled regular meeting.

MONDAY, MAY 4

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

10:00 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT (RSA 126-A:13), Room 204, LOB

9:30 a.m. Regular meeting.

TUESDAY, MAY 5

ELECTION LAW, Room 308, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

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

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 202, LOB

3:00 p.m. Regular meeting.

WEDNESDAY, MAY 6

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

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire, Fish and Game Department Audit Report for Fiscal Year ended June 30, 1997

MONDAY, MAY 11

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

WEDNESDAY, MAY 13

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Concord Hospital, Conrad Conference Center, Concord

5:30 p.m. Public forum on New Hampshire labor laws.

FRIDAY, MAY 15

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

9:00 a.m. Regular meeting.

WEDNESDAY, MAY 27

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, City Hall, Laconia

7:00 p.m. Public forum on New Hampshire labor laws.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on May 11 at 7:00 p.m. at Belknap County Courthouse for a hearing on the Gunstock proposed budget for 1998.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

COUNTY DELEGATION NOTICE

Cheshire County Executive Committee will meet on April 27th at 7:00 p.m. in the Commissioners' Office to review the First Quarter 1998 Financial Report. County elected officials salaries for the next biennium will be discussed.

Rep. Paul A. McGuirk, Chairman

Cheshire County Executive Committee

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will hold its regular monthly meeting on Friday, April 24 at the Hillsborough County Nursing Home, Goffstown at 9:00 a.m.

Rep. Frances L. Riley, Chairman

Hillsborough County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet Monday, April 27 at 10:00 a.m. at 4 Court Street, Concord to review first quarter results and discuss and possibly take action on salaries for elected officials.

Rep. Robert A. Lockwood, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet on Friday, April 24 at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood.

Rep. Sherman A. Packard, Chairman

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

Strafford County Delegation will meet Thursday, April 23 during session lunch break in Room 305, LOB to vote to ratify the employee agreement and hear a presentation by Art Nickless, Strafford County representative to the PDA.

Rep. Deborah F. Merritt, Chairman

Strafford County Delegation

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

Legislative Health Screening. Mark your Calendar! Friday, April 24th, 9:00 a.m. to 1:00 p.m.

All legislators and staff are invited to the legislative health screening. The Office of Health Management, Bureau of Health Promotion are coordinating this event. The screening will include **new** stations: spinal health, PSA blood test for prostate cancer, massage therapy, bone density test for osteoporosis, as well as medical nutrition therapy, blood pressure, and dental exam. Tests for diabetes, cholesterol, glaucoma, and oxygen levels will be available. Be sure to see the educational materials on breast and cervical cancer, tobacco prevention, and elderly and adult services in NH. You may choose one or all of the stations. It will be held in Rooms 301-303, 302-304, LOB.

Lois P. Spearman, RN,C

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, May 4 at 6:30 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 111, 177, 204, 256, 443, 467, 485, 552, 559, 565, 579, 587, 605, 606, 651, 670, 676, 686, 697, 707, 717, 730, 734, 736, 747, 749, 753, 774, 784, 1000, 1011, 1100, 1115, 1121, 1141, 1193, 1211, 1224, 1259, 1280, 1284, 1291, 1298, 1300, 1303, 1328, 1330, 1331, 1336, 1337, 1338, 1350, 1354, 1374, 1377, 1384, 1387, 1396,

1399, 1400, 1456, 1473, 1490, 1509, 1513, 1517, 1541, 1543, 1545, 1555, 1573, 1579, 1582, 1588, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617, 1636, 1639, 1644, 1660, 1662, 1664, 1668, 1671, 1673, 1674, 1676, 1679, HJR 24 and SB 485.

Leo J. Callahan, Assistant Clerk

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.

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

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

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

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

I would like to remind members that you may have your mileage checks 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

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

Rep. Donna Sytek, Speaker

The Legislative Caucus for Young Children is pleased to share with you information concerning an event sponsored by Success By 6, an initiative of the twelve local United Ways of New Hampshire: For your convenience during the Week of the Young Child, Success By 6 will be in the basement of the Legislative Office Building on April 23 to provide you with information about the early years of life. Success By 6 will bring together representatives from agencies around the state and there will be an opportunity to schedule a visit to a child care site on the first of June, in celebration of the National Stand for Children's Day.

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

The New Hampshire/Vermont Direct Marketing Group cordially invites all legislators and staff to its 3rd Annual Legislative Reception to be held on April 23 at the Holiday Inn in Concord from 3:30 p.m. to 7:00 p.m. Refreshments and hors d'oeuvres will be served.

Rep. Robert L. Wheeler

All legislators and their families are invited to join the Christa McAuliffe Planetarium Commissioners and their staff for an exciting space event on Saturday, April 25 at 12:15 p.m. at the Planetarium in Concord. Video monitors will be set up to allow viewing of a live broadcast of New Hampshire's three astronauts aboard the Space Shuttle Columbia communicating from space with New Hampshire students. Legislators will also be able to check out the Planetarium's new Star Pilot exhibit. If the shuttle is further delayed, the event will also be delayed. Check WMUR-TV for scheduling updates. Reservations required by Wednesday, April 22 at 271-7831.

Reps. Martha Fuller Clark and Kenneth W. Malcolm

Grafton County Republican Dinner with guest speaker, John Kasich, Ohio Congressman and Chair of the House Budget Committee will be held Sunday, April 26 at the Radisson Inn, West Lebanon. Cash bar 6:30 p.m., dinner 7:30 p.m. \$35 per person. See Grafton County Republicans for tickets or call 448-2147.

Rep. Douglass P. Teschner

The Manchester Delegation will meet at UNH Manchester, Commercial Street at 9:00 a.m. on April 27. Tour of UNH with the Dean.

Rep. Lou D'Allesandro

Join NH COSH and the NH AFL-CIO for a Workers Memorial Day Commemoration at the Legislative Office Building in Concord on April 28th at 9:30 a.m. Coffee and danish will be served after the ceremonies at Saint Paul's function hall. Call NH COSH at 226-0516 or the NH AFL-CIO at 224-4789 for more information. Please RSVP (if you plan to attend for coffee) by April 24th.

Rep. Edgar H. Mears

The Merrimack County Republican Committee and the Merrimack County Republican Association will hold a joint dinner at the Cat 'n Fiddle Restaurant, Manchester Street, Concord on Tuesday, April 28. Social hour is at 6:00 p.m. and dinner is at 7:00 p.m. The speaker will be Commissioner Terry Morton. All Merrimack County Republicans are invited. Reservations must be

made by April 22. For reservations call Joan Guardino at 746-4516, Daniel Allegretti at 224-7130 or Rep. James Whittemore at 934-2648. Dinner is \$15 per person.

