State of

New Hampshire

HOUSE RECORD

Second Year of the 155th Session of the General Court

Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Friday, May 15, 1998 No. 44

Contains: Hearings, Notices, Work Sessions, List of Interim Study Bills, Reports and Amendments for May 20

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

I would like to thank all of you for your patience and cooperation as the House debated the passage of House Bill 1075. Although the debate was lengthy and presented several different parliamentary issues, it was organized and the presentations orderly and illuminating. I hope that as we approach the end of this session, we will address differences of opinion with continued civility.

Please note that the House will meet next week on Wednesday, May 20th at 10 a.m. In the event that we are unable to complete our calendar we will meet again on Thursday, May 21.

I wish you all a very restful weekend.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, May 20th at 9:30 a.m. in Representatives Hall.

Rep. Robert Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, May 20th at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

NOTICE

There will be a Chairmen's and Vice Chairmen's meeting Tuesday, May 19th at 9:00 a.m. in Room 201, LOB.

Donna Sytek, Speaker

WEDNESDAY, MAY 20

CONSENT CALENDAR

COMMERCE

SB 316, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce**:** This bill, as written, was simply enabling legislation and did not mandate anything. Since the committee is concerned about helping elderly drivers become more aware of their declining driving skills, it was decided that a study committee was the best way to find new incentives for the elderly to take appropriate courses. Vote 10-1.

SB 354, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman. for Commerce**:** This bill has been referred to as the "dental anesthesia" bill. This bill defines under what conditions health insurers must reimburse for dental care performed under anesthesia. Generally, insurers won't reimburse for dental benefits unless the dental care requires surgery in a hospital or outpatient facility. There are cases where young children and persons with severe mental/physical disabilities cannot receive care in a dentist's office. This bill is needed to address these sensitive issues and the amendment ensures minimal impact on health costs and increasing utilization by defining what situations will be affected by this legislation. Vote 11-0.

SB 358-L, relative to the term physician in health care provider contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce**:** This bill clarifies in law the current practice of contractual relationships between health providers and health insurers. The bill states that the term "physician" cannot be used to deny a contract with a provider. Health insurers now contract, regularly, with providers who are not physicians as defined by statute. This will have minimal impact on provider networks. The amendment adds a sentence to clarify the legislature's intent. Vote 11-0 .

SB 370-L, establishing an international trade corridor and border crossing planning and development advisory committee. OUGHT TO PASS WITH AMENDMENT

Rep. Toni M.Crosby for Commerce**:** This bill establishes an advisory committee to coordinate efforts among New Hampshire, Maine and Vermont, as these states work toward creating an international trade corridor across northern New Hampshire and look at cross border planning and development opportunities for each state. In addition, the committee will study the feasibility of creating an east-west highway among the three states using Rte 2. The amendment includes the appointment of a Public Works and Highways committee member. Vote 11-0.

SB 404, relative to home care. REFER FOR INTERIM STUDY

Rep. Martha Fuller Clark for Commerce**:** This bill is a very important and legitimate piece of legislation which will guarantee New Hampshire residents of continuing care facilities who are enrollees of a Medicare HMO, the right to return home and receive covered care at the in-house nursing facility within their own retirement community. The vote for interim study is in support of this legislation and will provide the needed time to work on both technical and substantive issues within the bill which could not be amply addressed within the current legislative time frame. Vote 11-0.

SB 427-FN, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce**:** The amendment calls for a report to be made, in each biennium, to the Governor, House and Senate. This report will detail the status of the fund and the extent of projects undertaken. This bill will generate economic growth and activity by expanding the infrastructure of energy pipelines with no cost to the state. Vote 11-0.

SB 472-FN-L, relative to filing security interests under the Uniform Commercial Code. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce**:** This bill makes certain changes relative to filing security interests under the Uniform Commercial Code. Filings will be able to be made with the clerk of any city or town participating in the centralized filing system administered by the Secretary of State. This bill will allow Uniform Commercial Code filings to be electronically filed. The Secretary of State's office will co-ordinate and provide training for town and city clerks to transition to this system commencing July, 2001. Vote 11-0.

SB 494, establishing the voluntary small employer health insurance purchasing alliance. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony Syracusa for Commerce**:** The bill as presented would create an innovative opportunity to expand the availability of health care insurance to small business groups. The complexities associated with organizing this new structure, in conjunction with session time restraints, dictates the use of chapter study committee to ensure it is done properly. Vote 11-0.

SB 506-FN, requiring certain reports relative to independent review under managed care. OUGHT TO PASS

Rep. Martha Fuller Clark for Commerce**:** The committee, having heard considerable testimony over the past several years on the issue of grievances and managed care, especially with regard to grievances from individuals with developmental disabilities, chronic illness and mental illness, unanimously agreed that the reports generated by SB 506 from the Department of Insurance would provide important information essential to determining whether or not an external grievance procedure is needed in New Hampshire. Vote 11-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 304, allowing juvenile case and court records to be unsealed in certain cases. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety**:** This bill covers the issue of confidentiality of juvenile case and court records for the purposes of sentencing. This bill then converts the records to "public records". This subject was thoroughly dealt with earlier this session under HB 1101. Currently, the judges have access to prior records when sentencing. ADULT case and court records are not public records. It could be determined to be discriminatory if a record became public only because of a past history of a juvenile activities. The majority of the committee is in agreement that to break the law of confidentiality would be a detriment to rehabilitation. In cases of "serious" crime juveniles are generally tried as adults. Vote 15-0.

SB 319, establishing a committee to study the parole system and methods to increase its efficiency. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety**:** This bill as amended creates a committee of seven to study the adult parole system. Due to the demands on time for all parties and the importance of the subject matter, it was the consensus of the committee and the sponsor that an increase to the size of the committee would be in order. The amended version does this. Two members of the senate and five members of the house will constitute the study committee. Vote 14-0.

SB 376, relative to animal cruelty. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety**:** This legislation allows the court to prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable for the protection of the animal. Vote 14-1.

SB 387, expanding the attorney general's authority to record communications in criminal investigations. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety**:** This bill expands the ability of law enforcement, through the attorney general's office, to apply to a judge of the superior court for an order authorizing or approving the interception of telecommunications or oral communications. The expansion would include "attempt or criminal solicitation of certain offenses,

first degree assault, endangering welfare of a child". The consensus of the committee was that the requested expansion was too broad. Questions such as "at what point would something be considered an "attempt" that could rise to the level to justify a "wire tap"? First degree assault is quite often a spontaneous action… when could it rise to the level to justify a "wire tap" or an "oral recording". The right of privacy is a serious one and should not be taken away lightly. Vote 13-2.

SB 396, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission. OUGHT TO PASS

Rep. Doris R. MacIntyre for Criminal Justice and Public Safety**:** This bill expands the duties of the commissioner of the department of youth services to include a report to the speaker of the house and president of the senate no later than November l, each year in addition to a requirement to send a quality assurance report to the juvenile justice commission. The report shall include an analysis of the youths served by the department during the year categorized by age, race, gender and recidivism rates and an analysis of those issues involving staffing and the ability to deliver necessary services. The committee agrees that these reports are needed. Vote 15-0.

SB 418-FN, making a person driving under the influence of a controlled drug subject to an administrative loss of license. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety**:** This bill would extend the penalty of "mandatory loss of license" pursuant to RSA 265:91 for persons who refused to submit to a test that would disclose the use of controlled drugs other than a controlled drug which has been legally prescribed. The sponsors intentions are commendable and the committee agrees whole heartily that the impaired drivers, whether impaired by alcohol, drugs or a medical incident, are a danger to the public safety. It was acknowledged that some "over the counter" medications can cause a person to become an "impaired driver". Invasion of privacy, the determination of the number of drugs to be screened, the cost of the testing, what type of information would be disclosed by the screening, the number of individuals who would have access to a medical report, were all issues of serious concern to the committee. The majority consensus of the committee was that this type of enhancement to the DWI provisions of the law would have little effect on determent of "impaired driving" caused by a medical situation. Vote 13-2.

SB 437-FN, requiring a one year mandatory prison sentence for a third DWI conviction. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety**:** If a person is convicted of a third DWI offense after having completed the 7 day multiple offender program previously, such person shall be sentenced to imprisonment for one year. While imprisoned, the person shall complete an alcohol and drug treatment program at such person's expense. Good time will not be earned if there is not meaningful participation. Vote 14-1.

EDUCATION

HB 1667, to place a question concerning electronic gaming machines to the voters on the November 1998 state general election ballot. INEXPEDIENT TO LEGISLATE

Rep. David E. Larrabee, Sr. for Education**:** We do not legislate by referendum because we are elected to make these tough decisions. Towns and communities have opportunities to place issues like this as an article in town warrants and on ballots in an effort to determine community positions. A state law is not necessary to make these types of determinations. The wording of this bill is general and subject to different interpretations and therefore confusing. Vote 14-0.

HB 1673-FN-L, requiring the state board of education to establish a uniform salary schedule for public school teachers. INEXPEDIENT TO LEGISLATE

Rep. Warren C. Henderson for Education**:** The committee did not feel that discarding the current system where local school boards negotiate with the teachers of the district to set local salaries in favor of salaries negotiated statewide by the state board of education was wise. The existing system is superior to that which this bill would enact. Vote 13-1.

SB 400, relative to withdrawal of a school district from an area district. OUGHT TO PASS WITH AMENDMENT

Rep. Marie N. Rabideau for Education**:** This bill changes the procedures whereby a school district may withdraw from an area district. This bill also provides for the expiration and extension of area school plans, and deletes certain exceptions to the tuition obligations of school districts for pupils attending schools in other districts. The amendment creates a level of state board involvement in the withdrawal process which insures that the interests of all affected parties will be considered. The committee

felt the bill as amended significantly improves on current statute by balancing power between sending and receiving districts. Vote 16-1.

SB 439-L, relative to the adoption of policies by local school district governing bodies concerning pupil discipline and behavior. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles for Education**:** Current law, within the state's minimum educational standards and school approval process, has policies and procedures on discipline, suspension, and expulsion. Maintaining the discipline needed today is a legitimate concern of the committee. Better implementation of existing law, standards, and policy is supported by the committee. This legislation did not remedy the need for consistent, sound educational practices and policy. Vote 13-2.

ELECTION LAW

SB 335-L, relative to hours of polling in towns with a population of less than 3,000. OUGHT TO PASS WITH AMENDMENT

Rep. Raymond C. Buckley for Election Law**:** This bill, as amended, allows all communities to adopt more appropriate voting hours for their situation. The amendment calls for the vote to change the hours to be placed on the November ballot as it was in 1994. The committee believes this bill, as amended, is a responsible solution to the concerns expressed by many small communities throughout the state. Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 362, relative to classification of certain department of corrections personnel in the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration**:** This bill will provide an appeal process for certain positions within the department of corrections that were de-certified from group II in 1989. The director of personnel de-certified certain positions in 1989 in response to legislation passed in 1988. The director of personnel will review the job descriptions as well as the supplemental job descriptions for those positions de-certified in 1989 as well as any other positions within the same job classifications series that have been added since the last review. The director of personnel will report the results of the review to the board of trustees of the New Hampshire retirement system. The trustees will review the information and, subject to RSA 100-A:3, IX, will determine whether the person holding the job is an employee/teacher, in group I or a permanent policeman/fireman in group II as defined in RSA 100-A:l. Any changes in the retirement groups will be prospective at the date of the final determination by the trustees. The trustees shall report their actions in this matter to the president of the senate and the speaker of the house. Vote 17-0.

SB 486, relative to old age and survivors' insurance. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration**:** This bill updates the old age and survivors' insurance act that was passed in 1951. There have been many changes in the terminology since that time. Certain sections that apply to the predecessor systems of the New Hampshire retirement system that are now not relevant will be repealed. Vote 13-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 379, establishing an immunization registry. OUGHT TO PASS

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs**:** The bill establishes an immunization registry. Participation is optional for patients or their parents or guardians. Registry access is limited to primary care physicians, nurses and other appropriate health care providers. The registry information tracks immunization rates, helps ensure registrants receive all recommended immunizations on time, and aids in controlling communicable disease outbreaks. Vote 10-1.

SB 443-L, establishing a committee to study the delivery of and funding for in-home support services for children with disabilities and their families. OUGHT TO PASS

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs**:** This bill establishes a committee to study the delivery of, and funding for, in-home support services for children with disabilities and their families. This is an attempt to fill a gap in funding for respite care. Funding has been scant to nil so it is hoped the committee will be able to make better use of funds available and perhaps find more. Additional funds would help prevent children from having to be placed outside the home. Vote

12-0.

JUDICIARY AND FAMILY LAW

SB 306-L, relative to municipal officials and their discretion over the use of traffic devices and the purchase of liability insurance. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law**:** This bill proposed the codification into statute of the degree of immunity from lawsuits that the New Hampshire Supreme Court has found to exist in certain cases. These are cases of governmental entities and their officials, when complaints are filed concerning their decisions regarding design and placement of traffic-control devices. The committee had objections to the language of the bill which included reference to specific opinions of the Supreme Court in the language of the statute itself. This form implied legislative deferral to, or dependence upon, opinions of the Court. Furthermore, the committee concluded that the concerns or problems raised by the proponents of the bill, as justification for it, were not supported by actual evidence or experience. Given the unclear need for the bill, and the unclear degree of expanded immunity included within it, the public interest would not be served by passage. Vote 12-0.

SB 367, relative to the public protection fund administered by the New Hampshire Bar Association. REFER FOR INTERIM STUDY

Rep. Paul M. Mirski for Judiciary and Family Law**:** The majority of the committee wishes to further examine whether or not the Supreme Court possesses constitutional authority to impose financial assessments upon members of the unified bar. Article 28, Part 1 of the Constitution suggests not. Further study may conclude that the legislature must provide statutory authority for the Supreme Court to make such assessments. If so, legislation may be recommended for consideration in the next biennium - in order to confer such authority on the court. In the meantime, the present system of assessing members of the bar, by the court, will remain in place without alteration. Vote 8-6.

SB 420, preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent. INEXPEDIENT TO LEGISLATE

Rep. Barbara Hull Richardson for Judiciary and Family Law**:** There are situations where a child should be allowed to visit a parent incarcerated for the murder of the other parent such as when one parent kills the other in self protection for severe domestic violence. The child may be placed with the parents of the murdered partner. These grandparents may not want the child to visit the imprisoned parent, but if visitation were prevented, both child and parent would be deprived of an important relationship. Currently, the judge decides whether visits should take place, based on circumstances and information from the guardian ad litem and other parties. Vote 9-3.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law**:** Part one of this bill as amended eliminates the cumbersome process whereby volunteers are required to sign a form prior to any activities on behalf of a non-profit organization. Instead it requires that the organization maintain an updated file of volunteers. This will be especially helpful in times of natural disasters when time is of the essence. The second part stresses the need for state agencies to take strong responsibility and affirmative actions to bring their data systems into compliance for the year 2000 computer problem. It reiterates that the commissioner of Administrative Services will continue to monitor the various agencies and publish his findings on a quarterly basis. The purchase of non-compliant equipment may be suspended. Vote 13-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 457-FN, relative to the eligibility of employment program participants for workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services**:** This bill provides protection for the state and employer/sponsor under Workers' Compensation statutes in reference to the alternative employment experience program which is part of the welfare reform in the state. Any Workers' Compensation will be paid out of the Temporary Assistance to Needy Families (TANF) funds. Vote 16-0.

MUNICIPAL AND COUNTY GOVERNMENT

SB 317, relative to the time for consideration of applications to planning boards. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government**:** The intention of this bill is to clarify the practical process of "submitting" an application, determining "complete" or "incomplete" giving a time limit on planning board action and deleting the word "designee" from RSA 676:4,I, ©. In this bill the local planning board is required to determine if a submitted application is "complete" according to the board's regulation and shall vote on the application's "acceptance" at their next regular board meeting or within 30 days following the delivery of the application, for which notice can be given. If an application is considered "incomplete" according to the board's regulation, that information and required remedies to make the application "complete" will be given to the applicant. Once the local planning board has determined that a "submitted" application is "complete" they must approve , conditionally approve or disapprove within 45 days. Vote 11-2.

SB 349, enabling a town or school district moderator to postpone the deliberative session of a meeting because of a weather emergency. OUGHT TO PASS WITH AMENDMENT

Rep. Norma Sabella for Municipal and County Government**:** During the voting process a weather emergency may happen that makes attending the deliberative session or voting day a hazardous duty. This bill allows the moderator, up to two (2) hours prior to the scheduled session, to postpone and reschedule the deliberative session or voting day to a date, place and time certain. In municipalities that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours because of the time restraint for the printing of absentee ballots. The moderator shall employ whatever means necessary to inform the citizens of the postponement and rescheduling. Vote 14-0.

SB 485-L, exempting catastrophic aid payments and revenues from the municipal budget law. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government**:** The sponsors of this bill requested that catastrophic aid payments and revenues be exempt from the municipal budget law (RSA 32). The problem is that currently catastrophic special education aid is reimbursed to school districts the year after the expense is incurred. Sometimes this payment does not occur in a timely manner. The committee felt the process needs attention and further recognized that HB 1075 will set up a commission on special education that will review and analyze special education issues. A letter will be sent to the commission stating the issue of reimbursement and asking them to address the problem. In light of this action, the committee voted to ITL. Vote 15-0.

RESOURCES, RECREATION AND DEVELOPMENT

SB 421-FN, relative to timber harvesting and penalties for timber trespass. OUGHT TO PASS WITH AMENDMENT

Rep. Michael W. Downing for Resources, Recreation and Development**:** This amended Senate Bill corrects a law that the Attorney General's Office feels is currently unworkable. It raises the culpable state of mind from negligently to recklessly and adds a criminal penalty for theft of timber or deceptive forestry practices. The changes will allow the state to assist where a landowner is not remunerated for timber cut from their own land, while leaving the civil penalties intact. This bill has the support of the Attorney General's Office, Department of Resources and Economic Development Division of Forest and Lands and the Department of Revenue Administration. Vote 16-0.