Rep. James A. Whittemore

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, April 29th and Wednesday, May 13th. Refreshments will be served.

Rep. Robert K. Boyce

The Most Reverend Francis J. Christian, D.D., Ph.D. Auxiliary Bishop of Manchester cordially invites all associated with the study and administration of justice to join him for the celebration of the Red Mass on Monday, May 4 at 6:00 p.m. at the Saint Joseph Cathedral corner of Lowell and Pine Streets, Manchester. This invitation is ecumenical and interreligious in nature. All are invited to attend. A reception will follow at the offices of Sheehan, Phinney, Bass and Green.

Rep. Robert F. Chabot

Manchester City Democrats will meet Monday, May 4th at 7:00 p.m. at the Black Brimmer Restaurant, 1087 Elm Street. Topics will include legislative candidate recruitment, support for the ABC Plan, and an update on the Optima/save CMC struggle.

Rep. Steve Vaillancourt

The New Hampshire Good Roads Association, in cooperation with the New Hampshire Department of Transportation is hosting a Legislative Bus Tour to view various highways and bridge construction sites in Concord, Manchester, Exeter and Dover area, on May 5th. Transportation and a luncheon will be provided. Reservations are needed. If interested, please call 224-1823.

Rep. Gene G. Chandler

All members are invited to hear Minnesota Governor Arne Carlson discuss School Vouchers and other educational options on Thursday, May 7 from noon to 1:30 p.m. at the Upham Walker House. Box lunches will be available to purchase. If you have any questions please feel free to call me at 525-3820.

Rep. Lauren Carney

Plan now to enjoy a relaxing, fun-filled Day-on-the-Range at the Annual Legislative Shoot, sponsored by the Gun Owners of New Hampshire. This is a Firearms Orientation and Safety Program at the Sunset Mountain Fish and Game Club in Canterbury which gives both novices and those with firearms experience an opportunity to spend a day with GO- NH members

to assist them. Starting at 10:00 a.m., wake-up coffee and lunch are provided. For further details, please call Rep. Frances Riley. Space is limited, so please reserve early. Monday, May 11 is the date, rain or shine, as shelter is available. All equipment is provided by GO-NH, or bring your own if you wish.

Rep. Frances L. Riley

The Executive Departments and Administration Committee reunion is scheduled for Tuesday, May 12. All present and former members are invited. Governor Walter Peterson, Hon. Stewart Lamprey, Hon. Marshall Cobleigh, Hon. Walter Raiche and the Hon. George Roberts are just a few of the notables who plan to attend. How about you?

Rep. Howard C. Dickinson, Jr.

The Professional Fire Fighters of New Hampshire invite all legislators and legislative staff to a 1st annual "Legislature Five Alarm Chili" luncheon (three alarm and false alarm versions will also be available) on Thursday, May 21 at noon at the Historical Society, corner of State Street and Park Street in Concord (across from the Legislative Office Building).

Reps. Robert L. Wheeler and Peter H. Burling

The State House softball team is organizing for its 1998 season. Games are scheduled from late April through June and take place at DOT field on Hazen Drive. Contact Curtis Barry in the Majority Office.

Rep. Robert L. Wheeler

A benefit golf tournament and dinner for the NH Veterans Home will be held on May 30th at the Lochmere Country Club in Tilton on Route 3. The tournament will be followed by a tour of the Veterans Home to meet and recognize residents. The day's event will be capped off at the Home by a choice of lobster or steak dinner, entertainment and award ceremonies. Golf tournament fee is \$100 per person which includes dinner. Dinner tickets \$30 per person. Donations for NH Veterans Home \$1 each/6 for \$5. For further information regarding this event contact Donna Long, Community Affairs Director, NH Veterans Home (603)286-4412 or contact Reps. Joe Kenney, Robert Laflam or Betsey Patten.

Rep. Betsey L. Patten

For those members of the House who would like to express their appreciation for the many contributions that Charles Ferguson has made to the legislature, memorial donations may be made to the Charles W. Ferguson Memorial Scholarship Fund, CFX Bank, South Street, Milford 03055.

Rep. Suzan L.R. Franks

The Governor is going to recognize with a proclamation all New Hampshire cities and towns which have consistently celebrated "Old Home Day (OHD)," not missing a year, from 1899 to the present. Such towns will have their 100th OHD this summer. Please let me know of any city or town eligible for this honor. (Tel/fax: 786-9562/9463).

Rep. John R.M. Alger

The Department of Transportation will hold the following meetings:

April 28 - City Hall Council Chambers Meeting Room, 51 North Park Street, Lebanon, 7:00 p.m. Public informational meeting, Lebanon, I-89 NB & SB over Connecticut River, bridge rehabilitation.

May 4 - Piermont School, 7:00 p.m. Public informational/officials meeting, Piermont, NH Route 10 over Bean Brook bridge replacement.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

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

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
4/24	10:00 & 11:30	New Searles Elementary - Nashua	4 / 75
4/27	10:00	Dondero Elementary - Portsmouth	4 / 43
4/27	11:00 & 12:00	Little Harbor School - Portsmouth	4 / 80
4/28	10:00 & 11:15	Symonds School - Keene	4 / 60
4/28	12:30	Trinity Home School - Bow	3-6 / 20
4/29	10:00	Salisbury Elementary	4 / 12
4/29	12:30	Bluff Elementary - Claremont	4 / 45
4/30	9:30	Seminary Hill - West Lebanon	4 / 40
4/30	11:00	Cornish Elementary	4 / 15
4/30	11:00	Den 1 Pack 610 - Pelham	4 / 5

THURSDAY, APRIL 23

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-1467h

Floor Amendment to HB 1520-FN

Proposed by Reps. Arndt and J. Foster

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

1 Elections; Nominations by Primary; Posting Notice of Primary; References to Fees Deleted. Amend RSA 655:12 to read as follows:

655:12 Posting Notice of Primary. Each city clerk shall distribute such notices to the ward clerks in his *or her* city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in ~~his~~ *the* town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary~~;~~ *and* the officers with whom they must be filed, the ~~fees~~ *administrative assessment* to be paid at the time of filing such papers and the number of primary petitions which may be submitted in lieu of the ~~filing fees~~ *administrative assessment*.

2 Elections; Nominations by Primary; Filing: General Provisions; Filing Fee, Primary Petitions Deleted. Amend RSA 655:14 to read as follows:

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless ~~he~~ *the person* is a registered member of that party, ~~he~~ *the person* shall have met the age and domicile qualifications for the office he *or she* seeks at the time of the general election, ~~he~~ *the person* meets all the other qualifications at the time of filing, and ~~he~~ *the person* shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17~~;~~ *and*

~~I. The appropriate filing fee as provided in RSA 655:19; or~~

~~H. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25].~~

3 Elections; Nominations by Primary; Administrative Assessment, Primary Petitions and Nomination Papers; Order of Primary Petitions Added; Filing Fee References Deleted. Amend RSA 655:19-c to read as follows:

655:19-c Administrative Assessment~~;~~ *and* Primary Petitions~~;~~ *Nomination Papers*.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III ~~[in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b].~~ At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

(a) For governor and United States senator, \$100.

(b) For representative to Congress, \$50.

- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by ~~him~~ **the secretary of state** into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his **or her** name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions. ***Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.***

4 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of....., ss.

City (Town) of

I do hereby join in a petition for the printing on the primary ballot of the name of whose domicile is in the city (town) of (ward, street and number, if in a city), in the county of, for the office of to be voted for on Tuesday, the day of September, 19....., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of (ward, street and number, if in a city), in the county of I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA655:10, and that he **or she** is not a federal employee which makes him **or her** ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

.....

Print Voter's name

.....

Voter's Signature

~~[State of New Hampshire~~

~~County of, ss.~~

~~City (town) of, 19.....~~

~~The above-named, ..., personally known to me, appeared and made oath that the above petition, by him subscribed, it true.~~

~~Before me,~~

.....

~~Justice of the Peace or Notary Public]~~

5 Election Procedure; Canvass and Declaration: State Primary Election; Write-In Votes and Nomination; Declaration of Candidacy; Filing Fees Provisions Deleted. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." ~~[A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he is unable to pay the fee by reason of indigency.]~~ Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

6 Elections; Political Expenditures and Contributions; Definitions; Candidate. RSA 664:2, II is repealed and reenacted to read as follows:

II. "Candidate" means any person publicly declared as such and for whom votes are sought in an election. For the purposes of this chapter, a person shall be deemed to be a candidate:

- (a) Upon filing for candidacy during the filing period set forth in RSA 652:21;
- (b) If the person has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000, for the purpose of exploring the person's candidacy for political office; or
- (c) If the person has given his or her consent to another person or political committee to receive contributions or make expenditures on behalf of the person for the purpose of exploring the person's candidacy for political office and the other person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000, whichever occurs first.

7 Elections; Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are **not** made ~~[without cooperation or consultation]~~ **in conjunction or in coordination** with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ **coordination** with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

8 New Paragraph; Elections; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVI the following new paragraph:

XVII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

9 Political Expenditure Limitation Amounts; Governor, United States Senator and Representative to Congress. Amend RSA 664:5-b, I-II to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a, I-II shall be as follows:

- I. For governor:
 - (a) ~~[\$500,000]~~ **\$625,000** in a state primary election.
 - (b) ~~[\$500,000]~~ **\$625,000** in a state general election.

I-a. For United States senator:

(a) ~~[\$500,000]~~ **\$625,000** in a state primary election.

(b) ~~[\$500,000]~~ **\$625,000** in a state general election.

II. For representative to Congress:

(a) ~~[\$250,000]~~ **\$350,000** in a state primary election.

(b) ~~[\$250,000]~~ **\$350,000** in a state general election.

10 Political Expenditure Limitation Amounts; Total Expenditures. Amend RSA 664:5-b, VI to read as follows:

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on ~~[his]~~ ***the candidate's*** behalf by ~~[his]~~ ***the candidate's*** committee or committees, ~~[his]~~ ***the candidate's*** party, and ~~[his]~~ ***the candidate's*** immediate family. ***For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.*** Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

11 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6-7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts of contributions and expenditures made since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts of contributions and expenditures made since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which is received after the statement under this paragraph is filed and prior to the day of primary election.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements if such statements are filed, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election, the Wednesdays 4 weeks, 2 weeks and immediately preceding the general election and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which are received after the

statement under this paragraph is filed and prior to the day of the general election.

V. Any political committee whose receipts of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500 the committee shall file a statement at the next reporting deadline.

VI. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. Copies of the statements required by paragraphs I through VI of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VIII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VI, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

IX. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6 I, II, III, IV, V, and VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, and clerks, assistant clerks, and sergeants-at-arms of the house and senate, shall report contributions and expenditures exceeding \$500 in the aggregate in like manner and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to the Wednesdays one week and 3 weeks after the general election and the Wednesday one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

12 New Sections; Elections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$25 shall include disclosure information. The disclosure information shall include the name; address; employer, business organization, or primary source of income; principal place of business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XVII shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor, and any disclosure reports filed by

candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

13 Campaign Disclosure Information; 1998 Election Cycle. Notwithstanding RSA 664:7-c, I, for the 1998 election cycle, each candidate or candidate's committee for governor shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. All other state candidates or state candidates' committees may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

14 Repeal. The following are repealed:

I. RSA 655:19, relative to election filing fees.

II. RSA 655:19-b, relative to waiver of filing fee and primary petitions.

III. RSA 655:20, relative to primary petitions.

IV. RSA 655:22, relative to number of primary petitions.

15 Effective Date.

I. Sections 6 and 10 of this act shall take effect January 1, 1999.

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

AMENDED ANALYSIS

This bill:

I. Requires candidates for governor and permits other candidates, to file campaign disclosure reports on a computer disk for the 1998 election cycle.

II. Replaces the notarization with an oath on primary petitions.

III. Requires primary petitions to be filed alphabetically.

IV. Modifies the definitions of "candidate" and "independent expenditures" and defines "coordinated expenditure."

V. Modifies the reporting requirements for political committees and candidates.

VI. Increases total expenditure limitations for candidates for governor, United States senator, and representative to Congress who voluntarily agree to limit campaign expenditures.

VII. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy.

VIII. Repeals the requirement that candidates who do not voluntarily accept expenditure limitations must file supplemental primary petitions.

IX. Allows candidates for governor, United States senator, and representative to Congress, to file campaign disclosure reports in electronic format.

X. Prohibits accepting contributions unaccompanied by disclosure information.

XI. Requires the secretary of state to compile and maintain cumulative disclosure reports.

XII. Eliminates election filing fees.

1998-1318h

Amendment to HB 1663-FN

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and the department of administrative services, and establishing a committee to study procedures in administrative rulemaking.

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

1 Findings and Purpose. It is the understanding of both the legislative and executive branches of state government that administrative rules and the rulemaking process are important and that both branches are committed to providing the necessary resources and expertise to prepare, review, and enforce administrative rules, with the understanding that rules have the force and effect of law and profoundly impact the lives and livelihoods of every citizen of New Hampshire.