SB 488-FN, directing the department of environmental services to create a model for managing the flow of water in the Winnipesaukee River watershed and creating an advisory committee. OUGHT TO PASS WITH AMENDMENT

Rep. Micheal D. Whalley for Resources, Recreation and Development**:** As amended this bill directs the Department of Environmental Services to develop and implement a model for managing the flow of water in the Winnipesaukee River Watershed. The model shall be developed with input from the Winnipesaukee River Watershed Advisory Committee established by this bill. The Department shall prepare an annual report and shall certify to the General Court and to the Governor when implementation of the plan has begun. The Winnipesaukee River Watershed Committee shall sunset one year after certification of the implementation of the model. Vote 15-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SCR 7, supporting economic security in retirement of all Americans. OUGHT TO PASS

Rep. Robert Letourneau for State-Federal Relations and Veterans Affairs**:** This bill is crafted to send a message to our congressional delegation that we the citizens of New Hampshire are concerned about the security of our retirement system.

(Social Security System) Further, this bill challenges the Federal Government to reform our current system in a way that it would not be vulnerable to changing demographics and to be fiscally sound. Vote 11-0.

TRANSPORTATION

SB 429-FN, relative to the confidentiality of drivers' motor vehicle records. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation**:** This bill, as originally presented to the committee, had very broad language that would have opened up motor vehicle records to a wide range of individuals who, under current law, are not allowed access. This bill, as amended, will tighten up the laws to prevent access by individuals who are considered ineligible to access these records. The committee felt very strongly about the citizens' privacy issues during the lengthy discussion of this bill. The Department of Safety is working to streamline the process in order to help the private investigators who legitimately need access for their work. Vote 16-0.

SB 440-FN-L, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon E. Bartlett for Transportation**:** This bill clarifies procedures for payment of fines by mail to the Department of Motor Vehicles and allows payment by credit card. At the present time, court defaults are in the $6 - $8 million dollar range, and it is hoped this will speed the collection of money that is in default. This money is to be deposited in a special fund, and will be used to pay costs of law enforcement to make arrests under bench warrants per RSA 263:56-d. Vote 18-0.

SB 445, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards. OUGHT TO PASS WITH AMENDMENT

Rep. George N. Katsakiores for Transportation**:** Complaints continue to reach the legislature for action. This bill addresses those concerns. The Senate amendment added the specific language making illegal handicap parking a violation. The committee added a minimum fine of $250 upon conviction. Hopefully, this effort will reduce abuses. The Department of Safety has agreed to stamp the handicap accessibility symbol on licenses of qualified holders and to issue ID cards to those who qualify but have no license. Vote 18-0.

WEDNESDAY, MAY 20

REGULAR CALENDAR

COMMERCE

SB 344, clarifying requirements regarding certain trusts. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce**:** Currently, a court can only remove a trustee if that trustee is insane or incompetent. This bill expands the reasons for removal to include a variety of reasonable and rational factors. The amendment removes a provision that would have allowed trustees of charitable trusts to draw compensation from both income and principal. The committee believes that retaining the current income-only standard will better serve to act as a check on the amount of fees charged. Vote 9-2.

SB 371, requiring health carriers to provide certain information to health care providers and consumers. OUGHT TO PASS

Rep. Sheila T. Francoeur for Commerce**:** This bill provides that a consumer or health care provider who requests information concerning an adverse determination from a health carrier, will receive a written statement explaining the adverse determination, as well as, the name and credentials of the individual responsible for that determination. The issue of proprietary information as an obstacle to release of information relating to an adverse determination was a concern to the committee, but the health carriers gave assurance that such proprietary information would not obstruct a written explanation. Vote 11-0

SB 377, authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Sheila T. Francoeur for the Majority of Commerce**:** This bill allows for the creation of merchant banks whose primary purpose is assisting small business. A merchant bank may be organized by one or more New Hampshire Financial Institutions as a non-depository trust company. Merchant banks will be an asset to those companies who are currently not helped by commercial banks or venture capitalists. These banks will be in a position to assist entrepreneurs and as a result, will be an important factor in economic development for the state of New Hampshire. Vote 6-5 .

Rep. David T. Mittelman for the Minority of Commerce**:** Proponents of this bill claim that "merchant banks" will infuse venture capital into small businesses unable to obtain loans. This bill, unfortunately, will not achieve that goal. As written, this bill contains sweeping language that essentially allows commercial banks to establish subsidiaries to engage in any type of investment activity, whether or not it truly assists small businesses. Granting such broad powers does a disservice to small businesses and endangers the safety and soundness of commercial banks. Indeed, this bill contains few safeguards to protect depositors, whose funds are invested by banks, and taxpayers, who are called upon to bail out banks when those investments fail. The simple truth is that commercial banks already can establish "small business investment companies," supervised by the Small Business Administration, to infuse venture capital into small businesses unable to obtain loans. New Hampshire should encourage these efforts, rather than allowing the unproven entities envisioned in this vaguely-worded bill. Maine is the only other state that allows "merchant banks" and that state has zero "merchants banks". Moreover, Congress is on the verge of enacting a financial services proposal that could render any New Hampshire "merchant bank" law irrelevant, inadequate, or invalid. As such, the prudent course for this "merchant bank" bill is to refer it for interim study. Additional study of "merchant banks" will serve the interests of

small businesses, depositors, and taxpayers.

SB 490-FN, relative to life and accident and health insurance and relative to certain salaries. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Keith R. Herman for the Majority of Commerce**:** This bill defines "indebtedness" as it relates to credit life insurance, changes salary scales for two positions in the Insurance Department and clarifies current law regarding utilization review for mental health purposes. There was much debate about the mental health portion of the bill. Three years ago, this legislature mandated that health insurers allow five visits to a mental health provider, prior to utilization review. The Insurance Department requested we clarify the scope of legislative intent as it related to this provision. The intent was to have these five visits occur in each contract year. The amendment makes this clarification. The committee was asked to look into expanding the mandate to seven visits, to allow a patient to change provider without impacting the five visits. Under the current law, the patient can already have two separate diagnostic visits with two different mental health providers. The majority feels an expansion of benefits, at this time, is not necessary since New Hampshire is recognized as having one of the best mental health systems in the country. Vote 7-4.

Rep. Martha Fuller Clark for the Minority of Commerce**:** Although the bill as amended improves existing legislative language by making it clear that the limitation of five pre-utilization review visits for mental health care is applicable in each contract year, those voting in the minority believe the amendment did not go far enough. Currently, there is no legislative language which addresses the issue of how to handle pre-utilization visits when and if a client changes his or her mental health care provider. The minority believes that the same pre-utilization model of two diagnostic visits and three treatment visits should be available at least one additional time if and when a patient needs to seek a different therapist. Those opposing such language believed such cases, which are not that frequent, would be an unwarranted expansion of visits. Needless to say, the minority disagreed because the current limitation is potentially punitive to a patient who gets who gets a "false" start.

SB 500, relative to obtaining automobile and homeowners insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce**:** The original bill would have prohibited the use of credit reports for automobile or homeowners insurance. The committee heard testimony that although rates were higher for some because of bad credit reports, for the majority of consumers, the rates were lower as a result of good credit reports. At this time, only tow insurance companies are using credit reports to raise rates. Because it is a valid tool and additional companies will be using these reports, the committee felt that the Insurance Department should establish guidelines and regulations regarding the use of this information. All credit scoring models will be subject to approval by the Insurance Department. Rules will also be established by the department to afford consumer protection and confidentiality. Vote 11-3.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 428-FN, relative to firearm lock boxes in state facilities. REFER FOR INTERIM STUDY

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill originally required any state facility that currently offers use of firearm lock boxes to law enforcement personnel to also offer such lock boxes to members of the general public who lawfully carry firearms. The bill passed the criminal justice and public safety committee and was referred to the finance committee who thought the bill would be conflict with RSA 159:19, courtroom security. An amendment was drafted to clarify "areas used by a court" and a 1985 courtroom security study was unearthed that was the basis for the creation of RSA 159:19. Members of the court and the sheriffs who currently provide security at the states courts had difficulty accepting and implementing a bill that affected all the courts noting that all courts have different security concerns. The committed voted to study the matter further. Vote 9-6.

SB 471-FN, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety**:** This bill in it's amended state adds "negligent homicide as defined in RSA 630:3,II "as an offense that permits a minor to be charged as an adult providing certain criteria is met. This type of expansion places the "burden of proof" on the minor (acting through his attorney) to show why the "minor should not be charged as adult" rather than placing the "burden of proof" on the state through the prosecutor. Before a minor can be charged as an adult the prosecutor has to petition the courts for approval, the judge of district court reviews petition and has to address eight specified issues in law, then transfers the petition to the superior court where the same eight issues are reviewed again and the decision made. The process is the same regardless of whether or not the state or the minor has the "burden of proof". The majority of the committee were in agreement that "negligent homicide" a charge dealing with the taking of a life, was consistent with other offenses in this category. Vote 9-6.

EDUCATION

CACR 49, relating to rights of parents to nurture and educate their children. Providing that the right of parents to nurture and educate their children is a natural right, that the legislature and courts shall respect local control of education, and that a local legislative body may promote and fund education through taxes that are reasonable and proportional throughout its jurisdiction. INEXPEDIENT TO LEGISLATE

Rep. William A. Riley for Education**:** The right of parents to nurture and educate their children is already in the New Hampshire Constitution (Part I Art. 2). The majority of the committee agreed that the language in CACR 49 concerning local control and funding of education is being actively addressed in other CACRs within the Finance Committee. Vote 11-4.

HB 1660-FN-L, relative to defining educational adequacy within the public school system. INEXPEDIENT TO LEGISLATE

Rep. Amanda A. Merrill for Education**:** The committee addressed the issue of defining educational adequacy through its recommendations on HB 1075, all of which were incorporated into that legislation. Vote 13-2.

HB 1678-FN-L, authorizing school districts to establish local educational standards and perform local education program assessments. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles, Sr. for Education**:** As desirable as local control is to the districts, some provisions of this bill are questionable as to constitutionality due to Claremont II Supreme Court decision. Though educational standards are addressed locally, this bill would allow for different standards and different assessments throughout the state without any uniformity and without any direction. It would make professional standards, safe school zones, assessment, home schooling, record keeping, accreditation and rules only advisory to the local school district, therefore jeopardizing the accreditation process, local record keeping, and educational programs. Vote 11-3.

SB 301, relative to teacher renomination and the application of teacher professional and performance standards. OUGHT TO PASS

Rep. Elizabeth K. Hoadley for Education**:** Under this bill, a first year teacher shall be an employee at will. Further, a school district will not be required to provide a reason to a probationary teacher for his/her non-renewal. Accordingly, any rights to have such a reason provided to probationary teachers will be voided. Grievances from such non-renewal shall not be subject to arbitration or any other binding resolution. The bill, however, holds in place dismissal of any teacher found to be immoral or incompetent. Also unchanged are the rights of experienced teachers to notification, hearings and grievance procedures. Vote 11-

5.

SB 456, enabling school districts to allow full parental choice in education. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education: There are many questions on how this pilot parental choice proposal would be carried out on the local level. Members of the committee had concerns about who should get vouchers and how they should be used in the school systems. The topic needs more time, thus the vote for interim study. Vote 14-4.

SB 481-FN-L, relative to the availability of school building aid for year-round schools. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education**:** There needs to be a discussion of year round schools in conjunction with extending the school year and with better educational use of our school buildings. This bill will be the vehicle for such discussion along with the use of building aid as an incentive for either option. Year round schools is accepted as good policy but further study of year round schools is needed. Vote 11-1.

SB 503-FN, relative to the New Hampshire community technical college system. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee, Sr. for Education**:** This bill replaces the regional community-technical college board of governors with a board of trustees and revises the duties of such board. It also creates a commission on the status of community technical education in New Hampshire to investigate the possibility of an orderly transition toward a more independent and self-governing system of community technical education. This bill also authorizes degree granting authority to the regional community-technical colleges, adds a member from the law enforcement community to the board of trustees, and exempts positions directly responsible for academic instruction from state employee hiring delays. Vote 16-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 191, relative to mental health providers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration**:** This bill will establish a new Board of Mental Health, consisting of 2 public members and one each of the following: psychologist, clinical social worker, marriage and family therapist, pastoral counselor and mental health counselor. It replaces the previous board of 11 members. The bill will not impact psychiatrists (M.D.s) or psychiatric nurse practitioners (A.R.N.P.). The amendment also provides that alternative mental health practitioners may elect to register with the Board of Mental Health Practice at no cost. At the request of the attorney general's office, we have retained the current statutory language regarding violations. This bill will protect the public and provide a strong message to practitioners. Vote 11-8.

Reps. Sylvia A. Holley, Howard, C. Dickinson, Jr., Jon P. Beaulieu, Ray F. Langer, Benjamin E. Moore, Kipp A. Cooper, Robert K. Dodge, James P. Pilliod for the Minority of Executive Departments and Administration**:** This bill has eleven pages of amendments, and, among many things, calls for licensure of a diverse group of mental health professionals that differ widely in terms of education and training; calls for a new Board along with board subcommittees numbering 25 people; and allows the registration of "alternative providers" without providing a "gatekeeper". With only 6 complaint calls coming in to the board's office a month, no adjudicative hearings necessary so far in 1998, (only 2 in 1997) and no public testimony in favor of the bill for consumer protection, the minority felt total board reorganization and licensure of the big "5" was not justified at this time.

SB 320, relative to notice by a state agency to certain persons of proposed rulemaking activity. OUGHT TO PASS

Rep. Ray F. Langer for Executive Departments and Administration**:** This bill revises the requirement that notices of rulemaking proceedings need be sent to the president of the senate, the speaker of the house, the chairman of the fiscal committee and chairman of legislative committees having jurisdiction over the subject matter unless if they requested such notice. It provides that all others affected by the rulemaking procedures shall continue to receive notice automatically. Vote 14-2.

SB 444-FN, requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration**:** This bill, as amended, will require the Real Estate Commission to distribute a newsletter to all licensees regarding any changes to statutes or rules, as they pertain to real estate issues. This will provide greater information to licensees, similar to other major licensing boards. Vote 14-1.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration**:** The committee recognizes the intent of the legislation, however, RSA 541-A-6III does allow the agency to notify the licensees of any rulemaking proceedings, by various means at their disposal. In addition "Webster" http://www.state.nh.us will be carrying the rulemaking register. The rulemaking register RSA 541-A-9III is available upon request at prices fixed by the director of legislative services to cover mailing and publication costs.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 331, eliminating work certificates for 16 and 17 year old youths OUGHT TO PASS

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: Youth employment certificates will no longer be required of youths 16 or 17 years old. Testimony from the study committee which met last summer, and from hearings in the House and Senate this year, showed the certificates were not useful to schools in assuring academic excellence since revocations of certificates were always overridden by parents. Permission slips from parents or legal guardian will now be required to be held on file by the employer. This requirement was added to keep parents informed of where their child worked as well as to allow parents to revoke permission to work when necessary. Vote 14-2.

LOCAL AND REGULATED REVENUES

HB 1677-FN-A-L, authorizing towns and cities to determine the method of local taxation used to support public education. INEXPEDIENT TO LEGISLATE

Rep. John J. O'Connell for Local and Regulated Revenues**:** While some members of the committee felt the legislation had merit, the majority of the committee believes this bill would most likely create confusion in the individual towns and cities of New Hampshire. Vote 9-3.

SB 324-FN, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues**:** This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor from 17 to 15 years, with the exception that dancers must have attained the age of majority. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents. Vote 12-0.

MUNICIPAL AND COUNTY GOVERNMENT

SB 353-FN, relative to official ballot procedures. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government**:** This bill deals with the official ballot procedures in RSA 40:13-15 (commonly known as SB 2). Technical issues addressed were: a one time expenditure definition; the wording of the adoption or recission question; the addition of other appropriations, not just special warrant articles, in the operating budget; proposal of the official ballot (SB 2) and charter (HB 141) on the same ballot with the proposed charter taking precedence over and superseding the official ballot; having a procedural defect in official ballot voting section; repealing RSA 671:26-a, relative to coordinating certain town and school district elections; and directing that all polling places within a cooperative school district be open during the same hours. The amendment sets up a time line for SB 2 towns that have adopted an optional fiscal year according to RSA 31:94a and have voted for the town meeting date of the second Tuesday in May according to RSA 39:1-a with this amendment there are two distinct time lines for those towns which have adopted RSA 40:13-15, second Tuesday in March and second Tuesday in May. The school districts do not have the option currently for switching to May. Vote 11-4.

RESOURCES, RECREATION AND DEVELOPMENT

SB 365, relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Paula E. Bradley for the Majority of Resources, Recreation and Development**:** This Senate Bill will include the upper and lower Merrimack Rivers, The Lamprey River, The Swift River, and the main stem and north branch of the Contoocook River

under The Comprehensive Shoreland Protection Act (CSPA). In recent years our rivers, lakes and coastal areas have come under increasing pressure from use and development. The CSPA sets minimum standards necessary to protect our waters for future generations. The shoreland buffer created by CSPA is essential to protect these rivers from nonpoint sources of pollution. Thereby preserving the economic benefits of these waters to the state. The Resources, Recreation and Development Committee received overwhelming support for the this bill from DES, Conservation Commissions, Boards of Selectmen, Local River Advisory Committees, and individuals throughout the state. This legislation will bring the above rivers into the CSPA along with others that already receive this protection. Vote 10-7.

Rep. David D. Kibbey for the Minority of Resources, Recreation and Development**:** There is currently a rivers management law on the books in NH. During testimony of this proposal it became apparent that bureaucrats were not gaining control of our riverfront owners property at a fast enough pace. There is not scientific or statistical data to support this governmental expansion to these riverfront land owners. Nor was there any demonstration of riverfront degradation necessitating this action. In fact, the DES publication-Status of Surface Waters of NH, 1996 states that "There are about 10,881 miles of rivers and streams in NH. The overall quality of fresh surface water in NH is excellent, with 99.4% of all freshwater rivers and streams fully supporting all uses." There was no testimony from actual riverfront owners asking to have their rights diminished. Only bureaucrats and river protection groups spoke in favor seeking more government control of private property. This bill will remove some rights of riverfront property owners and subject them to fines or jail for using and enjoying their property. One day law abiding, conscientious people and the next, lawbreakers. When one day you can use and enjoy your property and the next day you can't, or else be subject to fines and jail, you have lost something. That is a taking. And without compensation. These special riverfront property owners are being subjected land use law and restrictions unique to them and not subjected to all citizens of the state under the guise of "protecting our natural resources". Environmental laws should be equitable and fair to all tracts and not to limited classes of people. Please support the minority and strive to have ALL properties participate in the state's environmental protection.

SB 403, relative to mooring on Spofford Lake. INEXPEDIENT TO LEGISLATE

Rep. Loren J. Jean for Resources, Recreation and Development**:** The input in the public hearing on this bill was roughly 5-1 opposed. Testimony was heard by safety and law enforcement personnel that did not support the safety concerns cited by the sponsor. The Committee felt that the mooring laws should be revisited as a whole, but this bill was not a timely vehicle to accomplish this. The Resources, Recreation and Development Committee will visit the mooring laws and lack of mooring laws on all bodies of water held in the public trust. Vote 12-5.

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

NOTICE

LEGISLATIVE ETHICS COMMITTEE

At its meeting on May 12, 1998, the Legislative Ethics Committee unanimously voted to adopt the following Advisory Opinion:

ADVISORY OPINION

The Legislative Ethics Committee received a request for an Advisory Opinion concerning the participation of legislators, legislative officers, and legislative employees in fundraising activities associated with nonprofit organizations or commercial activities when such activities take place on state government property or use state-provided services or facilities. The Committee held hearings to receive

input on March 18, 1998 and April 16, 1998 and reached the following conclusions.

The Committee considered whether legislative staff could participate in taking orders from legislators or staff on behalf of commercial enterprises during work hours. The issue of solicitations made by staff on behalf of for-profit organizations would in most cases fall under the jurisdiction of the Joint Committee on Legislative Facilities (RSA 17-E) and the employees' supervisors.

Ethics Guidelines Section 4, IV, which provides, "Legislators shall not use state-provided services or facilities for private gain," would prohibit legislators from advancing their commercial interests through the use of staff or other state-provided services or facilities.

The Ethics Guidelines would not appear to generally prohibit solicitations by members on behalf of nonprofit organizations. The issue of solicitations made by staff on behalf of nonprofit organizations would in most cases fall under the jurisdiction of the Joint Committee on Legislative Facilities (RSA17-E) and the employees' supervisors.

The Committee is sensitive to possible conflicts of interest which could arise and potentially constitute a violation of the Ethics Guidelines, but until there is a specific case, the Committee declines to issue any further advice.

Representative Jeb E. Bradley, Chairman

Senator Richard L. Russman, Vice-Chairman

Senator John A. King

Representative Sarah K. Bonneau

Mr. Shawn N. Jasper

Attorney Peter C. Scott

1998 HOUSE BILLS SENT TO INTERIM STUDY BY THE HOUSE

COMMERCE

HB 263, relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness.

HB 451, providing that health care providers shall determine the appropriate course of patient treatment.

HB 541, relative to long-term care insurance.

HB 548, limiting access to certain business records.

HB 1308, protecting the rights of distributors.

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

HB 1391, requiring insurance coverage for the screening and treatment of glaucoma.

HB 1546-FN, extending consumer protection rights to purchasers of farm equipment.

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

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

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 605, relative to procedures regarding delinquent children under RSA 169-B.

HB 606, relative to procedures regarding children in need of services under RSA 169-D.

HB 1108, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks.

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

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

EDUCATION

HB 1230, establishing a teacher improvement and evaluation program.

HB 1273, relative to a percentage loss of state funding as a penalty for failing to comply with minimum public school standards.

ELECTION LAW

HB 647, relative to a centralized computer checklist of voters and making an appropriation therefor.

HB 1207-LOCAL, relative to the disqualification of election officials.

ENVIRONMENT AND AGRICULTURE

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

HB 1454, relative to the spreading of sludge or biosolids.

HB 1477, clarifying the waste reduction goals for the state of New Hampshire.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 762, relative to the regulation of naturopathic medicine.

HB 1415, relative to the regulation of the practice of optometry.

HB 1524-FN, licensing bail recovery agents.

HB 1525-FN, establishing an office of administrative hearings.

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

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

HB 1640-FN, prohibiting the use of public resources for political purposes.

FINANCE

HB 108, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their

spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses.

HB 578, providing for property tax relief and making an appropriation therefor.

HB 645, requiring the commissioner of health and human services to produce certain quarterly reports.

HB 1503-FN-A-LOCAL, relative to intergenerational homeshare programs and making an appropriation therefor.

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

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

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

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

JUDICIARY AND FAMILY LAW

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

HB 1390, adopting a drug dealer liability act.

HB 1433-FN, relative to physician aid-in-dying for certain persons suffering from a terminal condition.

HB 1549-FN, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least $1,500.

HB 1554, allowing punitive damages in actions for domestic violence and sexual assault.

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

HB 1610, relative to back wages owed by employers.

LOCAL AND REGULATED REVENUES

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

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

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

MUNICIPAL AND COUNTY GOVERNMENT

HB 543, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes.

HB 641, relative to property tax bills for land parcels having multiple owners.

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

HB 1567-LOCAL, relative to local excavation permits for bedrock quarrying or crushing operations.

PUBLIC WORKS AND HIGHWAYS

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

RESOURCES, RECREATION AND DEVELOPMENT

HB 1187, relative to breakwater permitting.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1535, relative to local telephone calling areas and long distance access charges.

HB 1560-FN-A, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire.

HB 1632-FN-A-LOCAL, promoting the development of telecommunications planning and coordination at a statewide level, establishing incentives for local government investment in telecommunications infrastructure, and permitting local governments to franchise or otherwise levy and collect payments for use of the rights-of-way.

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

HJR 20, finding that the contract requiring Public Service Company of NewHampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law.

TRANSPORTATION

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

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

COMMITTEES OF CONFERENCE

HB 170, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Reps. Hess, Teschner, Noyes and Coes)

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

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Reps. Dokmo, Stone, Brundige and Fraser)

HB 1123, relative to the control of wolf hybrids. (Reps. Mock, MacNeil, R. Rogers and L'Heureux)

HOUSE BILLS AMENDED BY THE SENATE

HB 170, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (House Nonconcurred; C-of-C 5/7/98)

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. (House Concurred 5/7/98)

HB 505, relative to smoking in indoor public places. (SJ 14)

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

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (House Nonconcurred; C-of-C 5/7/98)

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

HB 697, establishing a homeless coordination council. (House Concurred 5/7/98)

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

HB 1112, relative to the placement of articles on the official ballot. (SJ 13)

HB 1118, relative to the expiration of contact lens prescriptions. (SJ 14)

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

HB 1120, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. (House Concurred 5/7/98)

HB 1123, relative to the control of wolf hybrids. (House Nonconcurred; C-of-C 5/7/98)

HB 1126, relative to municipal debt limits. (House Concurred 4/23/98)

HB 1128, relative to space heaters. (House Concurred 5/7/98)

HB 1131, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (House Concurred 5/7/98)

HB 1158, changing the process for designating a part-time district court justice a full-time district court justice. (House Concurred 4/23/98)

HB 1165, relative to the incorporation, management, branching and merger of banks. (House Concurred 5/7/98)

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 1189, increasing the limits of direct off-premises sales from breweries and brew pubs. (SJ 12)

HB 1209, revising the interagency agreement for special education. (SJ 14)

HB 1215, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. (SJ 14)

HB 1224, requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders. (SJ 14)

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

HB 1320, amending provisions of the advisory committee on the education of students with disabilities. (SJ 14)

HB 1328, extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate. (SJ 12)

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. (House Concurred 4/23/98)

HB 1339, regulating the sale by mail of liquor, wine, and beer. (SJ 14)

HB 1361, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (SJ 14)

HB 1374, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the department of fish and game and resources and economic development. (SJ 13)

HB 1384, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (SJ 14)

HB 1428, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach to a broad range of students including exceptional learners. (SJ 13)

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

HB 1468, clarifying the legal status of home brewers of beer. (House Concurred 5/7/98)

HB 1514, setting the biennial rate for the medicaid enhancement tax. (SJ 14)

HB 1527, relative to unauthorized switching of telecommunications or energy-related service procedures. (SJ 14)

HB 1536, establishing a committee to study women's health care. (House Concurred 5/7/98)

HB 1605, establishing a study committee on marine patrol services. (SJ 14)

HB 1627, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (House Concurred 5/7/98)

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities. (SJ 13)

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

COMMITTEE HEARINGS

MONDAY, MAY 18

FINANCE - (DIVISION I), Room 212, LOB

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

HB 1663-FN, 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. (A)

SB 417-FN, continuing the court modernization fund and its source of funding from penalty assessments.

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

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. WORK AND EXECUTIVE SESSION ON ALL BILLS BEFORE THE DIVISION including, but not limited to, Claremont-related tax bills and constitutional amendments.

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

9:30 a.m. Regular meeting.

JUDICIAL COUNCIL (RSA 494), Room 208, LOB

3:00 p.m. Full-time judge study committee.

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

1:30 p.m. Regular meeting.

TUESDAY, MAY 19

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. ***SB 479-FN,*** establishing a committee to study the supervision of juvenile delinquents on probation or parole.

11:00 a.m. Informational work session on ***SB 324-FN,*** relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification.

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

EDUCATION, Room 207, LOB

10:00 a.m. Work session/study committees, if needed.

FINANCE, Rooms 210-211, LOB

10:00 a.m. ***SB 409-FN*****,** relative to long-term care and extending the moratorium on new nursing home beds.

Executive session on pending legislation to follow.

FINANCE - (DIVISION II), ROOM 209, LOB

1:00 p.m. WORK AND EXECUTIVE SESSION ON ALL BILLS BEFORE THE DIVISION including, but not limited to, Claremont-related tax bills and constitutional amendments.

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

1:00 p.m. WORK AND EXECUTIVE SESSION ON ***SB 409-FN*****,** relative to long-term care and extending the moratorium on new nursing home beds.

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

1:00 p.m. ***SB 507***, establishing a committee to study pharmaceutical assistance for the elderly.

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

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. Organizational meeting on Interim Study bills ***HB 1352-FN-A,*** authorizing electronic games of chance at pari-mutuel licensee locations, ***HB 1467,*** establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire's long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine and ***HB 1566-FN,*** providing that state-owned lands leased to or under an operating agreement with a private business

entity are subject to the local property tax.

WEDNESDAY, MAY 20

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

8:30 a.m. Sludge and hazardous waste subcommittee work session.

THURSDAY, MAY 21

FINANCE, Rooms 210-211, LOB

Executive session at 10:00 a.m. or at the conclusion of the House session.

FINANCE - (DIVISION II), ROOM 209, LOB

1:00 p.m. OR AT THE CONCLUSION OF THE EXECUTIVE SESSION: WORK AND EXECUTIVE SESSION ON ALL BILLS BEFORE THE DIVISION including, but not limited to, Claremont-related tax bills and constitutional amendments.

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

1:00 p.m. OR AT THE CONCLUSION OF THE EXECUTIVE SESSION: WORK AND EXECUTIVE SESSION ON ***SB 409-FN*****,** relative to long-term care and extending the moratorium on new nursing home beds, and ***SB 473-FN,*** relative to child day care providers.

FRIDAY, MAY 22

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

10:00 a..m. WORK AND EXECUTIVE SESSION ON ***SB 409-FN*****,** relative to long-term care and extending the moratorium on new nursing home beds.

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 26

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

10:00 a..m. WORK AND EXECUTIVE SESSION ON ***SB 409-FN*****,** relative to long-term care and extending the moratorium on new nursing home beds.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Organizational meeting to assign Interim Study bills.

WEDNESDAY, MAY 27

EDUCATION, Room 207, LOB

10:00 a.m. Full committee work session/assignments for Interim Study bills.

FINANCE, Rooms 210-211, LOB

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

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

10:00 a..m. WORK AND EXECUTIVE SESSION ON ***SB 409-FN*****,** relative to long-term care and extending the moratorium on new nursing home beds.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, City Hall, Laconia

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

THURSDAY, MAY 29

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

9:00 a.m. Legal subcommittee.

10:00 a.m. Administration subcommittee.

11:00 a.m. Marketing subcommittee.

1:30 p.m. Regular meeting.

MONDAY, JUNE 1

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

9:30 a.m. Regular meeting.

WATER QUALITIES ISSUES STUDY (HB 693, Chapter 213, Laws of 1997), Room 305, LOB

1:00 p.m. Regular meeting.

FRIDAY, JUNE 5

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 8

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, JUNE 10

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 the fiscal year ended June 30, 1997.

MONDAY, JUNE 15

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

10:00 a.m. Complaint hearings.

JUDICIAL COUNCIL (RSA 494), Room 208, LOB

3:00 p.m. Regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

3:00 p.m. Regular meeting.

TUESDAY, JUNE 16

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

9:00 a.m. Regular meeting.

FRIDAY, JUNE 19

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

9:00 a.m. Regular meeting.

FRIDAY, JUNE 26

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

1:30 p.m. Regular meeting.

MONDAY, JUNE 29

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

9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet Monday, May 18 at 7:00 p.m. at the County Courthouse. Subject: Salaries of elected officials.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

COUNTY DELEGATION NOTICE

The Hillsborough County Executive Committee will meet on Tuesday, May 19th at the Department of Corrections, Valley Street, Manchester at 8:30 a.m.

Rep. Frances L. Riley, Chairman

Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

The Hillsborough County Delegation will meet in Convention during the lunch break from Session on Wednesday, May 20th in Representatives Hall.

Rep. Frances L. Riley, Chairman

Hillsborough County Delegation

COUNTY DELEGATION NOTICE

The Hillsborough County Delegation and the Rockingham County Delegation will meet together immediately after Session on Wednesday, May 20th for a short briefing on the upcoming SB 409.

Rep. Frances L. Riley, Chairman

Hillsborough County Delegation

Rep. Kenneth Malcolm, Chairman

Rockingham County Delegation

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

Rob Johnson, Sergeant-at-Arms

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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, 1189, 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, 1663, 1664, 1668, 1671, 1673, 1674, 1676, 1679, 1680, 1681, HJR 24 and SB 485.

Leo J. Callahan, Assistant Clerk

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When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

Gordon B. Flint, 21 Lincoln Terrace, Newport, New Hampshire 03773-1410

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

Richard Noyes, PO Box 75, N. Salem, New Hampshire 03073-0075

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

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

Karen O. Wadsworth, Clerk of the House

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MEMBERS' NOTICES

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

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I would like to remind members that you may have your 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

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The biennial "How to Get Elected" seminar sponsored by the New Hampshire Hospital Association will be held on Monday, May 18 at 1:00 p.m. at the Hospital Association's Conference Center at 125 Airport Road, Concord. The program is a free, non-partisan workshop and will cover a wide variety of topics, including how to file as a candidate, proven campaign techniques and what is involved once you're elected. If you are interested in participating or know of someone interested in running for the legislature, please contact Miriam Watson at 225-0900 for more information.

Reps. Robert L. Wheeler and Peter H. Burling

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The New Hampshire Women's Lobby will hold its SPRING CELEBS '98 award celebration on Tuesday, May 19, 4:30-6:00 p.m. at the Holiday Inn. This year's recipients include Rep. Elizabeth Hager for Women in Leadership, Rep. James Pilliod and Sen. James Squires for Meritorious Service Awards and Sandy Smith of the Concord Monitor for the Media Award among others. $10 donation. Cash bar and light refreshments. Tickets may be purchased from Reps. Sandra Keans, Barbara French or Sen. Katherine Wheeler.

Rep. Sandra B. Keans

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Following the Hillsborough County Delegation meeting on May 20th the Manchester Delegation will meet during the lunch break with Department of Transportation representative Bob Barry to receive an update on the airport project. Have your questions ready.

Rep. Lou D'Allesandro

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Special invitation to women legislators: You are invited to come for lunch on Wednesday, May 20th at Rath and Young, One

Capital Plaza (corner of Main Street and School Street) to learn more about The Women's Fund of New Hampshire, a new charitable initiative to benefit the lives of women and girls in New Hampshire. Lunch will be served during the House session lunch break. Please RSVP to Ann McLane Kuster at 226-2600.

Rep. Martha Fuller Clark

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The Friends of Donna Sytek will be hosting a reception for the Speaker of the House on Wednesday, May 20th at 6:30 p.m. at The Center of NH, Manchester. The evening will include dinner, music and dancing. Tickets are available for $35.00 each. Tables of 10 are available for $350. Pick up tickets from Rep. Chandler or Rep. Wheeler in the Majority Office.

Reps. Robert L. Wheeler and Gene G. Chandler

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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

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Your presence is respectfully requested at the Memorial Day Proclamation Signing Friday, May 22. The ceremony will commence at 2:00 p.m. in the State House Hall of Flags. The program will mark the 130th Anniversary of Memorial Day with the unveiling of the presentation sword and spurs of Colonel Edward Cross, 5th New Hampshire Volunteer Infantry Regiment. Colonel Cross was killed at the battle of Gettysburg on July 2, 1863, before he could receive these gifts, raised by subscription, from the officers and men of his regiment. Please make time at the beginning of this most solemn of veterans' holidays to join the Governor and fellow veterans in paying tribute to all our fallen comrades.

Rep. Robert J. Letourneau

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Merrimack County Republican Association will meet on Tuesday, May 26 at 6:00 p.m. at the Cat 'n Fiddle Restaurant. There will be a speaker. All Merrimack County Republicans are invited to attend.

Reps. James A. Whittemore

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The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on Wednesday, May 27th and June 10th. Refreshments will be served.

Rep. Robert K. Boyce

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The Second Annual Deep Sea Fishing and Whale Watch Trip will be held on Friday, May 29. Leaving from Smith and Gilmore Pier, Hampton at 7:30 a.m. and returning at approximately 4:00 p.m. $30 per person. Limited to 40 people. Open to legislators, staff and friends of the process. See Rep. Terry Pfaff for reservations.

Rep. Terry R. Pfaff

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The Merrimack County Republican Committee will host its spring reception on Friday, May 29th from 6:00 to 8:00 p.m. at the Cat 'n Fiddle Restaurant on Manchester Street in Concord. The guest speaker will be Steve Forbes. Tickets are $25 or two for $40. For tickets call Rep. Bernie Lamach at 938-2258 or Rep. Mike Whalley at 225-6115.