2 Office of the Commissioner of Administrative Services; Number of Units Deleted. Amend the introductory paragraph of RSA 21-I:4 to read as follows:

21-I:4 Office Established. There is hereby established an office of the commissioner consisting of the following [5] units:

3 New Paragraph; Administrative Rules Unit. Amend RSA 21-I:4 by inserting after paragraph V the following new paragraph:

VI. Administrative rules.

4 New Section; Administrative Rules Unit. Amend RSA 21-I by inserting after section 7-b the following new section:

21-I:7-c Administrative Rules Unit.

I. There is hereby established in the office of the commissioner of administrative services an administrative rules unit. The commissioner is authorized to employ personnel as necessary.

II. The administrative rules unit shall be responsible for:

(a) Developing and operating a training program to train and improve all executive branch departments, boards, and commissions in the appropriate rulemaking procedures according to RSA 541-A.

(b) Assisting all executive branch departments, boards, and commissions in drafting proposed rules under RSA 541-A.

(c) Carrying out the duties of the commissioner in developing a user friendly drafting and procedures manual pursuant to RSA 541-A:8 with the director of legislative services or staff of the office of legislative services and the joint legislative committee on administrative rules.

(d) Drafting all administrative rules required to be adopted by the commissioner of administrative services pursuant to RSA 541-A.

III. To carry out the responsibilities under subparagraphs II(a)-(c), the commissioner shall receive the full support and assistance of all executive branch departments, boards, and commissions, including but not limited to the use of personnel, equipment, and facilities.

5 New Paragraph; Definition Added; Department. Amend RSA 541-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Department" means the department of administrative services.

6 Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:2 to read as follows:

541-A:2 Joint Legislative Committee on Administrative Rules.

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and 4 alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; 2 alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than one of whom shall be from the same party; and 2 alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than one of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the ~~[chairman]~~ **chair** shall designate an alternate member to serve ~~[in his place]~~ regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a ~~[chairman]~~ **chair** and a ~~[vice-chairman]~~ **vice-chair** from among its members, provided that the ~~[chairmanship]~~ **chair** shall rotate biennially between the house and senate members.

II. The committee shall meet at least once each month and more often as necessary for the prompt discharge of its duties ~~[and may use the staff and services of the director of legislative services]~~. ***The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services, to the extent the committee deems necessary.*** The committee shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

III. The committee may hold public hearings on a proposed or previously adopted rule on its own initiative. The committee shall give public notice of any hearing at least 7 days in advance in the rulemaking register. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views. As appropriate, the committee may consult with the standing legislative committee having jurisdiction in the area of the rule under review.

IV. In addition to its ongoing review of proposed and adopted rules, the committee shall:

- (a) Petition an agency under RSA 541-A:4 to adopt rules if the agency has clear rulemaking authority which it has not used.
- (b) Review statutory passages granting rulemaking authority. On the basis of this review, the committee shall, before each regular legislative session, make written recommendations to the president of the senate and the speaker of the house as to how such passages should be amended to eliminate confusing, inefficient, or unnecessary statutory language.
- (c) Make written recommendations, when appropriate, to the president of the senate and the speaker of the house as to how the legislative oversight of rulemaking might be improved. These recommendations may include proposed amendments to RSA 541-A.
- (d) Have the authority to amend and provide the final approval of the drafting and procedure manual developed by the director of legislative services and the commissioner of administrative services under RSA 541-A:8.
- (e) Notify the chairpersons of appropriate standing committees of the general court in writing when committee recommendations are made to agencies relative to legislation as a result of reviewing proposed and adopted rules.***
- (f) Make written recommendations, when appropriate, to the president of the senate, the speaker of the house of representatives, and the chairs of standing committees of the general court having jurisdiction over the subject matter of an agency concerning the amendment or repeal of the statutory authority of an agency that has enforced rules which are not effective or not otherwise valid, or that has not commenced rulemaking or adopted rules as required by statute.***

7 Petition for Adoption of Rules. Amend RSA 541-A:4 to read as follows:

541-A:4 Petition for Adoption of Rules.

I. Any interested person may petition an agency to adopt, amend, or repeal a rule. Within 30 days of receiving the petition, the agency shall determine whether to grant or deny the petition and notify the petitioner. If the agency decides to deny the petition, the agency shall notify the petitioner of its decision in writing and shall state its reasons for denial. If the agency

grants the petition, it shall notify the petitioner and commence the rulemaking proceeding by requesting a fiscal impact statement pursuant to RSA 541-A:5 within 120 days of receipt of the petition and continuing the proceeding as specified in RSA 541-A:3.

II. Notwithstanding paragraph I, if the committee petitions an agency to adopt, amend, or repeal a rule, and the agency does not notify the committee that rulemaking has commenced within one year of receiving the petition, or does not file a final proposal under RSA 541-A:12 within 2 years of receiving the petition, the committee may file legislation to repeal the agency's rulemaking authority or otherwise amend the agency authority.

8 Gender Neutral. Amend RSA 541-A:5, I and II to read as follows:

I. The agency shall provide the legislative budget assistant with adequate details of the intended action and supporting data to enable ~~[him]~~ ***the legislative budget assistant*** to prepare a fiscal impact statement.

II. The legislative budget assistant shall develop a form which shall specify the details and supporting data necessary ~~[for him]~~ to assess the fiscal impact of the proposed rule.

9 Gender Neutral. Amend the introductory paragraph of RSA 541-A:5, IV to read as follows:

IV. The fiscal impact statement issued by the legislative budget assistant shall not be limited to dollar amounts, but shall include a discussion of the methodology used ~~[by him and the agency]~~ to reach any stated amounts. In addition, the fiscal impact statement shall consist of:

10 Gender Neutral. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if ~~[he]~~ ***the director*** determines that there is significant noncompliance with the requirements of paragraph I ~~[above]~~.

III. The agency shall send notice to the director of legislative services, to the president of the senate, to the speaker of the house of representatives, to the ~~[chairman]~~ ***chair*** of the fiscal committee, to the ~~[chairmen]~~ ***chairs*** of the legislative committees having jurisdiction over the subject matter, and to all persons who have made timely request for advance notice of rulemaking proceedings and to all persons regulated by the proposed rules who hold occupational licenses issued by the agency. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11. Notice to occupational licensees shall be by U.S. Mail, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner deemed sufficient by the committee.

11 Drafting and Procedure Manual. Amend RSA 541-A:8 to read as follows:

541-A:8 Drafting and Procedure Manual.

I. Each agency shall conform to a drafting and procedure manual for rules, developed by the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the committee. The manual shall be submitted for approval by the committee no later than December 31, 1998. If no manual is submitted by such date, the committee shall have the authority to develop, and approve the manual. In either case, the committee shall provide final approval of the drafting and procedure manual no later than March 31, 1999. After March 31, 1999, the committee may propose further amendments to the manual. Any further amendments shall be subject to final approval by the committee.

II. The department shall assist an agency as often as necessary both prior to and during a rulemaking proceeding in drafting proposed rules to conform to the manual.

III. The director may require any agency to rewrite any rule submitted for filing to conform to this manual until that rule is adopted and filed under RSA 541-A:14 or RSA 541-A:19.

12 New Subparagraph; Rulemaking Register; List of Proposals. Amend RSA 541-A:9, I by inserting after subparagraph (i) the following new subparagraph:

(j) A list of proposals filed under RSA 541-A:12, I and proposed interim rules filed under RSA 541-A:19, II, and placed on the agenda for committee review at a regularly scheduled or special committee meeting.

13 Proposed Rule Text; Review by Department of Administrative Services. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text.

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services ***who shall provide copies for staff designated to the committee and to the department.***

II. ***The department shall review the proposed rule for compliance with the drafting and procedure manual pursuant to RSA 541-A:8.***

III. The text as filed shall not be changed or established as the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA 541-A:11 ***and after certification by the department pursuant to RSA 541-A:12, II(f).***

14 Submission of Materials to Board or Commission. Amend RSA 541-A:11, I to read as follows:

I. Each agency shall hold at least one public hearing on all proposed rules and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing ***or, if practicable for the agency, in electronic format,*** in accordance with the terms of the notice and the provisions of this section. ***The legal counsel designated to the committee may provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the hearing.*** For rules proposed by a board or commission, a period of at least [5] 7 days after the hearing shall be provided for the submission of [~~such written~~] materials ***in writing or electronic format,*** unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of [~~written~~] ***such*** materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least [5] 7 days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of [~~written~~] materials ***in writing or electronic format*** shall be extended.

15 Public Comment; Extension of Deadlines. Amend RSA 541-A:11, III to read as follows:

III. To provide reasonable opportunity for public comment, the agency may continue a public hearing past the scheduled time or to another date, ***or may extend the deadline for submission of written comment.*** If the agency continues the hearing ***or extends the deadline,*** it shall notify the public by any means it deems appropriate, including notice in the rulemaking register whenever practicable.

16 New Paragraph; Filing Final Proposal; Placement on Agenda. Amend RSA 541-A:12, I to read as follows:

I. After considering fully public comment ***and any committee or designated legal counsel comments*** received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the agency shall file the final proposal no earlier than 21 days and no later than 150 days after the date of publication of the notice in the rulemaking register. If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal. The agency shall file the final proposal with the director of legislative services, ***who shall provide copies to staff designated to the committee and to the department***. Final proposals filed no later than [~~14~~] 28 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than [~~14~~] 28 days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting, ***unless included on the agenda of an earlier meeting if the committee determines that such action is appropriate.***

I-a. Legal counsel designated to the committee shall review the final proposal and identify potential bases for committee objection pursuant to RSA 541-A:13, IV. Legal counsel shall notify the committee and the agency filing the rule as soon as possible of any potential bases for objection.

17 New Paragraph. Amend RSA 541-A:12 by inserting after paragraph II (e) the following new paragraph:

(f) Certification from the department that the rule has been reviewed by the department and conforms to the requirements in the drafting and procedures manual under RSA 541-A:8.

18 Procedure Changed; Review by Joint Legislative Committee on Administrative Rules. RSA541-A:13 is repealed and reenacted to read as follows:

541 -A:13 Review by the Joint Legislative Committee on Administrative Rules.

I. Within 60 days of the filing of a final proposal with the director of legislative services, the committee may approve the rule or object under paragraph V. Objections to a rule may be made only once.

II.(a) After filing a final proposal pursuant to RSA 541-A:12, an agency may file a proposed amendment to the final proposal with the director for review by the committee and request that the committee approve the rule with the amendment. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda.

(b) The committee may:

(1) Approve the rule as originally filed pursuant to RSA 541-A:12;

(2) Approve the rule with the amendment; or

(3) Object under paragraph V.

(c) If the committee approves the rule as filed pursuant to RSA 541-A:12, or with the amendment, it shall notify the agency in writing of its approval.

(d) Failure to give take action under subparagraph II(a) by the end of the 60-day period shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (d), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature;

(c) Determined not to be in the public interest; or

(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections:

(a) If the committee objects to the rule, it shall promptly send the agency a preliminary written objection stating the basis for the objection. A preliminary objection shall require the assent of a majority of the votes cast, a quorum being present.

(b) The agency shall respond to the preliminary objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, except as provided in subparagraph V(d).

(c) The quorum of the board or commission or the agency official having rulemaking authority may respond in writing prior to the adjournment of the committee meeting during which the preliminary objection was made. The committee may address the response in the same meeting. The agency shall otherwise report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee within 45 days shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

(d) After submitting its preliminary objection response and prior to the final committee vote on the final proposal, and in all cases, prior to the adoption of the rule by the agency, the agency may request the committee to approve the rule with further amendment or to issue a revised objection. The committee may approve the rule with further amendment only if the agency submits the request and proposed amendment in writing to the committee at least 7 days prior to the committee meeting at which the agency presents the rule. Submission of such a request shall not preclude the agency from requesting a revised objection if the committee does not approve the rule as requested.

(e) A revised objection may be made only once by the committee and may be made only at the request of the agency. The agency shall respond and the committee may review the response in the same manner as a preliminary objection. No further amendment may be made by the agency after it responds to the committee except as provided in RSA 541-A:14, II.

(f) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services, who shall publish the objection in the next issue of the rulemaking register.

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

VII.(a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 45 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

19 Final Adoption of Rules. Amend RSA 541-A:14, I-II to read as follows:

I. An agency may adopt a properly filed final proposed rule after:

(a) The passage of ~~[45]~~ **60** days from filing of a final proposal under RSA 541-A:12 without receiving notice of objection from the committee;

(b) Receiving notice of approval from the committee ***under RSA 541-A:13;***

(c) Passage of the ~~[45-day]~~ **60-day** period for committee review of the preliminary objection response, or revised objection response, if applicable, provided that the committee has not voted to sponsor a joint resolution pursuant to RSA 541-A:13, VII; or

(d) Final legislative action, as defined in RSA 541-A:1, VI-a, is taken on the joint resolution sponsored pursuant to RSA 541-A:13, VII(b) or the passage of the 90 consecutive calendar days specified by RSA 541-A:13, VII(c), whichever occurs first.