Rep. Bernard D. Lamach

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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

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Manchester City Democrats will meet Monday, June 1st at 7:00 p.m. at the Black Brimmer Restaurant, 1087 Elm Street. Recruitment of 36 quality candidates to run for the legislature in the fall election will be a priority. Voting patterns and registration in the city will be analyzed. Also, in what has become a favorite segment of monthly meetings, Chairman Raymond Buckley will present a plaque or two to Democrats who have displayed a lifetime commitment to our party and our people.

Rep. Steve Vaillancourt

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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

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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

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The New Hampshire Federation of Republican Women will be holding its annual Lilac Luncheon on June 1st at the Castleton in Windham. The guest speaker will be United States Senator John McCain (Arizona). Tickets are $25 and available from Reps. Joan Tate, Cynthia Dokmo and Susan Durham.

Rep. Joan C. Tate

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On June 26, 1996 the then Veterans Affairs and Public Safety Committee (now the Criminal Justice and Public Safety Committee) held a hearing to express concerns regarding fire training mandates and perceptions. At that time, the committee promised a follow-up hearing. The hearing is now scheduled for Wednesday, June 10th at 7:00 p.m. at the Richard M. Flynn Fire Academy, 222 Sheep Davis Road (Route 106), Concord to give New Hampshire Fire Service members the opportunity to air their thoughts and concerns regarding fire training in the State. Written testimony will be appreciated even if it formalizes verbal testimony. This will assure the most accurate record keeping of the evening's proceedings. All New Hampshire Fire Service members are invited to attend and participate.

Rep. David A. Welch

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The Belknap County Republican Committee will hold its annual picnic and barbecue on June 13 at the Smith Meeting House in Gilmanton. For tickets call Rep. John Thomas at 528-5112.

Rep. John Thomas

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The Department of Transportation will hold the following meetings:

May 19 - Woodsville Emergency Services Building, Route 10, Woodsville, 7:00 p.m. Public informational meeting, Haverhill, NH-Newbury, VT replacement of US 302 bridge.

May 20 - Newport Town Hall/Opera House, 20 Main Street, Newport, 7:00 p.m. Public informational meeting, Claremont-Newport widening of NH Route 11.

May 27 - Wentworth Coolidge State Historic Mansion, Little Harbor Road. Portsmouth, 11:00 a.m. or after G&C meeting. Special committee meeting Nashua-Amherst-Milford.

May 27 - Dover Public Library Lecture Hall, 6:30 p.m. Technical Advisory Task Force Meeting Dover-Rochester-Somersworth.

June 4 - Troy Elementary School Gymnasium, 44 School Street, Troy, 7:00 p.m. Public hearing (special committee), Troy, NH Route 12.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

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Pursuant to RSA 228:93, the New Hampshire Department of Transportation and the Department of Safety will be conducting

the following 1998 Regional Safety Conferences on highway related issues in each county, except Coos and Hillsborough where two are scheduled. The purpose of these conferences is to receive comments from representatives of local police, the public works department and the general public on highway issues such as speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the State highway system.

Date Location Time
May 27 Hillsboro County #1 - Manchester 10:00 a.m. Southern NH Planning Commission 438 Dubuque Street, Manchester
June 2 Cheshire County - Keene Recreational Center 10:00 a.m. 312 Washington Street, Keene
June 2 Sullivan County - Newport 2:00 p.m. Sugar River Savings Bank Community Room 10 North Main Street, Newport
June 4 Coos County #1 - Berlin City Hall 10:00 a.m. 168 Main Street, Berlin
June 4 Carroll County - Ossipee Town Hall 2:00 p.m. 55 Main Street, Ossipee
June 10 Coos County #2 - Lancaster Town Hall 10:00 a.m. 25 Main Street, Lancaster
June 10 Grafton County - Haverhill Town Hall 2:00 p.m. Main Street, Haverhill
June 16 Hillsborough County #2 - Nashua Pub. Library 10:00 a.m. 2 Court Street, Nashua
June 18 Rockingham County - Exeter Town Hall 10:00 a.m.
10 Front Street, Exeter
June 23 Belknap County - Laconia City Hall 10:00 a.m. 45 Beacon Street East, Laconia
June 23 Merrimack County - Concord City Council 2:00 p.m. 35 Green Street, Concord
June 25 Strafford County - Dover City Hall 10:00 a.m.
288 Central Avenue, Dover

Rep. Gene G. Chandler

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

Kenneth Leidner, Director

DATE	***TIME***	***GROUP***	***CLASS/Size***
5/18	10:00 & 12:00	Garrison Elem. - Dover	4 / 50
5/18	1:00	Faith Christian - Bedford	4 / 18
5/18	1:00	SE NH Christian Academy - Somersworth	4 / 10
5/19	10:00 & 12:00	Garrison Elem. - Dover	4 / 50
5/19	1:00	Grace Christian - Merrimack	4 / 9
5/19	1:00	Salem Christian - Salem	4 / 17
5/20	9:30 & 11:00	Thornton's Ferry - Merrimack	4 / 50
5/20	1:30	Northwood Area Schoolers	1-6/15
5/21	9:30 & 11:00	Thornton's Ferry - Merrimack	4 / 50
5/21	Tentative	Kingswood Regional HS - Wolfeboro	HS/50
5/22	9:30 & 11:00	Thorton's Ferry - Merrimack	4 / 50
5/26	10:00 & 11:00	Fred C. Underhill - Hooksett	3 / 50
5/26	12:30	Dunbarton Elem.	4 / 35
5/27	10:00;11:00;12:00	DJ Bakie School - Kingston	4 / 90
5/28	10:00 & 11:15	DR. H.O. Smith - Hudson	4 / 50
5/28	Tentative	Kingswood Regional HS - Wolfeboro	HS/50
5/29	10:00 & 11:15	DR. H.O. Smith - Hudson	4 / 50
5/29	12:30	Antrim Elem.	4 / 37

NOTICE

The **25th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Friday, June 19 at the John Cain Golf Club in Newport. The entry fee for this annual tourney is $55 per person and includes greens fee, cart, dinner and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than June 5th to Sandy Wheeler at the LOB Lobby desk. (Checks should be made payable to David S. Saltmarsh.)

Reps. Gene G. Chandler and Peter H. Burling

25th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_(2)

(3)_(4)

Telephone No: _____ Amount Enclosed: _____

WEDNESDAY, MAY 20

AMENDMENT CALENDAR

(LISTED IN NUMERICAL ORDER)

1998-1433h

Amendment to SB 191

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

Amend RSA 330-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Alternative provider" means a person who, for remuneration, engages in any aspect of mental health practice as defined in RSA330-A:2, VI, but does not hold a license issued under this chapter to practice as a licensed psychologist, pastoral psychotherapist, clinical social worker, clinical mental health counselor, or marriage and family therapist, and who may elect to be registered with the board.

Amend RSA 330-A:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Former client" means a person who was given psychotherapy within the previous 7years.

Amend RSA 330-A:2, VI and VII as inserted by section 1 of the bill by replacing it with the following:

VI. "Mental health practice" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. Mental health practice may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the licensing boards. Notwithstanding any other provision to the contrary, no person licensed or registered under this chapter shall assess the need for medications, prescribe medications, or otherwise practice medicine as defined in RSA 329.

VII. "Mental health practitioner" means persons licensed under this chapter as psychologists, pastoral psychotherapists, clinical social workers, clinical mental health counselors, or marriage and family therapists. For purposes of this chapter, the term clinical social worker shall include independent clinical social worker.

Amend RSA 330-A:2 as inserted by section 1 of the bill by deleting paragraph VIII and renumbering the original paragraphs IX - XI to read as VIII - X, respectively.

Amend RSA 330-A:3 as inserted by section 1 of the bill by replacing it with the following:

330-A:3 Board.

I. There shall be a board of mental health practice composed of the following members: one licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, and 2 public members. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no public member shall serve as chairperson for consecutive terms.

II. The board members shall not serve more than 2 consecutive 3-year terms.

Amend RSA 330-A:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committees shall be composed of at least 3 persons and no more than 5 persons, including the chair, all of whom shall be licensed in their applicable professions. No advisory committee member shall serve more than 2 consecutive 3-year terms.

Amend RSA 330-A:10, XII as inserted by section 1 of the bill by replacing it with the following:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines. All candidates for licensure shall be documented with the board.

Amend RSA 330-A:10, XVII - XXII as inserted by section 1 of the bill by replacing it with the following:

XVII. The content of the materials and information to be distributed under RSA 330-A:14.

XVIII. Requirements to be met by licensees relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients in RSA 330-A:15.

XIX. The establishment of all fees required under this chapter. There shall be no fee for the registration of alternative providers.

XX. Procedures and mechanisms for providing interdisciplinary collaboration among the mental health disciplines.

XXI. Procedures for the registration of alternative providers of mental health care electing to register under this chapter. Such procedures shall include at a minimum that applicants for registration provide a description of the type of mental health therapy which they practice.

Amend RSA 330-A:14 as inserted by section 1 of the bill by replacing it with the following:

330-A:14 Information on Sexual Misconduct. The board shall inform all applicants for licensure under this chapter that the board deems sexual misconduct as provided in RSA 330-A:36 to be unethical, unprofessional, and dishonorable conduct subject to disciplinary action by the board. The board shall make available to all licensees, or persons applying for licensure, under this chapter information and materials, as determined by the board, pursuant to rules adopted under RSA541-A, regarding such sexual misconduct.

Amend RSA 330-A:20, I as inserted by section 1 of the bill by replacing it with the following:

I. The board shall issue a provisional clinical mental health counselor license to any person who has at least 5 years demonstrated clinical mental health experience and has a master's degree with a concentration in the field of counseling or psychology from a regionally accredited institution, but who may not meet all of the requirements of RSA 330-A:19. This provisional license shall expire on July 1, 2001 unless the provisional licensee successfully completes the remainder of the 60 hours of graduate credit in RSA 330-A:19, I, and passes the clinical mental health counselor's examination of the National Board for Certified Counselors, Inc., if permitted by such board to take the examination. If the provisional licensee successfully completes the 60 hours of graduate credit and is not allowed by the National Board for Certified Counselors, Inc. to take the examination, then the provisional licensee shall be granted a clinical mental health counselor license.

Amend the introductory paragraph of RSA 330-A:22, I, as inserted by section 1 of the bill by replacing it with the following:

I. The advisory committee for each mental health discipline may review applications for mental health licensure to ensure that each applicant:

Amend RSA 330-A:23, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in mental health practice unless that person is licensed by the board, working as a candidate under the direct supervision of a person licensed by the board or is engaged in the practice of other mental health services as an alternative provider as defined in RSA 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, a pastoral psychotherapist, a clinical social worker, a clinical mental health counselor, or a marriage and family therapist, or use the word "psychotherapist," or any variation of, in such person's title unless that person is licensed by the board or working as a candidate under the direct supervision of a person licensed by the board. Psychiatrists licensed under RSA 329 and psychiatric nurse practitioners licensed under RSA326-B:10 may refer to themselves as psychotherapists.

Amend RSA 330-A:23, III as inserted by section 1 of the bill by replacing it with the following:

III. Any person whose license under this chapter has been suspended or revoked by the board for disciplinary action under RSA 330-A:27 or sexual misconduct under RSA 330-A:36 shall not engage in mental health practice as defined in RSA 330-A:2, VI unless and until the suspension or revocation of the license has been lifted.

Amend RSA 330-A:26 - RSA 330-A:39 as inserted by section 1 of the bill by replacing them with the following:

330-A:26 Applicants From Other States. The board may license any applicant who is licensed in any other state, provided the other state's licensure requirements are substantially equivalent to or higher than those of this state.

330-A:27 Disciplinary Action.

I. The board may, for just cause, undertake an investigation or disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon referral from any of the advisory committees.

(c) Upon written complaint of any person which charges that a person licensed under this chapter has committed misconduct under paragraph II and which specifies the grounds for such charges.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include any allegations of:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of the profession, including sexual misconduct as provided in RSA 330-A:36.

(d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.

(f) Mental or physical incapacity to practice under this chapter, as established by an independent medical or psychiatric evaluation.

(g) Willful or repeated violation of the provisions of this chapter.

(h) Suspension or revocation of a license or registration, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license for a period of up to 5 years.

(c) By revocation of license.

(d) By requiring the person to participate in a program of continuing education, supervision, or treatment in the area or areas in which the person has been found deficient.

(e) By assessing administrative fines in amounts established by the board which shall not exceed $2,000 per offense, or, in the case of continuing offenses, $200 for each day not exceeding $2,000.

IV. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

V. Nothing in this chapter shall be construed to restrict the right of appeal under RSA 541.

330-A:28 Investigations and Complaints.

I. The board may investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders. A licensee under this chapter shall be promptly informed of the nature and scope of any pending investigation.

II. The board may employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or investigators to assist with any investigation and with the conduct of hearings. Members of the board are not eligible for retention.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The board may, with just cause, conduct investigations on an ex parte basis only if there is an imminent danger to life or health of a client.

IV.(a) The board or its designee may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents and objects only in a formal investigation or an adjudicatory hearing, except that subpoenas for mental health records as provided in paragraph V may be issued at any time.

(b) The board may serve a subpoena on a licensee by certified mail in accordance with the procedures and fee schedules used in superior court.

(c) Any subpoena related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Board of Mental Health Practice" in order to be valid.

(d) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board may, with just cause, at any time subpoena mental health records from its licensees and from hospitals and other health care providers licensed in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the board of their current business and residence addresses, and shall notify the board of any change to either address within 30 days of the change.

VII. On its own motion, with just cause, or in response to a complaint received by one of the advisory committees, the board shall informally mail a copy of a complaint to any licensee who is the subject of the complaint, and require the licensee to provide a detailed and good faith written response to the allegations identified by the board. The licensee shall provide complete copies of the licensee's office records concerning any patient identified in the complaint. The licensee shall respond to such request within a reasonable time period of not less than 15 days, as the board shall specify in its written request.

VIII. Any person may file a written complaint with the board which charges that a person licensed under this chapter has committed misconduct. The board may dismiss complaints when the undisputed allegations do not warrant disciplinary actions and may settle complaints informally with the consent of the licensee. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board chooses to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that the complainant is given an opportunity to comment on the terms of the proposed settlement.

330-A:29 Hearings.

I. Any complaint not dismissed or settled informally shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing, except as otherwise provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. The board may, before or after the commencement of an adjudicatory hearing, dispose of disciplinary or licensure allegations arising under this chapter by order of dismissal, settlement, default, consent order or summary judgment order. In disciplinary hearings, the board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

IV. The respondent shall be heard in his or her defense either in person or by counsel and may produce witnesses and testify in his or her behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

V. Every final disciplinary action and other adjudicatory decisions made final by the board shall be reduced to writing and served upon the parties. Such decisions shall not be public until they are served upon the parties.

VI. The board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

VII. Final licensure and disciplinary actions of the board may be appealed to the supreme court under the procedures set forth in RSA541. However, no sanction imposed by the board shall be stayed during appeal.

330-A:30 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a licensee pending hearing for a period of not more than 90 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA330-A:28, II. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

330-A:31 Expirations and Renewals. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the fee as set by the board.

330-A:32 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensee's client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed, unless such disclosure is required by a court order. Confidential relations and communications between a client and any person working under the supervision of a person licensed under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with the supervising person licensed under this chapter, unless such disclosure is required by a court order. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A.

330-A:33 Prior Certification. Any psychologist, pastoral psychotherapist, clinical social worker, marriage and family therapist,

or clinical mental health counselor who was certified on July1,1998, under the provisions of former RSA 330-A, shall be issued a license in the respective discipline by the board.

330-A:34 Persons Exempted. Nothing in this chapter shall be construed to limit:

I. The psychotherapy activities, services, or use of official title of a person in the employ of a federal, state, county, or municipal agency, other political subdivision, or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position.

II. The psychotherapy activities and services of a student, intern, or resident in a mental health discipline regulated by the board, who is pursuing a course of study approved by a regionally accredited degree-granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study.

III. The counseling activities and services of rabbis, priests, ministers, Christian Science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognized church or denomination.

IV. The psychotherapy activities and services of any other person providing mental health services as an employee of or consultant to an institution, facility, or nonprofit institution or agency which provides clinical mental health services and which provides clinical supervision of its staff and which assumes professional, ethical, and legal responsibility for such mental health services.

V. The psychotherapy activities and services of physicians licensed under RSA 329, and advanced registered nurse practitioners, licensed under RSA 326-B:10.

VI. This chapter shall not be construed to prevent or restrict the mental health practice activities of individuals who volunteer their services to non-profit charitable organizations and receive no remuneration for their services.

Duty to Warn of Violent Acts of Clients

330-A:35 Civil Liability; Duty to Warn.

I. Any person licensed under this chapter has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to such licensee a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by, and no monetary liability or cause of action shall arise against, any person licensed under this chapter if the licensee makes reasonable efforts to communicate the threat to the victim or victims, notifies the police department closest to the client's or potential victim's residence, or obtains civil commitment of the client to the state mental health system.

III. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against any person licensed under this chapter for information disclosed to third parties in an effort to discharge a duty under paragraph II.

Sexual Misconduct

330-A:36 Sexual Misconduct Subject to Disciplinary Action. Sexual relations with a client or a former client shall be considered sexual misconduct and shall be subject to disciplinary action under RSA 330-A and the duty to inform established in RSA 330-A:37.

330-A:37 Sexual Misconduct; Duty to Inform.

I. If, during the course of mental health therapy a client alleges that a person licensed under this chapter has engaged with the client in sexual misconduct as defined in RSA 330-A:36, the person licensed under this chapter shall have a duty to inform the client in the manner provided for in paragraph II.

II. The duty may be discharged by, and no monetary liability or cause of action may arise against, any person licensed under this chapter, if the licensee informs the client of the unethical, unprofessional, and dishonorable conduct of the previous psychotherapist's actions. Any person licensed under this chapter shall also advise the client that such sexual misconduct is cause for disciplinary action by the board.

III. No civil or criminal liability shall arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to the board or any other statutorily created medical occupational licensing board conducting disciplinary proceedings in discharging the responsibilities established under this subdivision, provided that such information is disclosed in good faith.