II. The text of the adopted rule shall be the same as the text of the final proposed rule submitted under RSA 541-A:12, except that any specific change may be made by the agency in direct response to the committee's ~~written~~ **preliminary or revised objection or as approved pursuant to RSA 541-A:13**. The director of legislative services may refuse to accept for filing any final rule which contains changes, other than minor editorial changes, that are not specifically authorized in the committee's written objection. The agency shall identify each minor editorial change in writing to the director of legislative services.

III. The agency shall file **2 copies of** all adopted rules with the director of legislative services, **who shall provide copies to staff designated to the committee and to the department**.

20 Administrative Rules; Publishing. Amend RSA 541-A:15, I to read as follows:

I. The director of legislative services shall compile, index, and publish, or require agencies to publish all effective rules adopted by each agency. **The text of an adopted rule as filed with the director and which is effective shall be the official version of the rule, unless or until a version prepared for publication, which may have editorial changes not affecting the substance of the rule, is certified by the agency as the same in substance as originally filed. The certified version shall be the official version. The official version of the rule shall be available to the public by the agency and the director pursuant to RSA 541-A:14, IV.**

I-a. The agency shall certify the rule under paragraph I within 120 days of the effective date of the rule. The 120-day deadline shall not apply to interim or emergency rules. A copy of each rule as filed and each as certified shall be sent by the director to the state library and the New Hampshire law library at the supreme court.

I-b. Compilations shall be supplemented, revised, or published as often as necessary. The compilation, indexing, or publishing of fiscal impact statements shall not be required. The director of legislative services, in consultation with state agencies, may enter into a contract for the preparation and publishing of the compilation of agency rules or any portion of it, or may certify a commercially prepared version of the compilation. Any version or portion of the code published under this section shall conform to all requirements of this chapter.

21 Application of Deadline; Commissioner Added. Amend RSA 541-A:16, IV to read as follows:

IV. If any deadline for action by an agency, the public, **the commissioner**, or the committee, imposed by this chapter falls on a Saturday, Sunday, or state legal holiday, the deadline for such action shall be extended to the next day that is not a Saturday, Sunday, or state legal holiday.

22 Time Limit; Reference to Manual Added. Amend RSA 541-A:17, I to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the

agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, **in conformance with the drafting and procedure manual**.

23 Emergency Rules. Amend RSA 541-A:18, II to read as follows:

II. Notwithstanding RSA 541-A:16, III, emergency rules adopted under this section shall not remain in effect for more than 120 days from the date and time of filing with the director of legislative services, **who shall provide copies to staff designated to the committee and to the department**. An agency may propose a permanent rule on the same subject at the same time that it adopts an emergency rule, but it shall not adopt the same emergency rule when the emergency rule expires.

24 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph II the following new paragraph:

II-a. The director of legislative services shall provide copies of proposed interim rules to staff designated to the committee and to the department.

25 Committee Procedure on Interim Rules. Amend RSA 541-A:19, VIII to read as follows:

VIII. The following procedures shall govern committee objections:

(a) If the committee objects to the proposed interim rule, it shall notify the agency promptly by sending the agency a written objection stating the basis for the objection ~~[and recommending that the agency amend or withdraw the proposed interim rule]~~. An objection shall require the assent of a majority of the votes cast, a quorum being present.

(b) If the committee makes an objection to the proposed interim rule, the agency may cure the defect or withdraw the interim rule. The agency shall respond to a committee objection only once~~[-and]~~. ***The quorum of the board or commission or the agency official having rulemaking authority may respond in writing prior to the adjournment of the committee meeting during which the objection was made. The committee may address the response in the same meeting. The agency shall otherwise*** report its response in writing to the committee prior to its next regularly scheduled meeting. Failure to respond to the committee ~~[in accordance with this subparagraph]~~ ***prior to the next regularly scheduled committee meeting*** shall mean the rulemaking procedure for that proposed interim rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule, provided that the conditions in paragraph I are met.

(c) The committee shall review the response and vote to approve the response
or continue the objection.

(d) The committee's objection shall not preclude the agency from adopting the
substance of an interim rule by meeting the requirements of RSA 541-A:3.

26 Adoption of Proposed Interim Rule; Effective Period Increased. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule. An adopted interim rule shall be filed with the director of legislative services no later than 30 days following committee approval. ***The director shall provide copies of adopted interim rules to the designated staff of the committee and to the department.*** An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval. Interim rules shall be effective for a period not to exceed ~~[120]~~ ***180*** days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

27 Gender Neutral; Executive Orders. Amend RSA 541-A:28 to read as follows:

541-A:28 Executive Orders and Opinions of the Attorney General. The secretary of state shall transmit each executive order received from the governor to the director of legislative services, who shall publish the text of the executive order in the register of notice of rulemaking proceedings. The attorney general shall transmit a copy of every non-confidential opinion relative to rulemaking or rulemaking authority issued by ~~[him]~~ ***the attorney general*** or in ~~[his]~~ ***the attorney general's*** name to the director of legislative services. The director shall publish such opinions in the rulemaking register.

28 Gender Neutral. Amend RSA 541-A:31, V(b) to read as follows:

(b) In order to facilitate proceedings and encourage informal disposition, the presiding officer may, upon motion of any party, or upon ~~[his]~~ ***the presiding officer's*** own motion, schedule one or more informal prehearing conferences prior to beginning formal proceedings. The presiding officer shall provide notice to all parties prior to holding any prehearing conference.

29 Gender Neutral. Amend RSA 541-A:35 to read as follows:

541-A:35 Decisions and Orders. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed promptly to each party and to ~~[his]~~ ***a party's*** recognized representative.

30 Gender Neutral; Suspension of Provisions. Amend RSA541-A:40, I to read as follows:

I. To the extent necessary to avoid a denial of funds or services from the United States which would otherwise be available to the state, the governor may suspend, in whole or in part, one or more provisions of this chapter. When the governor determines that a suspension is no longer necessary to prevent the loss of funds or services from the United States, ~~[he]~~ ***the governor*** shall issue an order specifying the dates of termination of a suspension.

31 Validity of Existing Rules. All rules adopted and effective on the effective date of this act shall remain valid until amended, repealed, or expired.

32 Application of Procedure Changes in Rulemaking Process.

I. The provisions of sections 13, 14, and 17 of this act shall apply beginning on August 1, 1998.

II. The provisions of sections 16, 18, 19, 23, 24, and 26 of this act shall apply beginning on August 10, 1998.

33 Required Information By Department of Administrative Services. The administrative rules unit in the office of the commissioner of administrative services, established in RSA 21-I:7-c, as inserted by section 4 of this act, shall provide, as soon as possible, information to all agencies having rulemaking authority of the procedural and other changes required by this act in order to facilitate rulemaking by agencies.

34 Applicability of Rules Publication Changes. The provisions of RSA 541-A:15 as amended by section 20 of this act shall apply to rules filed and effective after the effective date of this act.

35 Study Committee Established. There is established a committee to study procedures in administrative rulemaking.

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

(a) Four members of the house of representatives, one of whom shall be a member of the joint legislative committee on administrative rules, appointed by the speaker of the house.

(b) Four members of the senate, one of whom shall be a member of the joint legislative committee on administrative rules, appointed by the president of the senate

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

III. The duties of the committee shall include but not be limited to:

(a) Examining all relevant aspects of HB 1663-FN of the 1998 session.

(b) Exploring the ways that administrative rulemaking under RSA 541-A may be enforced.

(c) Recommending ways to improve the public notification of and involvement in pending rulemaking under RSA 541-A.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

V. The committee, in each of the next 2 years, shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the joint legislative committee on administrative rules, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998, and November 1, 1999.

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

AMENDED ANALYSIS

This bill establishes an administrative rules unit in the office of the commissioner of administrative services and changes the rulemaking procedure for agencies under RSA 541-A. This bill also establishes a committee to study the procedures for administrative rulemaking.

1998-1283h

Amendment to SB 73-FN

Proposed by the Committee on Local and Regulated Revenues - C

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

AN ACT relative to municipal taxation of telecommunications poles and conduits.

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

1 New Section; Property Taxation of Telecommunications Poles and Conduits. Amend RSA 72 by inserting after section 8 the

following new section:

72:8-a Telecommunications Poles and Conduits. All structures, poles, towers, and conduits employed in the transmission of telecommunication or cable services shall be taxed as real estate in the town in which such property or any part of its is situated. Wires, fiber optics, switching equipment, and other telecommunications or cable services transmission devices and equipment owned by a person or corporation operating as a telecommunications or cable services provider shall not be taxable as real property.

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

AMENDED ANALYSIS

This bill clarifies the types of telecommunications property which are subject to property taxation by municipalities.

1998-1421h

Amendment to SB 140

Proposed by the Committee on Science, Technology and Energy - C

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

AN ACT relative to the obligations of joint owners to the nuclear decommissioning financing fund and relative to the membership of the nuclear decommissioning financing committee.

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

1 Public Safety and Welfare; Decommissioning of Nuclear Electric Generating Facilities; Committee Established; Composition. Amend RSA 162-F:15, II to read as follows:

II. Each committee shall consist of one person who is a resident of the town or city in which the facility is to be located and who shall be appointed by the selectmen of the town or the mayor and council of the city, the chairman of the public utilities commission, ~~[one senator, who is a member of the legislative fiscal committee]~~ **2 senators, at least one of whom shall be a member of the executive departments and administration committee, or its successor, and one of whom shall be familiar with fiscal issues,** to be appointed by the senate president, ~~[one house member, who is a member of the legislative fiscal committee]~~ **2 house members, at least one of whom shall be a member of the science, technology, and energy committee, or its successor, and one of whom shall be familiar with fiscal issues,** to be appointed by the speaker of the house, the state treasurer or designee, the commissioner of the department of health and human services or designee, the commissioner of the department of safety or designee, and ~~[a representative of the lead company as designated by the owner or owners of the facility]~~ **the director of the governor's office of energy and community services or designee.**

2 Decommissioning of Nuclear Electric Generating Facilities; Guarantee of Payment; Default of Payment.

I. As used in this act, "joint owner of the facility without a franchise territory" means an owner of a facility, as defined in RSA 162-F:14, III, which does not have, either directly or indirectly through a subsidiary, affiliate, or contractual relationship, a retail electricity distribution franchise territory from which to collect decommissioning costs, on the effective date of this section.

II. The joint owners of a facility shall be proportional guarantors of the decommissioning obligations of any joint owner of the facility without a franchise territory.

III. The nuclear decommissioning financing committee shall designate the joint owners of a facility as proportional guarantors of any joint owners of the facility that are unable to meet their obligations as proportional guarantors of the decommissioning obligations of any joint owner of the facility without a franchise territory.

IV. If a joint owner of the facility without a franchise territory defaults on its decommissioning obligations, the committee shall require the remaining owners of the facility to submit for the committee's approval a plan for the fulfillment of the defaulting owner's decommissioning obligations. The plan shall be submitted within 30 days after the default. The plan may include the sale of the defaulting owner's share of the power generated by the facility, and the application of the proceeds of such sale to the defaulting owner's decommissioning obligations. For purposes of this section, "default" means the failure by an owner to make 2 consecutive payments to the fund required by RSA 162-F.

V. If there is no plan submitted and approved pursuant to paragraph III, the committee may prepare and implement a plan for recovering the decommissioning costs in default.

VI. Notwithstanding any other provision of law, a utility that is required to pay a proportional share as guarantor pursuant to this section may charge all or some of the amount to customers on a per kilowatt hour basis only upon approval by the public utilities commission after a finding that such a charge is just and reasonable and in the public good.

VII. Any obligation incurred by an owner as a guarantor pursuant to this section shall be enforceable under the provisions of RSA 162-F.

3 Repeal. Section 2, relative to decommissioning of nuclear electric generating facilities, is repealed.

4 Contingency. Section 3 of this act shall take effect 30 days after the chairman of the nuclear decommissioning financing committee has certified to the secretary of state that comprehensive funding assurance for decommissioning has been implemented.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4.

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

AMENDED ANALYSIS

This bill designates joint owners of a facility as guarantors of the decommissioning obligations of a joint owner without a franchise territory. This bill provides that the nuclear decommissioning finance committee shall require a plan for the fulfillment of the decommissioning obligations of a joint owner of a facility without a franchise territory that defaults. This bill also changes the membership of the nuclear decommissioning financing committee.

1998-1409h

Amendment to SB 308

Proposed by the Committee on Commerce - R

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

1 Definition Clarified. RSA 420-F:1, I(g) is repealed and reenacted to read as follows:

(g) "Public member" means a member of the general public who may or may not be eligible for benefits under a Delta service plan, who shall not be in a position to make the dental plan purchasing decision for a group or be associated with the dental profession. Family members of persons in a position to make group dental plan purchasing decisions and family members of persons associated with the dental profession may not serve as public members.