IV. No civil action shall be maintained against any board member, the board or its agents or employees, or against any organization or its members, including, but not limited to, any member of a professional standards review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section provided that such statement, report, communication, or determination is made in good faith.

V. If the client decides to report such sexual misconduct to the board, the person licensed under this chapter shall provide, either directly or indirectly through referral, support and advocacy to such client in reporting the incident to the board.

Amend the bill by replacing section 3 with the following:

3 Cross Reference Revised. Amend RSA 135-C:19-a to read as follows:

135-C:19-a Disclosure of Certain Information.

I. Notwithstanding RSA329:26 and RSA [~~330-A:19~~] ***330-A:32***, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose information regarding diagnosis, admission to or discharge from a treatment facility, functional assessment, the name of the medicine prescribed, the side effects of any medication prescribed, behavioral or physical manifestations which would result from failure of the client to take such prescribed medication, treatment plans and goals and behavioral management strategies to a family member or other person, if such family member or person lives with the client or provides direct care to the client. The mental health center or facility shall provide a written notice to the client which shall include the name of the person requesting the information, the specific information requested and the reason for the request. Prior to the disclosure, the mental health center or facility shall request in writing the consent of the client. If consent cannot be obtained, the client shall be informed of the reason for the intended disclosure, the specific information to be released and the person or persons to whom the disclosure is to be made.

II. Notwithstanding RSA 329:26 and RSA [~~330-A:19~~] ***330-A:32***, when the medical director or designee determines that obtaining information is essential to the care or treatment of a person admitted pursuant to RSA 135-C:27-54, a designated receiving facility may request, and any health care provider which previously provided services to any person involuntarily admitted to the facility may provide, information about such person limited to medications prescribed, known medication allergies or other information essential to the medical or psychiatric care of the person admitted. Prior to requesting such information the facility shall in writing request the person's consent for such request for information. If the consent cannot be obtained, the facility shall inform the person in writing of the care providers who have been requested to provide information to the facility pursuant to this section. The facility may disclose such information as is necessary to identify the person and the facility which is requesting the information. No care provider who discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this section shall be held civilly or criminally liable for disclosing such information.

Amend the bill by replacing all after section 15 with the following:

16 Cross Reference Revised. Amend RSA 622:47 to read as follows:

622:47 Medical Records. Notwithstanding the provisions of RSA 329:26 and RSA [~~330-A:19~~] ***330-A:32***, medical and mental health records concerning current patients shall be exchanged between other state medical and mental health facilities and the unit to facilitate treatment.

17 Initial Appointments to Board; Limit on Terms of Members of Existing Board. The initial appointment of members to the board of mental health practice as established in RSA 330-A:3, as inserted by section 1 of this act, shall be as follows: the initial term of the marriage and family therapist member shall be for one year; the initial terms of the psychologist and the pastoral psychotherapist shall be for 2 years; and the initial terms of the clinical social worker and the clinical mental health counselor shall be for 3 years. Any term served on the board of examiners of psychology and mental health practice prior to the effective date of this act by a person appointed to the board of mental health practice shall apply to the limitation on consecutive terms required under RSA 330-A:3, II.

18 Transition of Administrative Rules. All existing effective rules adopted by the board of examiners of psychology and mental

health practice under former RSA 330-A shall continue in full force and effect until such rules, in accordance with RSA 541-A, expire, or are amended or repealed by the board of mental health practice pursuant to RSA 330-A:10.

19 Transfer of Budget. Any budgeted sums remaining from the moneys appropriated to the board of examiners of psychology and mental health practice under former RSA 330-A for the biennium ending June 30, 1999, shall be transferred to the board of mental health practice for the purposes of this act.

20 Effective Date. This act shall take effect October 31, 1998.

1998-1635h

Amendment to SB 316

Proposed by the Committee on Commerce - C

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

AN ACT establishing a committee to study participation in driver training programs for older drivers.

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

1 Committee Established. There is established a committee to study the creation of incentives for participation in driver training programs for older drivers.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall explore and develop methods of encouraging older drivers to participate in driver training programs designed specifically for older drivers. Incentives developed by the committee shall not include any requirement that insurance companies provide discounts upon the successful completion of an approved driver safety course. The committee shall solicit input from the commissioner of the department of safety, or designee.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study participation in driver training programs for older drivers.

1998-1605h

Amendment to SB 317

Proposed by the Committee on Municipal and County Government - C

Amend RSA 676:4, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c)(1) The board shall [~~begin formal consideration of the application within 30 days after receipt of the completed application by the board or its designee~~]***, at the next regular meeting or within 30 days following the delivery of the application, for***

which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board [~~or its designee~~] that a submitted application is incomplete according to the board's regulations, the board [~~or its designee~~] shall notify the applicant of the determination in accordance with RSA 676:3***, which shall describe the information, procedure, or other requirement necessary for the application to be complete***. [~~The board~~] ***Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and*** shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within [~~90~~] ***65*** days [~~after receipt of the completed application by the board or its designee~~], subject to extension or waiver as provided in subparagraph (f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA674:37 and 676:18, and court review under RSA 677:15.

1998-1418h

Amendment to SB 319

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

Amend subparagraph I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Five members of the house of representatives, appointed by the speaker of the house.

Amend the bill by replacing section 4 with the following:

4 Chairperson. 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 senate member. The first meeting of the committee shall be held within 45 days after the effective date of this section.

1998-1360h

Amendment to SB 324-FN

Proposed by the Committee on Local and Regulated Revenues - R

Amend the bill by replacing section 1 with the following:

1 Entertainers and Dancers. Amend RSA 179:19 to read as follows:

179:19 Entertainment and Entertainers.

I. ***In this section:***

(a) "Dancer" means a person or group of people who, with or without compensation, perform in the premise approved to sell alcoholic beverages. "Dancer" shall not be construed to mean a person or group of individuals who perform dances based upon ethnic, cultural, or historical customs.

(b) "Entertainer" means a person, paid or unpaid, who performs on a premise licensed to sell alcoholic beverages for the benefit of the licensee.

II. On-sale licensees may provide entertainment and dancing, in clearly defined areas on their licensed premises, provided they have received written authorization by the town or city and they have provided the commission with a copy of that authorization. A cover charge may be assessed to cover the cost of live entertainment. ***Notwithstanding any other provision of law, paragraphs III and IV shall not be construed to permit a person under the age of majority to perform, paid or unpaid, as a dancer in any licensed premise.***

[~~II.~~] ***III.*** No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under [~~17~~]

15 years of age in a cocktail lounge where liquor or beverages are sold.

[~~III.~~] ***IV.*** A person under [~~17~~] ***15*** years of age may serve as an entertainer in a licensed dining room.

[~~IV.~~] ***V.*** On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities under RSA 31:41-d to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

[~~V.~~] ***VI.*** Licensees shall not allow gambling or wagering on their premises.

[~~VI.~~] ***VII.*** The use of darts shall be allowed in clearly defined areas.

Amend RSA 179:62, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall knowingly manufacture, sell, advertise for sale, solicit orders for, deliver or cause to be delivered, or produce in any manner any photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the cardholder. A person who violates this paragraph shall be guilty of class B felony.

Amend RSA 179:62, III as inserted by section 2 of the bill by replacing it with the following:

III. Interests in any tools, instruments, computer or computerized records, products, and equipment of any kind, or other paraphernalia used in the manufacture, sale, advertising for sale, delivery, or solicitation of any order for sale, of a false identification card, shall, upon petition of the attorney general, be subject to forfeiture to the state and shall be vested in the state.

AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor to sell liquor from 17 to 15 years, with the exception that dancers must have attained the age of majority. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

The bill was requested by the liquor commission.

1998-1719h

Amendment to SB 335-LOCAL

Proposed by the Committee on Election Law - C

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

AN ACT relative to polling hours in towns.

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

1 Pre-Election Procedure; Warrant; General Election; Reference Modified. Amend RSA 658:1 to read as follows:

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in [~~RSA 659~~] ***RSA 659:4 and RSA 659:4-a***. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

2 New Section; Election Procedure; Hours of Polling; Change of Polling Hours in Towns. Amend RSA 659 by inserting after section 4 the following new section:

659:4-a Change of Polling Hours in Towns.

I. At any annual town meeting, any town may vote to place a question on the state election ballot to change the hours at which polls shall open, provided that the polls shall not open later than 11 o'clock in the morning and shall not close earlier than 7 o'clock in the evening. Such vote shall be under an article inserted into the warrant pursuant to RSA 39:3. The wording of the question shall be as follows:

"Polling hours in the town of _____ (name of town) are now _____ (hour at which polls now open) to _____ (hour at which polls now close). Shall we place a question on the state election ballot to change polling hours so that polls shall open at _____ (proposed hour at which polls would open) and close at _____ (proposed hour at which polls would close) for all regular state elections beginning _____ (next state election)?"

II. Upon an affirmative vote on the question in paragraph I, the governing body of the town shall notify the secretary of state, by the filing deadline established in RSA 655:14, of the approved times for the question to be printed on the next state general election ballot. The secretary of state shall place the following question on the next state general election ballot in the form prescribed by RSA 656:13:

"Polling hours in the town of _____ (name of town) are now _____ (hour at which polls now open) to _____ (hour at which polls now close). Shall we change polling hours so that polls shall open at _____ (proposed hour at which polls would open) and close at _____ (proposed hour at which polls would close) for all regular state elections beginning _____ (next state election)?"

III. In a town with a town council as the legislative body, the town council may vote to place a question on the state election ballot to change the hours at which polls shall open, provided that the polls shall not open later than 11 o'clock in the morning and shall not close earlier than 7 o'clock in the evening. The governing body shall notify the secretary of state of the question to be placed on the ballot in accordance with the requirements of paragraph II.

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

AMENDED ANALYSIS

This bill allows towns to vote to change polling hours.

1998-1704h

Amendment to SB 344

Proposed by the Committee on Commerce - R

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

AN ACT relative to trustees.

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

1 Removal or Replacement of Trustee. RSA 564:9 is repealed and reenacted to read as follows:

564:9 Removal or Replacement.

I. A trustee who, in the opinion of the judge, becomes incompetent, unsuitable, or who shall neglect or refuse to comply with the provisions of this chapter may be removed following a hearing which is preceded by notice to the trustee, all known beneficiaries, and such other persons determined by the judge to be interested in the trust.

II. A beneficiary or co-trustee of a trust who believes that the existing trustee should be replaced by a more suitable trustee may petition the court for such replacement. Upon receiving such a petition, and upon the court's determination that all other known beneficiaries have been notified, the court may remove the existing trustee and appoint a replacement trustee when, upon considering all relevant factors, the court finds that a change in trustee would be in keeping with the intent of the grantor, provided further that in deciding whether to replace a trustee, the court may consider the following additional factors in making such determination:

(a) It would substantially improve or benefit the administration of the trust.

(b) The relationship between the grantor and the trustee as it existed at the time the trust was created.

(c) Changes in the nature of the trustee since the creation of the trust.

(d) The relationship of the trustee with the beneficiaries.

(e) The responsiveness of the trustee to the beneficiaries.

(f) The experience and level of skill of the trustee.

(g) The investment performance of the trustee.

(h) The charges for services performed by the trustee.

(i) Any other reasonable factors pertaining to the administration of the trust.

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

1998-1592h

Amendment to SB 349

Proposed by the Committee on Municipal and County Government - C

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

AN ACT enabling a town or school district moderator to postpone the deliberative session or voting day of a meeting because of a weather emergency.

Amend RSA 40:4, II as inserted by section 1 of the bill by replacing it with the following:

II. In the event a weather emergency occurs on or before the date of a deliberative session or voting day of a meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours prior to the scheduled session, postpone and reschedule the deliberative session or voting day of the meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the deliberative session or voting day of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.

AMENDED ANALYSIS

This bill enables a town or school district moderator to postpone and reschedule the deliberative session or voting day of a meeting because of a weather emergency.

1998-1624h

Amendment to SB 353-FN

Proposed by the Committee on Municipal and County Government - R

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

1 Reference to Meeting Time Lines. Amend RSA 40:13, II and II-a to read as follows:

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given in accordance with [~~paragraph II-a~~] ***paragraphs II-a and II-b, as applicable***.

II-a. Notwithstanding any other provision of law, all local political subdivisions which adopt this subdivision***, and which do not hold their annual meetings in May pursuant to RSA39:1-a and RSA 31:94-a,*** shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in January.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA197:6 shall be the second Tuesday in January.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA33:8-a and RSA 675:3 shall be held on or before the third Tuesday in January.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in January.

2 New Paragraphs; May Time Line; Voter Checklist. Amend RSA 40;13 by inserting after paragraph II-a the following new paragraphs:

II-b. Notwithstanding any other provision of law, all political subdivisions which hold their annual meetings in May, pursuant to RSA 39:1-a and RSA 31:94-a, and which adopt this subdivision shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in March.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA197:6 shall be the second Tuesday in March.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in March.

II-c. The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting.

3 Reference to March and May Meetings. Amend RSA 40:13, III to read as follows:

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays, ***or the first and second Saturdays following the last Monday in March, inclusive of those Saturdays*** at a time prescribed by the local political subdivision's governing body.

4 Reference May Meetings. Amend RSA 40:13, VII to read as follows:

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March ***or the second Tuesday in May, as applicable***. ***All polling places within a cooperative school district shall be open during the same hours.*** Notwithstanding RSA669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30-32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

5 Official Ballot Meeting; Operating Budget Not Adopted. Amend RSA 40:13, X to read as follows:

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, ***one-time expenditures contained in either the operating budget or in any separate warrant articles adopted for the previous year,*** and other obligations previously incurred or mandated by law, or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved. ***For purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body of the local political subdivision.***

6 Official Ballot Meeting; Previous Year's Operating Budget. Amend RSA 40:13, XI to read as follows:

XI. The amount of the previous year's operating budget, as adjusted pursuant to paragraph X, shall be disclosed to the voters at the first session. This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, acting on relevant new information at any time before the ballots are printed. The wording of the second session ballot question concerning the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles ***and other appropriations voted separately***, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling $.....? Should this article be defeated, the operating budget shall be $....., which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA40:13, X and XVI, to take up the issue of a revised operating budget only."

7 Official Ballot Adoption Question. Amend RSA 40:14, V to read as follows:

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 ***(known as SB 2)*** to allow official ballot voting on all issues before the (local political subdivision)?"

8 Official Ballot Meeting; Rescission of Official Ballot Form of Meeting. Amend RSA 40:14, VII to read as follows:

VII. Any local political subdivision which has adopted RSA40:13 may consider rescinding its action in the manner described in RSA40:13, III-VI. The wording of the question shall be: "Shall ***we rescind*** the provisions ***of RSA 40:13 (known as SB 2), as adopted by*** [~~for voting by official ballot on all issues before~~] the (local political subdivision) ***on (date of adoption), so that the official ballot will no longer be used for voting on all questions, but only for the*** [~~under RSA 40:13 be limited to~~] election of officers and certain other questions ***for which the official ballot is required by state law***?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

9 Official Ballot Meeting; Proposal of Official Ballot and Charter. RSA 40:14, IX is repealed and reenacted to read as follows:

IX. The legislative body of a local political subdivision may consider and take action on adoption of both RSA 40:13 and a proposed charter under RSA 49-B at the same meeting. Adoption of a proposed charter under RSA 49-B shall take precedence and supersede adoption of RSA 40:13.

10 New Subdivision; Procedural Defects in Official Ballot Voting. Amend RSA 40 by inserting after section 15 the following new subdivision:

Procedural Defects in Official Ballot Voting

40:16 Legalization of Meetings. When irregularities or procedural defects in the actions of local political subdivisions are discovered in local political subdivisions using the official ballot, the local political subdivision may, on the authority of the governing body, call a special meeting for the exclusive purpose of curing such defect according to RSA 31:5-b with a single session for deliberating and voting to cure such defect.

11 Applicability. The annual meetings of local political subdivisions that adopted RSA 40:13, RSA 31:94-a, and RSA 39:1-a prior to the effective date of this act shall be governed by the May meeting time line established in RSA 40:13, II-b.

12 Repeal. RSA 671:26-a, relative to coordinating certain town and school district elections, is repealed.

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

AMENDED ANALYSIS

This bill affects changes to the laws regarding local political subdivisions which have adopted official ballot voting, including:

I. Providing a time line for May meetings.

II. Clarifying procedures in the event an operating budget is not adopted.

III. Providing a mechanism for correcting procedural defects.

1998-1716h

Amendment to SB 354

Proposed by the Committee on Commerce - C

Amend the bill by replacing sections 1-4 with the following:

1 Statement of Purpose.

I. The general court finds that:

(a) Denial of medical benefits otherwise payable just because dental procedures are performed is inherently unfair when the justification for general anesthesia is the same regardless of the procedure.

(b) Denial of medical benefits effectively eliminates the option of general anesthesia for most families. Children and persons with disabilities suffer most. There are no comparable alternatives to general anesthesia for this group. Comparable results and outcomes are not obtained when general anesthesia is denied.

(c) General anesthesia is the accepted standard of care for this population group. General anesthesia for dental treatment is available under federal medicaid guidelines, but effectively unavailable for private patients. Care under general anesthesia is supported by the American Dental Association, the American Academy of Pediatric Dentistry, the American Medical Association, the U.S. Department of Health and Human Services, and most other professional dental and medical organizations.

(d) There is little consistency in the insurance industry concerning such benefits. Benefits are often extended to one insured and denied to others insured by the same company and even under the same policy. Policy holders are unlikely to be aware of these exclusions at the time of policy purchase. Aggressive and determined parents are sometimes able to force the payment of benefits that the majority of less well-connected, well-educated, or financially well-off parents are denied.

(e) Pediatric dentists estimate overwhelmingly that parental acceptance of general anesthesia would increase if artificial financial barriers were removed. When over 1500 members of the American Academy of Pediatric Dentistry responded to a 1995 survey, they reported that when general anesthesia was indicated and denied, comparable treatment results could be achieved in less than half their cases. In fully 60 percent of these cases, patients either received compromised outcomes or were denied treatment altogether.

II. Therefore, the general court hereby requires insurance coverage when dental care is provided under general anesthesia.

III. This act is not intended to encourage the administration of general anesthesia in any medical setting as a substitute for sound patient management practices.

2 New Sections; Coverage for Dental Procedures; Medical or Hospital. Amend RSA 415 by inserting after section 18-f the following new sections:

415:18-g Coverage for Dental Procedures; Medical or Hospital; Group.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of New Hampshire, coverage for the medically necessary hospital or surgical day care facility charges and administration of general anesthesia administered by a licensed anesthesiologist or anesthetist for dental procedures performed on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

415:18-h Coverage for Dental Procedures; Dental Offices.

I. Each dental insurer or other similar entity, including Delta under RSA 420-F, that issues or renews any policy of group

insurance providing benefits for oral surgical procedures, shall provide to each certificate holder who is a resident of New Hampshire coverage for the administration of general anesthesia administered by a licensed dentist for dental procedures performed in a dentist's office on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant complexity which requires the child to receive general anesthesia for the treatment of such condition; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

3 New Section; Coverage for Dental Procedures. Amend RSA 420-A by inserting after section 17-a the following new section:

420-A:17-b Coverage for Dental Procedures.

I. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any group policy or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each covered individual or certificate holder who is a resident of New Hampshire coverage for the medically necessary hospital or surgical day care facility charges and administration of general anesthesia administered by a licensed anesthesiologist or anesthetist for dental procedures performed on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed primary care physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

4 New Section; Coverage for Dental Procedures. Amend RSA 420-B by inserting after section 8-e the following new section:

420-B:8-ee Coverage for Dental Procedures.

I. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group policy or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each covered individual or certificate holder who is a resident of New Hampshire coverage for the medically necessary hospital or surgical day care facility charges and administration of general anesthesia administered by a licensed anesthesiologist or anesthetist for dental procedures performed on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed primary care physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

1998-1721h

Amendment to SB 358-LOCAL

Proposed by the Committee on Commerce - C

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

1 New Section; Use of Term Physician in Provider Contracts. Amend RSA 415-A by inserting after section 2-a the following new section:

415-A:2-b Use of Term Physician in Provider Contracts. No contract shall use the term physician for the purpose of allowing a

health care insurer to avoid contracting with other health care professionals for health care services. A physician shall mean a person licensed to practice medicine under RSA 329. Nothing in this section shall be construed to require a health care insurer to contract with a health care provider.

2 New Paragraph; Preferred Provider Agreements; Use of Term Physician. Amend RSA 420-C:5-a by inserting after paragraph II the following new paragraph:

III. No contract shall use the term physician for the purpose of allowing a health care insurer to avoid contracting with other health care professionals for health care services. A physician shall mean a person licensed to practice medicine under RSA 329. Nothing in this section shall be construed to require a health care insurer to contract with a health care provider.

3 New Paragraph; Provider Contract Standards; Use of Term Physician . Amend RSA 420-J:8 by inserting after paragraph V the following new paragraph:

VI. No contract shall use the term physician for the purpose of allowing a health carrier to avoid contracting with other health care professionals for health care services. A physician shall mean a person licensed to practice medicine under RSA 329. Nothing in this section shall be construed to require a health carrier to contract with a health care provider.

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

1998-1670h

Amendment to SB 362

Proposed by the Committee on Executive Departments and Administration - C

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

1 Purpose. This act is intended to provide a process for appeal of the decision in 1989 by the director of personnel, division of administrative services, to not certify certain positions within the department of corrections as meeting the qualifications of RSA 100-A:1, VII. The provisions of this act are limited only to those positions which were decertified in 1989. All other positions and any future positions require legislation to be included in group II of the New Hampshire retirement system.

2 Certain Department of Corrections Personnel; Determination by Director of Personnel. The director of personnel, department of administrative services, shall review and determine within 3 months of the effective date of this act whether certain line personnel jobs within the department of corrections that were previously approved as group II jobs and were subsequently certified by the director of personnel as group I jobs, are properly certified as group I jobs. The review and determination of certification shall specifically address the requirements of RSA 100-A:1, VII(b). The director of personnel shall report any such determination and any findings on those previously certified jobs to the board of trustees of the retirement system. The department of corrections shall provide any information required by the director of personnel in making the determination.

3 Certain Department of Corrections Personnel; Determination by Board of Trustees of Retirement System. Notwithstanding the provisions of the introductory paragraph of RSA 100-A:1, VII, the board of trustees of the retirement system shall determine within 6 months of the effective date of this act whether certain line personnel jobs within the department of corrections that were certified by the director of personnel as group I jobs are properly certified as group I jobs. If the board of trustees by a 2/3 vote determines that a person holding such a job meets the requirements of RSA 100-A:1, VII(b), such person shall be prospectively classified as a group II member. The board of trustees shall report its determination to the speaker of the house and the senate president. The department of corrections shall provide any information required by the board of trustees in making the determination. Any person determined to be classified as a group II member shall be entitled upon retirement to split benefits as provided under RSA 100-A:19-a through RSA100-A:19-h.

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

AMENDED ANALYSIS

This bill requires the director of personnel to review and determine the certification of certain department of corrections jobs and to report to the board of trustees of the retirement system for classification within the retirement system.

1998-1634h

Amendment to SB 370-LOCAL

Proposed by the Committee on Commerce - C

Amend paragraph I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) One member of the house public works and highways committee, appointed by the chairperson of the committee.

1998-1473h

Amendment to SB 376

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

Amend RSA 644:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his ***or her*** animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. ***Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar.*** The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. ***In addition, the court may prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals.***

1998-1724h

Amendment to SB 377

Proposed by the Majority of the Committee on Commerce - R

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

AN ACT authorizing the organization of merchant banks to provide equity financing and related services to small businesses.

Amend the bill by replacing section 1 with the following:

1 Purpose. The purpose of RSA 392-A as inserted by section 2 of this act is to address a need for the investment of equity capital and subordinated loans in small businesses. Small businesses play a vital role in the economy by creating jobs and wealth, but do not have access to capital and subordinated loans to the same extent as their larger counterparts. RSA 392-A as inserted by section 2 of this act authorizes financial institutions to invest in small businesses through separately chartered merchant banks that are specifically empowered to engage in such activity and serve as financial intermediaries to facilitate the investment in small businesses by other types of investors.

Amend RSA 392-A:1 as inserted by section 2 of this bill by inserting after paragraph III the following:

IV. "Small business" means a "smaller business" or term of like import as defined in the rules and regulations of the United States Small Business Administration relating to small business investment companies, as amended from time to time.

Amend RSA 392-A:2, III as inserted by section 2 of this bill by replacing it with the following:

III. Any New Hampshire financial institution is authorized to invest in a merchant bank organized under this chapter. The amount of the investment shall not exceed 25 percent of the New Hampshire financial institution's capital and surplus, except that if the New Hampshire financial institution owns all or a majority of the voting shares of the merchant bank, its investment shall not exceed the investment limitation set forth in RSA 384:16-b, I for service corporations which is 10 percent of its savings deposits or capital funds, whichever may be greater. One or more accredited investors may participate in the organization of, and invest in, a merchant bank, provided that at least a majority of the voting rights of the merchant bank are controlled at all times directly or indirectly by one or more New Hampshire financial institutions. The organizers of the merchant bank shall submit a list of all investors in the bank and the amount of their respective investments. This list shall be accompanied by a certificate signed by each investor attesting to its eligibility to invest in the merchant bank, as part of the petition submitted under RSA 392:5.

Amend RSA 392-A:4-6 as inserted by section 2 of the bill by replacing them with the following:

392-A:4 Business of Merchant Banks. Except as provided in this chapter, a merchant bank has all the powers of and is entitled to engage in the business of a trust company, including without limitation, powers with respect to investments, loans, and fiduciary and trust functions and transactions. In furtherance of assisting small businesses, a merchant bank may provide commercial and investment banking services, act as a securities broker or dealer or an investment advisor, underwrite securities, invest in the equity or debt securities of any company and, in general, engage in any financial service activity which assists, supports, or benefits small businesses. A merchant bank shall comply with applicable federal and state securities laws. A merchant bank shall not solicit, receive, or accept money or its equivalent as a savings deposit, time deposit, demand deposit, or any other type of instrument or facility of like character or nature. No initial investment by the merchant bank in a small business shall constitute "control" as such term is defined in the rules and regulations of the United States Small Business Administration with respect to investments of small business investment companies, as amended from time to time, except as is permitted in such rules and regulations. No financial institution which is an owner of an interest in a merchant bank shall condition the extension of credit to a small business that meets its ordinary underwriting standards on a requirement that the merchant bank be allowed to invest in, or obtain rights with respect to the equity capital, of the small business.

392-A:5 Policy for Business Activities. The board of directors of a merchant bank if it is a corporation, or its equivalent governing body if it is any other type of business entity, shall establish a written policy under which the merchant bank's business activities are conducted. The policy shall also address conflicts of interest and shall preclude a merchant bank from making an investment in a small business if the effect is to create the potential of a conflict in interest with a person having an ownership interest in the merchant bank. The policy for business activities shall be reviewed and ratified by the board of directors or equivalent governing body at least annually and shall be submitted to the bank commissioner. If the bank commissioner finds that the policy does not adequately regulate the business activities of the merchant bank, the bank commissioner may require the board of directors or equivalent governing body to take corrective action.

392-A:6 Reports; Change in Control. In addition to any reports that are required to be submitted by a trust company under state laws and regulations, a merchant bank shall submit a quarterly report to the bank commissioner describing its business activities for the quarter. The merchant bank shall also submit an annual report to the bank commissioner listing all of the investors in the bank and the amount of their respective investments and voting rights, which report shall be accompanied by a certificate signed by each investor who has not previously submitted a certificate to the bank commissioner attesting to its eligibility to invest in the merchant bank. No change in control of a merchant bank shall occur without the prior approval of the bank commissioner. The term "change of control" shall mean the direct or indirect acquisition by a person or group of persons acting in concert of 10 percent or more of the beneficial ownership or control of the voting shares. The person or group seeking to acquire control of the merchant shall submit an application to the bank commissioner for approval which shall contain such financial, business, experience and other information as the bank commissioner shall require to determine whether such person or group is suitable to exercise control of a merchant bank. Upon receipt of a complete application, the bank commissioner may hold a hearing on such application and shall make a decision within 60 days after receipt of the application.

Amend the bill by deleting sections 3-4 and renumbering the original section 5 to read as 3.

AMENDED ANALYSIS

This bill authorizes the organization of merchant banks in this state to provide equity financing and related services to small businesses. The bill grants the bank commissioner rulemaking authority relative to such merchant banks.

1998-1738h

Amendment to SB 400

Proposed by the Committee on Education - C

Amend RSA 195-A:3, XI as inserted by section 3 of the bill by replacing it with the following:

XI. An area plan adopted by the voters of the sending and receiving districts shall be valid for a period of 10 years from the date of its adoption, amendment, or the withdrawal of a district. The area plan may be renegotiated at the request of a sending or receiving district or extended for additional 10-year periods upon a mutual vote of each sending and receiving school district legislative body 2 years prior to the expiration of the area plan. An area plan approved prior to the effective date of this paragraph shall remain effective until July 1, 2008.

Amend RSA 195-A:14, III as inserted by section 4 of the bill by replacing it with the following:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the AREA, the superintendent of schools, and 2 members of the town or city governing body from the school district requesting the study. Within 120 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph IV.

Amend RSA 195-A:14, VII as inserted by section 4 of the bill by replacing it with the following:

VII. The committee established pursuant to paragraph III shall submit a copy of all reports, including any minority reports, to the state board of education. If a report includes a plan for withdrawal, the state board of education shall review the proposed plan to determine whether or not the proposed plan meets the requirements of paragraph IV. If, in the opinion of the state board, the requirements have been properly addressed, the state board shall recommend for or against its adoption based on its assessment of the plan's feasibility. If, in the opinion of the state board, the requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board shall promptly review the revised plan, return the plan, and make a recommendation for or against its adoption based on its assessment of the plan's feasibility. The state board's recommendation shall be reported to the legislative body of the area districts. The state board shall forward the plan for withdrawal to the school board of the withdrawing school district. The school board shall publish the withdrawal plan once in a newspaper generally circulated within the area districts. The school board shall file the plan for withdrawal with the clerk of the withdrawing district and shall insert the plan in the warrant for the next annual meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 195-A:14, as amended, providing for the withdrawal of the sending (or receiving) district of _____ from the _____ area in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes _____ No _____

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall be conclusive evidence of the withdrawal of the district and the continuation of the area or the dissolution of a 2-district area.

Amend the bill by replacing all after section 4 with the following:

5 Education; Area Schools; Review of Area Plan and Withdrawal of Districts; Area School Plan Review Board. Amend RSA 195-A:14, I to read as follows:

I. After the third anniversary of the date of operating responsibility [~~a joint board meeting held under RSA 195-A:5 may vote to establish~~]***, if requested by either a sending or receiving district governing body,*** an area school plan review board ***shall be established***. The review board shall consist of 3 members from the school board of each school district which belongs to the area plan, and such members shall be selected by and from their respective school boards. The review board may also include 3 members from the school board of each of any one or more school districts located in proximity to the authorized regional enrollment area. The review board shall organize by the election of a chairman and a clerk, and may adopt rules for the calling and conduct of its meetings. It shall be the duty of the review board to consider the effectiveness of the area school plan as a method for providing improved educational services. If the review board by a majority vote of all its members determines that the area school plan should be modified, it shall submit an amended area school plan to the state board for its approval. An amended area school plan may provide for the addition of one or more new sending districts, the withdrawal of one or more sending districts, the withdrawal of the receiving district [~~and~~]**,** the substitution of a different district as the receiving district, a change in the grades covered by the area plan, or any combination of the foregoing, or for the dissolution of the area; and it shall provide for the equitable adjustment of the rights and responsibilities of each member of the plan, whether present or prospective, with respect to area school facilities. If such provisions include payments from one school district to another, they may be made over a period of not more than 10 years, but the obligation to make such payments shall not be deemed

indebtedness of the obligor school district for the purpose of determining its borrowing capacity under RSA 33. In addition to the foregoing powers, an area school plan review board may act as a cooperative school district planning board pursuant to RSA 195-A:15; and instead of submitting an amended area school plan, the review board may prepare and recommend the adoption of articles of agreement for a cooperative school district.

6 Applicability. Section 3 of this act shall apply to all area plans adopted before and after its effective date.

7 Effective Date.

I. Section 3 of this act shall take effect July 1, 1998.

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

1998-1661h

Amendment to SB 421-FN

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT relative to timber harvesting and penalties for timber trespass and deceptive forestry practices.

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

1 Notice of Intent to Cut; Violation for Starting Before Official Signature. Amend RSA 227-J:5 to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79, an owner conducting a cutting operation shall file an intent to cut and a report of wood cut as outlined in RSA79. ***Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both.*** Failure to comply with these requirements may result in penalties under RSA 79.

2 Section Heading; Timber Trespass; Civil Penalties. Amend the section heading of RSA227-J:8 to read as follows:

227-J:8 Trespass; ***Civil*** Penalty.

3 New Section; Timber Trespass; Criminal Penalty. Amend RSA 227-J by inserting after section 8 the following new section:

227-J:8-a Trespass; Criminal Penalty.

I. No person shall recklessly cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. A person who violates the provisions of paragraph I shall be guilty of a class B felony if the loss is greater than $1,000, or a misdemeanor for any other loss.

4 New Subparagraphs; Deceptive Forestry Practices; Penalty Changed. Amend RSA 227-J:15, I to read as follows:

I. A person is guilty of a ***class B felony if the loss is greater than $1,000 or otherwise guilty of a*** misdemeanor who in the course of buying and selling of a forest product, as defined under RSA 227-G:4, VII:

(a) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity as provided under RSA 438; or

(b) Sells, offers, or exposes for sale or delivers less than the represented quantity of any commodity or service; or

(c) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer the person furnishes the weight or measure; or

(d) Sells, offers, or exposes for sale adulterated or mislabeled commodities***; or***

(e) Does not remunerate the owner of the timber for the value of the forest products pursuant to a written or verbal

contract; or

(f) Does not furnish the owner, upon request, with all scale slips to verify the amount of the forest products removed from the owner's property.

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

AMENDED ANALYSIS

This bill adds certain penalties for violations of the timber harvesting law relative to notice of intent to cut, timber trespass, and deceptive forestry practices.

1998-1676h

Amendment to SB 427-FN

Proposed by the Committee on Commerce - C

Amend RSA 162-I:3-b as inserted by section 4 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The state treasurer shall submit a report by December 1 of each even-numbered year to the governor, to the chairperson of the house commerce committee, and to the chairperson of the senate economic development committee. The report shall be prepared in consultation with the executive director of the business finance authority and shall describe the activity of the revolving loan fund established pursuant to this section.

1998-1651h

Amendment to SB 429-FN

Proposed by the Committee on Transportation - C

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

1 Motor Vehicle Records and Certification; Availability of Information. Amend RSA 260:14, III to read as follows:

III. Motor vehicle records shall be made available in response to a request from a state, a political subdivision of a state, [~~pursuant to a court order,~~] the federal government, [~~or~~] a law enforcement agency***, or a court*** for use in official business.

2 Motor Vehicle Records and Certification; Availability of Information. Amend RSA 260:14, V(a) (4)-(6) to read as follows:

(4) For use by a legitimate business in research activities, [~~and for use by legitimate business in statistical reports, so long as any personal information is not published, redisclosed, or used to contact individuals~~] ***provided such business receives compensation in connection with motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle alterations, motor vehicle recalls and advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities which includes survey research, and removal of non-owner records from original owner records of motor vehicle manufacturers, and for use by a legitimate business which produces statistical reports as a primary function of its business, so long as any personal information is not published, redisclosed, or used to contact another individual***.

(5) For use with respect to a request for [~~a named person's motor vehicle records~~] ***the name of a registered owner of a vehicle*** in providing notice to the owners of towed or impounded vehicles ***where the towing company submits a registration or a vehicle identification number***.

(6) For us with respect to a request for a named person's motor vehicle records by any private investigative agency or security service licensed by this state for any purpose permitted under subparagraph V(a) other than [~~subparagraph~~] ***subparagraphs V(a)(5) and*** V(a)(8).