2 New Subparagraph; Purchaser Member. Amend RSA 420-F:1, I by inserting after subparagraph (g) the following new subparagraph:

(gg) "Purchaser member" means an employer, association, union or other entity which is a current Delta group contract holder.

3 Board of Directors. RSA 420-F:2 is repealed and reenacted to read as follows:

420-F:2 Directors.

I. The board of directors who shall manage the business and affairs of Delta shall be composed of 7 participating dentists, 4 public members, and 4 purchaser members.

II. A nominating committee composed of 2 participating dentists, one member of the general public and 2 purchasers, none of whom are members of the board, selected by a majority vote of the entire board, shall develop recommendations for board nominees, as board vacancies occur, which nominees shall be approved to serve on the board by a majority vote of the entire board. The nominating committee may use an outside consultant in selecting new board members as vacancies occur.

4 New Section; Bylaws. Amend RSA 420-F by inserting after section 2 the following new section:

420-F:2-a Bylaws. Any bylaw developed by the board of directors or developed by the members shall require approval of both 2/3 of the members of the board and a simple majority of all the members of Delta.

5 Initial Board Selection Committee. There shall be an initial board selection committee to select the members enumerated in section 3 of this act which shall be used as vacancies occur and until the provisions of section 3 are in place. The committee shall be composed as follows: the dentist members of the current board of directors, under RSA 420-F:2, shall select 2 participating dentists who are not board members, and Delta's senior management shall select one public member and 2 purchaser members none of whom are board members. In selecting the permanent board, the initial board selection committee shall use an outside consultant.

6 Applicability. The articles of agreement, bylaws, and all governing documents as they exist on the effective date of this act shall survive, except as expressly modified by this law; provided that there shall be no changes to existing bylaws or new bylaws made after March 17, 1998 until the new board is seated.

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

AMENDED ANALYSIS

This bill modifies the qualifications of the board of directors of Delta Dental Plan of NewHampshire, Inc. and changes the composition of the board.

1998-1232h

Amendment to SB 397

Proposed by the Committee on Executive Departments and Administration - C

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

1 Pharmacy Board; Public Member Added. Amend RSA 318:2 to read as follows:

318:2 Board. There shall be a pharmacy board consisting of [6] **7** members; including 5 practicing pharmacists and [~~one~~] **2** public [~~member~~] **members**, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this section shall have the authority to vote in board determinations.

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

AMENDED ANALYSIS

This bill adds a public member to the pharmacy board.

1998-1350h

Amendment to SB 476-FN

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

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

1 Statement of Intent.

I. 1996, 299:4 created a 2-year ambulatory surgical facilities pilot program to study the need for and efficiency of overnight beds in ambulatory surgical facilities. The pilot program permits ambulatory surgical facilities licensed on or before July 1, 1996, to provide beds for the overnight stay of patients. The pilot program is due to terminate on July 1, 1998.

II. The general court recognizes that the pilot program established pursuant to 1996, 299:4 regarding overnight beds in ambulatory surgical facilities seeks to:

(a) Reduce health care costs to consumers, costs to third party payors, and aggregate costs to the public;

(b) Improve the standards of health care delivery; and

(c) Provide increased choices and/or access for patients.

III. The pilot program created by 1996, 299:4 began receiving data from some participating facilities pursuant to He-Hea 1500 (effective date 10/13/97) in December, 1997. Pursuant to RSA126:25, hospitals report ambulatory surgical care data on a semi-annual basis, 6 months after the close of the reporting period.

IV. In order to avoid the discontinuation of the pilot program prior to the completion of the study, the general court wishes to extend the pilot program to July 1, 2000, and to include within the pilot program ambulatory surgical facilities licensed after July 1, 1996. The report on the extended pilot program will be due on or before October 1, 1999, to permit legislative action, if any is needed, during the 2000 session of the general court.

2 Ambulatory Surgical Facilities. Amend RSA 151-C:2-a to read as follows:

151-C:2-a Ambulatory Surgical Facilities.

I. An ambulatory surgical facility licensed ~~[on or before July 1, 1996]~~ **by the state which is participating in the pilot program established pursuant to 1996, 299:4, as amended**, may provide 2 beds for the overnight stay of patients, not to exceed 24 hours. An individual patient shall be discharged in an ambulatory condition ~~[without danger to the continued well-being of the patient]~~ or shall be transferred to a ~~[hospital]~~ **health care facility**.

II. An ambulatory surgical facility licensed ~~[after July 1, 1996]~~ **by the state which is not participating in the pilot program established pursuant to 1996, 299:4, as amended**, shall not provide beds or other accommodations for the overnight stay of patients. An individual patient shall be discharged in an ambulatory condition ~~[without danger to the continued well-being of the patient]~~ or shall be transferred to a ~~[hospital]~~ **health care facility**.

3 Pilot Program. Amend 1996, 299:4 to read as follows:

299:4 Ambulatory Surgical Facility Pilot Program. The health services planning and review board (board) shall establish ~~[a 2-year]~~ **an** ambulatory surgical facility pilot program to study ~~[the need for and efficiency of]~~ overnight beds in ambulatory surgical facilities. This pilot program shall terminate July 1, ~~[1998]~~ **2000**. Ambulatory surgical facilities licensed by the state of New Hampshire ~~[on or prior to July 1, 1996]~~, which elect to provide overnight stays under RSA151-C:2-a, I, shall participate in the pilot program by notifying the board and fulfilling licensure requirements established in accordance with RSA 151. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, regarding quality and safety standards for overnight beds in ambulatory surgical facilities. The board shall require participating facilities to submit utilization and financial data in order for the board to complete its study. ~~[Upon completion of the pilot program]~~ **On or before October 1, 1999**, the board shall issue a report **containing findings and recommendations** to the governor, the president of the senate, the speaker of the house, the senate clerk, the house clerk, and the state library regarding ~~[the future need, if any, for overnight beds in ambulatory surgical facilities]:~~

I. Reduction in health care costs to consumers, costs to third party payors, and aggregate costs to the public;

II. Improvement in the standards of health care delivery;

III. Provision of increased choices and/or access for patients; and

IV. Need for and use of overnight stays in ambulatory surgical facilities.

4 Ambulatory Surgical Facilities. RSA 151-C:2-a is repealed and reenacted to read as follows:

151-C:2-a Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to a health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

5 Repeals.

I. 1996, 299:3 and 5, relative to ambulatory surgical facilities, are repealed.

II. 1996, 299:6, relative to the effective date of the prospective repeal of overnight stays, is repealed.

6 Effective Date.

I. Section 4 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect June 30, 1998.

AMENDED ANALYSIS

This bill extends the ambulatory surgical facilities pilot program to July 1, 2000.