3 Motor Vehicle Records and Certification; Availability of Information. Amend RSA 260:14, V(b) (1) to read as follows:

(1) A person who does not wish to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1)-(9) shall inform the department in writing; and request or have already requested a waiver, pursuant to RSA 263:40-a, I[~~or II~~]***, unless the person is licensed pursuant to RSA 263:86***.

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

Rep. Morrill, Merr. 13

1998-1715h

Amendment to SB 437-FN

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

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

AN ACT requiring a one year mandatory prison sentence and certain substance treatment for a third DWI conviction.

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

1 Third DWI Conviction; Mandatory One Year Prison Sentence. Amend RSA265:82-b, II(b)(2) to read as follows:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than [~~30 consecutive 24-hour periods~~] ***one year***, ***no more than 3 months of which may be suspended,*** and shall complete [~~at the person's own expense a 28-day~~] ***during imprisonment an intensive course of substance abuse*** treatment [~~program~~]***, including residential treatment if appropriate, based on a formal evaluation by a licensed alcohol and other drug counselor designated by the department of health and human services,*** before the driver's license may be restored. ***Such treatment program shall be at the person's own expense unless the recommended treatment is already provided by the correctional facility at no cost.***

2 New Subparagraphs; Participation in Treatment Program; Restoration of Driver's License. Amend RSA 265:82-b, II(b) by inserting after subparagraph (2) the following new subparagraphs:

(3) Unless there is meaningful participation in the recommended program, the person's conduct will not be considered meritorious under RSA 651:18.

(4) Subject to the provisions of this section, satisfactory completion of the recommended program may qualify the person for the return of such person's driver's license after the period of revocation.

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

AMENDED ANALYSIS

This bill requires that a person convicted of a third DWI offense be sentenced to one year in prison, and complete an intensive course of substance abuse treatment during imprisonment.

1998-1532h

Amendment to SB 440-FN-LOCAL

Proposed by the Committee on Transportation - C

Amend RSA 263:56-a, II(b) as inserted by section 4 of the bill by replacing it with the following:

(b) The director shall [~~not~~] purge the record of [~~any suspension under this section during the defendant's lifetime until the defendant's driver's license or driving privilege is reinstated~~] ***violations in default, related suspensions, and all fees and fines assessed against these defaults and suspensions under this section that have been on file for more than 7 years; provided, however, that the director shall not purge such records for a violation of RSA 265:79, RSA 265:82, RSA 265:82-a, RSA 265:115, RSA 265:117, and any offense which is a misdemeanor or felony during the defendant's lifetime until the defendant's driver's license or driving privilege is reinstated***. All courts shall notify the director of any such failure on a form prescribed by the director.

Amend the bill by replacing all after section 7 with the following:

8 Reference Change. Amend RSA 6:12, I(rr) to read as follows:

(rr) Money received by the commissioner of safety under RSA263:56-d, which shall be credited to the [~~DWI~~] ***default*** bench warrant fund.

9 DWI Bench Warrant Fund Changed to Default Bench Warrant Fund. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA263:56-a, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the [~~DWI~~] ***default*** bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for [~~driving while intoxicated~~] ***driving-related*** offenses up to a maximum amount of $100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the [~~DWI~~] ***default*** bench warrant fund to pay the costs related to law enforcement officials and bench warrants. ***The commissioner may also draw upon such fund to pay the cost of breath analyzer machines, upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.***

10 DWI Bench Warrant Fund Changed to Default Bench Warrant Fund. Amend RSA597:38-b, II to read as follows:

II. Payments of the forfeited recognizance under paragraph I shall be sent to the department of safety and deposited into a special fund, known as the [~~DWI~~] ***default*** bench warrant fund, established in RSA263:56-d to pay the costs of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for [~~driving while intoxicated~~] ***driving-related*** offenses ***and to pay the cost of breath analyzer machines***.

11 Effective Date.

I. Section 2 of this act shall take effect as provided in section 7 of this act.

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

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

AMENDED ANALYSIS

This bill clarifies the procedures for payments of fines by mail to the division of motor vehicles. The bill allows civil bench warrants for defaults on such fines.

The bill authorizes bail commissioners to receive certain civil fines and fees and allows payment by credit card of fines and fees which are payable by mail.

The bill authorizes the director of the division of motor vehicles to report those in default of an appearance, a fine, or an order issued by the division or a court to a consumer reporting agency.

The bill also changes the DWI bench warrant fund to the default bench warrant fund and allows moneys from the fund to be used to pay the costs of making arrests pursuant to bench warrants issued for driving-related offenses and to pay the costs of breath analyzer machines.

1998-1630h

Amendment to SB 444-FN

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

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

AN ACT requiring the New Hampshire real estate commission to notify licensees of proposed rules changes, changes in adopted rules, and changes in New Hampshire law.

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

1 New Paragraph; Real Estate Commission; Notice of Changes to Rules and Law. Amend RSA331-A:7 by inserting after

paragraph VI the following new paragraph:

VII. Provide notice in a publication of the commission sent by U.S. mail to all persons licensed under this chapter of any proposed rulemaking undertaken by the commission, any changes to administrative rules adopted by the commission, and any pertinent changes in New Hampshire law. The funds necessary for the printing, postage, and mailing of such notice shall be expended from funds of the commission not otherwise appropriated.

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

AMENDED ANALYSIS

This bill requires the real estate commission to notify licensees in a publication of the commission of any proposed rules, changes in adopted rules, or changes in New Hampshire law.

1998-1532h

Amendment to SB 445

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Parking Privileges for the Walking Disabled; Penalties. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons with Walking Disability. Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged. Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability. The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place. ***Notwithstanding the provisions of any local ordinance which has been adopted to regulate parking in places designated for persons with walking disabilities, any person who is convicted under this section shall be guilty of a violation and fined not less than $250.***

1998-1408h

Amendment to SB 457-FN

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend RSA 167:91-a, IV as inserted by section 2 by replacing it with the following:

IV. Participants in the alternative employment experience program administered by the state shall be considered employees of ***both*** the state ***and the sponsor*** for workers' compensation purposes only, and any claims for workers' compensation thereunder shall be charged to the temporary assistance to needy families program. ***The state and the sponsor shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8. For purposes other than workers' compensation, the state shall not be vicariously liable for the actions or omissions of the sponsor and the sponsor shall not be vicariously liable for the actions or omissions of the state. Nothing in this section shall prohibit any direct contractual liability between the state and the sponsor.***

1998-1743h

Amendment to SB 464-FN

Proposed by the Committee on Judiciary and Family Law - C

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

AN ACT relative to limitations from civil liability for volunteers and relative to state agency preparedness for the year 2000 computer problem.

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

1 Volunteers; Nonprofit Organizations; Liability Limited. Amend RSA 508:17, I to read as follows:

I. Any ***person who is a*** volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

(a) [~~The volunteer had prior written approval from the organization to act on behalf of the organization~~] ***The nonprofit organization or government entity has a record indicating that the person claiming to be a volunteer is a volunteer for such organization or entity***; and

(b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

2 Repeal. RSA 508:17, I-a, relative to the form of written approval for volunteers, is repealed.

3 Responsibilities of State Agencies, Boards, Departments, and Commissions; Year 2000 Computer Preparedness.

I. The management of each agency, board, department, and commission of the state (collectively referred to as agencies) is responsible for assessing its year 2000 preparedness and bringing its essential systems into compliance, or devising replacement and contingency plans for insuring smooth operations through the turn of the century. Agencies shall also protect their essential systems from imports of other systems' data which are not year 2000 compliant.

II. Agencies shall develop a year 2000 project work plan in accordance with guidelines furnished by the department of administrative services. The work plan shall contain an assessment of year 2000 compliance, and shall outline strategies for ensuring that no critical state program experiences disruption because of the year 20000 problem. Work plans shall identify additional resources, with estimated costs, that will be required to ensure completion of all project tasks, including testing. Agencies shall make maximum practical use of existing resources. Work plans shall be submitted to the department of administrative services by September 1, 1998.

III. Each agency shall cooperate fully in carrying out the policies and practices of the state, and shall report to the department of administrative services such information as the department may require.

4 Year 2000 Computer Preparedness; Reporting by Commissioner of Administrative Services.

I. The commissioner of administrative services shall publish a year 2000 noncompliance report by October 1, 1998. The report shall list all state agencies that have not demonstrated adequate year 2000 computer compliance, including testing, and shall estimate any anticipated computer-related costs which cannot be absorbed by the state agency within its current budget. Copies of the report shall be forwarded to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the house finance committee, the chairman of the science, technology and energy committee, and the legislative budget assistant.

II. After publishing this report, the commissioner of administrative services shall monitor and require quarterly update reports from every state agency which has not yet demonstrated year 2000 computer compliance, including testing. The commissioner of administrative services shall publish quarterly year 2000 noncompliance reports until such time that all agencies demonstrate adequate year 2000 compliance.

III. Notwithstanding any other provision of law, the commissioner of administrative services may suspend any new purchases of computer hardware, software, or services for agencies, boards, departments and commissions until such time they demonstrate adequate year 2000 compliance.

5 Effective Date.

I. Section 3-4 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill removes a requirement that a volunteer have written approval to act on behalf of an organization from RSA 508:17,

which limits liability for volunteers of nonprofit organizations.

This bill requires state agencies to demonstrate adequate year 2000 compliance. The bill requires reporting relative to the year 2000 problem by state agencies and by the commissioner of administrative services. The bill also allows the commissioner of administrative services to suspend new purchases of computer hardware, software, or services for state agencies until they demonstrate adequate year 2000 compliance.

1998-1707h

Amendment to SB 471-FN

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

Amend RSA 169-B:24, IV as inserted by section 2 of the bill by replacing it with the following:

IV. When the felony offense charged is first degree murder, second degree murder, attempted murder, manslaughter, first degree assault, second degree assault (except when the allegation is a violation of RSA 631:2, I(d)), aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, a violation of RSA318-B:26, I(a) or (b), ***or negligent homicide under RSA 630:3, II,*** or when the minor is charged with any felony and, prior to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a presumption that the factors listed in RSA169-B:24, I support transfer to the superior court.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Criminal Responsibility of Juvenile Offenders; Negligent Homicide Added. Amend RSA 628:1, II by inserting after subparagraph (h) the following new subparagraph:

(i) Negligent homicide as defined in RSA 630:3, II.

AMENDED ANALYSIS

This bill proposes the "Brooke Blanchard Act" which would create the presumption that a juvenile charged with negligent homicide shall be certifiable as an adult.

1998-1667h

Amendment to SB 472-FN-LOCAL

Proposed by the Committee on Commerce - C

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

1 New Paragraph; Liability for Loss or Damages. Amend RSA 382-A:9-401 by inserting after paragraph (6) the following new paragraph:

(7) The secretary of state, county recorders, city or town clerks, and their employees and agents shall not be liable for any loss or damages arising from errors in or omissions from information entered into the records maintained under this chapter, nor for any errors or omissions in indexing such information.

2 Place of Filing. Amend RSA 382-A:9-401 to read as follows:

382-A:9-401 Place of Filing; Erroneous Filing; Removal of Collateral.

(1) The proper place to file in order to perfect a security interest is as follows:

(a) [~~when the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the clerk of the town where the debtor resides or if the debtor is not a resident of this state then in the office of the clerk of the town where the goods are kept, and in addition when the collateral is crops growing or to be grown in the office of the clerk of the town where the land is located;~~

~~(b)~~] when the collateral is timber to be cut or is minerals or the like (including oil and gas), accounts subject to subsection (5) of Section 9-103, or manufactured housing as defined in RSA 674:31, or when the financing statement is filed as a fixture filing (Section 9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

[~~(c)~~] ***(b)*** in all other cases, in the office of the ***clerk of any city or town participating in the centralized filing system administered by*** secretary of state [~~and in addition, if the debtor has a place of business in only one town of this state, also in the office of the clerk of such town, or, if the debtor has no place of business in this state, but resides in the state, also in the office of the clerk of the town in which he resides~~].

(2) A filing which is made in good faith in an improper place [~~or not in all of the places required by this section~~] is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though [~~the debtor's residence or place of business or~~] the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in Section 9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to sub-section (3) of Section 9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. This filing constitutes a fixture filing (Section 9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) The secretary of state, county recorders, city or town clerks, and their employees and agents shall not be liable for any loss or damages arising from errors in or omissions from information entered into the records maintained under this chapter, nor for any errors or omissions in indexing such information.

3 Financing Statement Amend RSA 382-A:9-402 to read as follows:

382-A:9-402 Formal Requisites of Financing Statement; Amendments; Mortgage as Financing Statement.

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of Section 9-103, or when the financing statement is filed as a fixture filing (Section 9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. [~~A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.~~]

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) Proceeds under Section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) Collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) ..... Address ..... Name of secured party (or assignee)..... Address .....

1. This financing statement covers the following types (or items) of property:

(Describe).....

2. (If collateral is crops) The above described crops are growing or are to be grown on: (Describe Real Estate).....

3. (If applicable) The above goods are to become fixtures on* *Where appropriate substitute "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of well or mine located on ....." (Describe Real Estate) ..... and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is .....

4. (If products of collateral are claimed) Products of the collateral are also covered.

.....

Signature of Debtor (or Assignor)

(use whichever is applicable)

.....

Signature of Secured Party (or Assignor)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. ***On and after July 1, 2001, any amendment to a financing statement filed in a city or town or with the secretary of state under section 401(a) or (c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state.***

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of Section 9-103, or a financing statement filed as a fixture filing (Section 9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if

(a) The goods are described in the mortgage by item or type; and

(b) The goods are or are to become fixtures related to the real estate described in the mortgage; and

(c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records; and

(d) The mortgage is duly recorded.

No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains

effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

4 What Constitutes Filing. Amend RSA 382-A:9-403(3) and (4) to read as follows:

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of Section 9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm***, electronic,*** or other [~~photographic~~] record ***conforming to the requirements of section 410 of this article***, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys ***or electronically erases*** the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. ***On and after July 1, 2001, any continuation statement to a financing statement filed in a city or town or with the secretary of state under section 401(a) or (c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state.***

(4) Except as provided in subsection (7) a filing officer shall mark each [~~statement~~] ***filing*** with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other [~~photographic copy~~] ***record*** thereof ***satisfying the requirements of RSA 382-A:9-410*** for public inspection. In addition the filing officer shall index the statement according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

5 New Paragraph; Filing Officers. Amend RSA 382-A:9-403 by inserting after paragraph (7) the following new paragraph:

(8) On and after July 1, 2001, the secretary of state, registers of deeds, and those clerks of cities and towns participating in the centralized filing system administered by the secretary of state are filing officers for the purposes of this chapter and for all other filings required by law to be made with or through them in accordance with this chapter, including, but not limited to, filings under RSA 21-J, RSA 147-B, RSA 161-C, RSA 204-C, RSA 282-A, RSA 450, RSA 454-B, RSA 511, and RSA 511-A.

6 New Paragraph; Filing. Amend RSA 382-A:9-404 by inserting after paragraph (3) the following new paragraph:

(4) On and after July 1, 2001, any termination statement relating to a financing statement filed in a city or town or with the secretary of state under section 401(a) or (c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state.

7 New Paragraph; Filing. Amend RSA 382-A:9-405 by inserting after paragraph (3) the following new paragraph:

(4) On and after July 1, 2001, any assignment of a secured party's rights under a financing statement filed in a city or town or with the secretary of state under section 401(a) or (c) of this article prior to July1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state.

8 Filing. Amend RSA 382-A:9-406 to read as follows:

382-A:9-406 Release of Collateral; Duties of Filing Officer; Fees. A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of Section 9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. ***On and after July 1, 2001, any release of a financing statement filed in a city or***

town or with the secretary of state under section 401(a) or (c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state. The uniform fee for filing and noting such a statement of release shall be in accordance with the fees established pursuant to RSA 478:17-g.

9 Information From Filing Officer. Amend RSA 382-A:9-407(2) to read as follows:

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. [~~The uniform fee for such a certificate shall be $5 if the request for the certificate is in the standard form prescribed by the secretary of state and otherwise shall be $7. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of $.75 per page.~~] ***The fee for such a certificate shall be the sum of:***

(a) $5 if the request for the certificate is in the standard form prescribed by the secretary of state and otherwise $7, plus

(b) A database search fee determined by the secretary of state pursuant to RSA 382-A:9-411(d) for any search or compilation of data in the centralized files maintained by the secretary of state.

In the case of certificates issued by the clerk of a city or town the fee charged under subparagraph (a) shall be retained by the city or town and the search fee under subparagraph (b) shall be transferred to the state treasurer to be administered in accord with RSA 293-A:1.37. The secretary of state may provide certificated and uncertificated search reports or compilations of data, charging database search fees to be determined by the secretary of state pursuant to RSA382-A:9-411(d), and the resulting funds shall be administered in accordance with RSA 293-A:1.37.

10 New Sections; Fraudulent Filing. Amend RSA 382-A:9 by inserting after RSA 382-A:9-408 the following new sections:

382-A:9-409 Fraudulent Filing.

(1) A person may not intentionally or knowingly present for filing or cause to be presented for filing a financing statement if the person knows that the financing statement:

(a) Is forged;

(b) Contains a material false statement (including a false name or identification number); or

(c) Is groundless.

(2) A person who violates subsection (1) is liable to the owner of property covered by the financing statement or the secured party, as the case may be, for:

(a) The greater of $5,000 or the person's actual damages;

(b) Court costs; and

(c) Reasonable attorney's fees.

(3) An owner of an interest in property covered by a fraudulent financing statement described in subsection (a) may, in addition to any other remedy provided by law, file suit in a court of suitable jurisdiction, requesting specific relief including, but not limited to, release or cancellation of such fraudulent financing statement. A successful plaintiff shall be entitled to reasonable attorney's fees and costs of court to be assessed against the person who filed the fraudulent financing statement. In the event the person who filed the fraudulent financing statement cannot be located or is a fictitious person, then the owner may serve the known or unknown defendant by certified mail to the address indicated on the financing statement.

382-A:9-410 Facsimile and Electronic Signatures; Filing and Recording in Electronic Form.

(1) Any signature on any writing or filing authorized to be filed under this article may be a facsimile, an electronic signature under RSA 294-D:3, or any other symbol made or adopted by a party with present intention to authenticate the writing or filing.

(2) The secretary of state may permit any writing authorized to be filed under this article to be filed by telecopy, telefacsimile, or

any form of electronic or other medium which produces an accurate tangible copy or an accurate record which is retrievable in perceivable form.

(3) The secretary of state may maintain any or all filings, records, notations, or indexes required or authorized under this article in any form of electronic or other medium which produces an accurate tangible copy or an accurate record which is retrievable in perceivable form.

382-A:9-411 Computerized Filing System.

(a) The secretary of state shall plan for and implement a statewide, consolidated, computer filing system and database to accumulate, record, and disseminate information relative to lien statements, financing statements, and other public documents authorized to be filed with the secretary of state or under other provisions of law specifying filing in the records maintained under this article, other than those required to be filed in the office where a mortgage on real estate would be recorded.

(b) The system shall, by July 1, 2001, permit filings to be made in electronic form from the clerk's office of any participating city or town.

(c) In developing the statewide computer filing system and database the secretary of state is authorized to conduct studies and to recommend any legislation necessary or desirable for implementing the system.

(d) The fees for expedited services and any other services supplied by the secretary of state from its central database shall be determined in the same manner as those provided for in RSA 293-A:1.22(e) and (f), and shall be available to the secretary of state in the same manner as provided in RSA 293-A:1.37(b) and (c).

11 Fees; Register of Deeds. Amend RSA 478:17-g to read as follows:

478:17-g Fees. Unless otherwise specified, the register of deeds ***and other filing officers*** shall be entitled to the following fees:

I. For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, $10 for the first recorded page, plus $4 for each additional recorded page, except that assignments of mortgages shall be $10 for the first assignment per recorded document, plus $5 for each subsequent mortgage being assigned, plus $4 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA382-A, or discharge of a lien shall be $15. Filing officers shall be entitled to a $4 charge for each additional page of filing pursuant to RSA382-A. These charges shall include all charges for information furnished in compliance with RSA 478:14.

II. For recording plans, $9 for the first 200 square inches or part thereof and $2.50 for each additional 100 square inches or part thereof.

III. For copying any document or providing any other service, the charge shall be established and posted by the register of deeds.

IV. Commencing July 1, 2001 the secretary of state shall cease to accept filings of financing statements or amendments, assignments, releases, continuations, or terminations thereof (except for those pertaining to security interests in collateral of a transmitting utility). Commencing July 1, 2001 the secretary of state shall also cease to accept filings of attachments of personal property under RSA 511 and RSA 511-A. All such filings shall be made through the office of the clerk of a city or town participating in the centralized filing system administered by the secretary of state under RSA 382-A:9-411. Clerks of those cities and towns participating in the centralized filing system administered by the secretary of state under RSA 382-A shall charge a single fee of $30 for the first page of each filing under RSA 382-A and $8 for each additional page, one half of which shall be held for the use of the state and transferred quarterly to the state treasurer.

12 Administration of Chapters. Amend RSA 293-A:1.37(b) and (c) to read as follows:

(b) The state treasurer shall pay the expenses of administering this chapter***, RSA382-A:9, and other information technology costs of the secretary of state*** out of any money in the treasury not otherwise appropriated until the fees collected pursuant to RSA 293-A:1.22(a)***, RSA382-A:9, and other information technology services*** have been received by him. Thereafter he shall pay the expenses of administering this chapter***, RSA 382-A:9, and other information technology costs of the secretary of state*** out of the fees collected under RSA293-A:1.22(a) ***and RSA 382-A:9-411(d)*** and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

(c) Fees collected by the secretary of state pursuant to RSA 293-A:1.22(e) ***and RSA382-A:9-411*** shall be deposited in the same manner as fees collected pursuant to RSA293-A:1.22(a) and shall be available to the secretary of state to administer the provisions of this chapter ***and RSA 382-A:9*** in the same manner as provided in subsection (b) of this section.

13 Place of Filing; Federal Tax Liens. RSA 454-B:2, III(d) is repealed and reenacted to read as follows:

(d) In all other cases, notices shall be filed in the central database maintained by the secretary of state under RSA 382-A by filing through the office of the clerk of any participating city or town.

14 New Paragraph; Policy of Article. Amend RSA 382-A:9-102 by inserting after paragraph (3) the following new paragraph:

(4) The filing system maintained under this article shall also serve as a comprehensive system for recording attachments, statutory liens and other interests in personal property as provided from time to time by the legislature, including, but not limited to, filings under RSA 21-J, RSA 147-B, RSA 161-C, RSA 204-C, RSA 282-A, RSA 450, RSA 454-B, RSA 511, and RSA511-A.

15 Destruction of Certain Records. Amend RSA 361:10-a to read as follows:

361:10-a Destruction of Certain Records Authorized. Any town or city clerk may destroy [~~at the end of 10 years from the date of filing records of conditional sales contracts in his possession~~] ***any financing statement required to be filed in a town under RSA 382-A:9-401(1)(c) as effective until July 1, 2001, and any amendments, continuation statements, termination statements, or other documents and records relating thereto after July 1, 2006. Any town or city clerk may destroy any financing statement required to be filed under RSA 382-A:9-401(1)(a) and any amendments, continuation statements, termination statements, or other documents and records relating thereto 6 years after the filing of the last continuation statement***.

16 Effective Date.

I. Sections 2 and 13 of this act shall take effect July 1, 2001.

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

1998-1641h

Amendment to SB 488-FN

Proposed by the Committee on Resources, Recreation and Development - C

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

1 New Chapter; Winnipesaukee River Watershed Advisory Committee. Amend RSA by inserting after chapter 483-C the following new chapter:

CHAPTER 483-D

WinnIpesaukee River Watershed Advisory Committee

483-D:1 Model Required. The department of environmental services shall develop and implement a model for managing the flow of water in the Winnipesaukee River watershed. The department shall develop the model with input from the Winnipesaukee River watershed advisory committee.

483-D:2 Winnipesaukee River Watershed Advisory Committee Established.

I. There is established the Winnipesaukee River watershed advisory committee. Committee membership shall be as follows:

(a) One member of the senate environment committee, appointed by the senate president.

(b) One member of the house resources, recreation and development committee, appointed by the speaker of the house of representatives.

(c) A member of the Silver Lake Association, selected by the association.

(d) A member representing hydro power industry interests selected by the Winnipesaukee Hydropower Association.

(e) A member representing marina and boating interests selected by the New Hampshire Marine Trades Association.

(f) A member of the New Hampshire Lakes Association, selected by the association.

(g) A member of the educational community experienced in the development of hydrologic models selected by the water resources research center.

II. The terms of the members of the senate and the house of representatives shall be coterminious with their terms in office. The other members shall serve a 3-year term. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms, and the legislative members shall be reimbursed for mileage at the legislative rate.

III. The members shall elect a chairperson. Four members shall constitute a quorum. Each member shall have one vote in matters before the committee.

IV. The committee shall meet at least annually and at such other times as the chairperson deems necessary. At least once annually, the committee shall meet with the commissioner of environmental services or designee.

483-D:3 Powers and Duties of Winnipesaukee River Watershed Advisory Committee. The Winnipesaukee River watershed advisory committee shall:

I. Offer recommendations on the development and implementation of the waterflow model by the department of environmental services.

II. Solicit input relative to the model from residents of the Winnipesaukee River watershed area.

483-D:4 Reports. The department of environmental services shall prepare an annual report to be presented no later than January 1 of each year to the president of the senate, the speaker of the house of representatives, the governor and council, the state library, and the selectmen of all towns in the Winnipesaukee River watershed district. The report shall include a summary of the relevant activities and findings conducted in the most recent year. The report shall also include a summary of the development and/or implementation of the model to date, and any recommendations for legislation.

2 First Meeting of the Winnipesaukee River Watershed Advisory Committee. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

3 Certification of Implementation. On the initial date of the implementation of the model for managing the flow of water in the Winnipesaukee River watershed, the commissioner of environmental services shall certify to the general court and to the governor that such implementation has begun.

4 Repeal of the Winnipesaukee River Watershed Advisory Committee. The repeal of RSA483-D by section 5 of this act shall take effect one year after the certification in section 3 of this act.

5 Repeal. RSA 483-D, relative to the Winnipesaukee River watershed advisory committee, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill directs the department of environmental services to create a model for managing the flow of water in the Winnipesaukee River watershed and creates an advisory committee to assist the department in developing the model.

1998-1541h

Amendment to SB 490-FN

Proposed by the Majority of the Committee on Commerce - R

Amend RSA 420-B:8-b, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) In addition to the requirements of subparagraph (a), every health maintenance organization offering such benefits shall provide to its subscribers a list of psychiatrists and mental health care providers within the organization's network. The health maintenance organization shall allow its subscribers 2 visits for diagnosis followed by up to 3 treatment visits ***in each contract year***. Subsequent visits ***within the contract year*** may be subject to utilization review. The policy shall also include a statement that a primary care physician may refer an enrolled participant to a psychiatrist or other mental health care provider within the organization's network. There shall be no economic penalty to the primary care physician for such a referral.

AMENDED ANALYSIS

This bill:

(1) Clarifies the definition of indebtedness with respect to credit life insurance.

(2) Clarifies the coverage for mental and nervous conditions under health maintenance organizations.

(3) Changes certain salaries.

1998-1722h

Amendment to SB 494

Proposed by the Committee on Commerce - C

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

AN ACT establishing a committee to study the feasibility of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire.

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

1 Committee Established. There is established a committee to study the feasibility, efficacy, and potential impact on the state's health care insurance system of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, one of whom shall be from the commerce committee, one of whom shall be from the finance committee, and one of whom shall be from health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, one of whom shall be from the insurance committee, one of whom shall be from the finance committee, and one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

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

3 Duties.

I. The committee shall study the feasibility, efficacy, and potential impact on the state's health care insurance system of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire. The committee's study shall include, but not be limited to the following issues:

(a) The statutory modification required to allow small business purchasing groups to form in New Hampshire for the sole purpose of creating a private nonprofit small employer health care insurance purchasing alliance that is dedicated to assisting small employers in obtaining health care coverage for their employees.

(b) The extent to which this new health care insurance purchasing entity will need to be regulated by the department of insurance as well as the department's additional cost to administer and regulate the new entity.

(c) Enrollment requirements that may be required for a nonprofit small employer purchasing alliance to be successful taking into consideration experiences of other states that have allowed nonprofit private health care purchasing alliances.

(d) The modifications that may be requested to the state's small group health care reforms that could result in greater health care insurance cost savings to private nonprofit small business alliance members.

(e) The ability of small business health care insurance purchasing alliances to increase bargaining power and provide meaningful statistical information about health care that will benefit all small employers taking into consideration the experience of other states and their application in New Hampshire.

(f) The impact on the small businesses that do not participate in a health care insurance purchasing alliance taking into consideration the experience of other states and their application in New Hampshire.

II. The committee may seek input from outside sources including state agencies.

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

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

6 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This amendment establishes a study committee to collect and analyze information regarding the value and efficacy of allowing private nonprofit voluntary small employer health care insurance purchasing alliances to form and operate in New Hampshire.

1998-1643h

Amendment to SB 500

Proposed by the Committee on Commerce - R

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

AN ACT relative to the use of credit data for certain insurance purposes.

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

1 New Section; Use of Credit Reports, Credit Histories, and Credit Scoring Models in Underwriting and Rating. Amend RSA 412 by inserting after section 14 the following:

412:14-a Use of Credit Reports, Credit Histories, and Credit Scoring Models in Underwriting and Rating. The use of information contained in credit reports, credit histories, and credit scoring models for underwriting or for rating purposes shall be based upon objective, documented, and measurable standards and shall be used in a manner which affords appropriate consumer protections, including consumer notice provisions and confidentiality protections. The insurance commissioner shall, pursuant to RSA 541-A, adopt such rules as may be necessary to regulate the use of such information in the underwriting and rating of motor vehicle insurance. Underwriting models and rate filings which rely upon information in credit reports, credit histories, or credit scoring models shall be subject to express approval by the insurance department.

2 New Paragraph; Use of Credit Reports, Credit Histories, and Credit Scoring Models in Underwriting and Rating. Amend RSA 414:3 by inserting after paragraph VIII the following new paragraph:

IX. The use of credit reports, credit histories, and credit scoring models for underwriting and rating purposes shall be based upon objective, documented, and measurable standards and shall be used in a manner which affords appropriate consumer protections, including consumer notice provisions and confidentiality protections. The insurance commissioner shall, pursuant to RSA541-A, adopt such rules as may be necessary to regulate the use of such information in the underwriting and rating of homeowners insurance. Underwriting models and rate filings which rely upon information in credit reports, credit histories, or

credit scoring models shall be subject to express approval by the insurance department.

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

AMENDED ANALYSIS

This bill establishes procedures for the use of credit data for certain insurance purposes.

1998-1655h

Amendment to SB 503-FN

Proposed by the Committee on Education - R

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-39 to read as 4-40 respectively:

3 New Section; Authority to Grant Degrees. Amend RSA 188-F by inserting after section 2 the following new section:

188-F:2-a Authority to Grant Degrees. The regional community-technical colleges are hereby authorized to grant and confer in the name of the regional community-technical colleges all such degrees, literary titles, honors, and distinctions as regional community-technical colleges may of right do.

Amend RSA188-F:3-a, I as inserted by section 4 of the bill by replacing it with the following:

I. The governance of the regional community-technical colleges shall be vested in a board of trustees which shall consist of 25 members comprised as follows:

(a) Nine non-voting, ex officio members: the governor of the state, the commissioner and deputy commissioner of the regional community-technical colleges, the presidents of the 4 regional community-technical colleges, the commissioner of the department of resources and economic development, and the commissioner of the department of education.

(b) Four members shall be from the fields of business and industry; 2 of whom shall serve a 4-year term, and 2 of whom shall serve a 2-year term followed by an additional 4-year term if reappointed.

(c) One member shall be a high school vocational director.

(d) One member shall be an alumni member from one of the regional community-technical colleges who shall serve a 2-year term followed by an additional 4-year term if reappointed.

(e) One member shall be from the field of education or technology.

(f) One member shall be from the health services professions who shall serve a 2-year term followed by an additional 4-year term if reappointed.

(g) Two members shall be from the field of labor; one of whom shall serve a 4-year term, and the other shall serve a 2-year term followed by an additional 4-year term if reappointed.

(h) Two members shall be from the general public; one of whom shall serve a 4-year term, and the other shall serve a 2-year term followed by an additional 4-year term if reappointed.

(i) One member shall be from the community service sector.

(j) Two members shall be full-time students who shall be New Hampshire residents and enrolled in one of the community-technical colleges. The student trustees shall be voted from the 7 community-technical college campus locations proceeding in alphabetical order, and shall be elected by the student body of the campuses responsible for providing the student trustees. The student trustees shall serve a one year term commencing June 1 of the year elected through May 31 of the following year. In the event that a student trustee ceases for any reason to be a student at the school from which such trustee was elected, the commissioner of the regional community-technical colleges shall declare a vacancy in the student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term, and an additional one year term following immediately thereafter.

(k) One member from the law enforcement community who shall serve a 4-year term.

Amend RSA 188-F:3-a, II (d) as inserted by section 4 of the bill by replacing it with the following:

(d) Nine of the voting members shall constitute a quorum required to transact official business.

Amend RSA 188-F:13, as inserted by section 8 of the bill by replacing it with the following:

188-F:13 Personnel.

I. The commissioner, after consultation with the institute or college president, shall have authority to designate the number of hours in the workweek that full-time faculty must spend on the campus of the college to which assigned.

II. Notwithstanding RSA 4:15, the commissioner in consultation with the chairperson of the board of trustees, shall be authorized to enter into educational service agreements and contracts, and accept and expend funds associated with such contracts and agreements within current and available appropriations, for the purpose of delivering education, customized training or retraining, technical assistance and services, and managerial consulting services to New Hampshire businesses, non-profit organizations, professional associations, communities, state and local governmental agencies, and any other interested parties.

III. Notwithstanding RSA 4:15, under emergency conditions, the commissioner shall be authorized to enter into contracts and service agreements, and accept and expend funds associated with such contracts and agreements within current and available appropriations, for the purpose of maintenance and care for all colleges and their divisions and units. These contracts shall include maintenance and service agreements that support administrative and academic computing and technology. For the purposes of this section, an emergency shall be defined as any condition or situation out of the ordinary which requires immediate action to avoid loss of property or resources, or to prevent disruption of services or operations. Any impact to conditions of employment or work usually performed by employees of the collective bargaining unit will be governed by the existing collective bargaining agreement.

Amend RSA 188-F:14, I as inserted by section 9 of the bill to read as follows:

I. The department shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. However, the board of [~~governors~~] ***trustees*** is authorized to transfer funds between line items within any budgetary unit. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.

Amend RSA 188-F:14-b, VI as inserted by section 11 of the bill by replacing it with the following:

VI. Upon approval of the board of [~~governors~~] ***trustees*** as provided by RSA 188-F:14, transfer funds between and among line items within the department regardless of funding source or funding mix, except [~~for~~] ***such transfers to*** the police standards and training council training fund or any other funds granted to the police standards and training council, which shall not be commingled with any other funds. By October 1 and quarterly thereafter, the department shall submit a report to the fiscal committee detailing all transfers made under this paragraph during the prior quarter and the reasons for them.

Amend RSA 188-F:24, VII as inserted by section 15 of the bill by replacing it with the following:

VII. The council shall report annually to the governor and executive council, with a copy to the board of [~~governors~~] ***trustees*** of the department of regional community-technical colleges, on its activities, and may make such other reports as it deems desirable.

Amend the bill by inserting after section 38 the following and renumbering the original sections 39-40 to read as 40-41 respectively:

39 State Employee Hiring Delay; Exemptions. Amend 1997, 351:45, II to read as follows:

II. The department of corrections, the department of health and human services, including but not limited to the Glencliff home for the elderly and the New Hampshire hospital, and the department of youth development services shall be exempt from the hiring delay imposed in paragraph I. ***In addition, those positions within the regional community-technical colleges that are directly responsible for academic instruction, including but not limited to academic faculty and counseling***

shall be exempt from the hiring delay imposed in paragraph I.