

State of New Hampshire HOUSE RECORD

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

Vol. 20 Concord N.H. Thursday, May 28, 1998 No. 49

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for May 28

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

As you may know, the Senate drafted several questions concerning the constitutionality of House Bill 1075 and sent them to the Supreme Court last Thursday. We have printed in this calendar an excerpt from the Supreme Court order concerning the deadline for submission of written responses. Copies of the two resolutions proposing the questions are available in the Sergeant-at-Arms Office.

The House will next meet on Thursday, June 4th.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, May 28th at 9:30 a.m. in Representatives Hall.

Rep. Robert Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, May 28th at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Points to Ponder

To be divisible, a question must include points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition...

Mason's Legislative Manual

Section 313 Paragraph 1

Since it is not always easy to determine whether the subject matter of a bill is divisible, it would be helpful if members would notify me in advance when they are going to request that a question be divided. Some bills are like steak and a baked potato--clearly and easily divided, with each portion able to stand on its own. Others are like spaghetti--so intertwined that it is not convenient or possible to separate into independent parts. If a bill is ruled indivisible, a member may still offer a floor amendment to remove the undesirable features of the bill in question.

Donna Sytek, Speaker

CHANGES IN HOUSE AND SENATE DEADLINES

House Rule 64: (Senate deadlines appear in parentheses):

May 28, 1998 - Last day to report all bills, excluding those related to the Claremont decision.

June 9, 1998 - Last day to act on all bills, excluding those related to the Claremont decision.

(June 11, 1998 - Last day to act on House bills, excluding those related to the Claremont decision.)

(June 11, 1998 - Last day to form Committees of Conference, excluding those related to the Claremont decision.)

June 12, 1998 - Final day to sign-off all Committee of Conference Reports at 5:00 p.m., excluding those related to the Claremont decision.

(June 16, 1998 - Final day to sign-off all Committee of Conference Reports at 5:00 p.m., excluding those related to the Claremont decision.)

June 17, 1998 - Last day to act on Committee of Conference Reports, excluding those related to the Claremont decision.

(June 18, 1998 - Last day to act on Committee of Conference Reports, excluding those related to the Claremont decision.)

June 19, 1998 - All bills to the Governor, excluding those related to the Claremont decision.

(June 23, 1998 - All bills to the Governor, excluding those related to the Claremont decision.)

(June 30, 1998 - Veto Day.)

And that after June 4, 1998, any bills or messages which are received from the Senate concerning the Claremont decision shall be subject to deadlines to be established at a future date.

(And that after June 4, 1998, any bills or messages which are received from the House concerning the Claremont decision shall be subject to deadlines to be established by the Senate at a future date.)

REQUESTS OF THE SENATE FOR AN OPINION OF THE JUSTICES (SCHOOL FINANCING)

Typewritten memoranda on the questions presented by the requests may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before June 2, 1998. An original and fifteen copies of any memorandum must be filed with the clerk's office. The memorandum shall indicate whether the party filing it desires oral argument. Oral argument on the questions presented by the requests shall take place at a special session of the court at 9:00 a.m. on June 5, 1998. The court shall issue an order on June 3, 1998, regarding who shall present oral argument and the times allotted therefor.

Howard J. Zibel, Clerk

NH Supreme Court

THURSDAY, MAY 28

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 479-FN, establishing a committee to study the supervision of juvenile delinquents on probation or parole. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill establishes a committee to study all aspects of the supervision of juvenile delinquents on probation or parole, as well as the feasibility of transfer of such supervision from the department of health and human services to the department of youth services. The committee will also study the effect such a change will have on municipal, county and general fund appropriations, on federal appropriations and grants, and every other aspect of a change of this type. Vote 13-0.

FINANCE

HB 1680-FN-A-L, authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have added two positions to administer the health benefits for retirees to the New Hampshire Retirement System. There are a number of financial issues related to this bill, and the Finance Committee would like to take more time to study this issue. Vote 19-0.

SB 342, relative to capital appropriations for the Glencliff home for the elderly. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: This bill readjusts the budget lines to allow improvements to continue at Glencliff Home for the Elderly after the final bid was higher than budgeted for the construction planned. No additional funds are appropriated. The amendment combines the appropriations for the Department of Safety capital projects at Dover Point Substation and the Epping Station Warehouse to allow the projects to be completed. Again, no additional funds are appropriated. The amendment also allows certain unexpended capital appropriations to be used to plan for future use of the old Department of Revenue Administration building on Spring Street in Concord. Finally, the amendment changes the effective date to upon passage. Vote 19-0.

SB 391-FN-A, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: This bill repeals obsolete statute RSA 89:1 which imposed a tax on personal property located in the state belonging to persons whose domicile is without the state which shall, upon the death of the owner, be subject to a tax of 2% of its value. This tax is difficult to effectively administer by the Department of Revenue Administration because only honest individuals comply with the law. About \$37,000 a year in general fund revenues will be lost, offset to some extent by reducing the workload required to review and audit the tax returns. Vote 17-0.

SB 447-FN, exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax. **REFER FOR INTERIM STUDY**

Rep. Paul J. Dwyer, Sr. for Finance: To correct technical and policy issues, this bill needs to be studied along with HB 108, studying the legacies and succession tax in its entirety. Vote 16-0.

SB 473-FN, relative to child day care providers. **OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Finance: This bill provides that child care providers that are not required to be licensed, but do receive state funds, register with the Department of Health and Human Services. Providers required to register shall be subject to the same criminal records check as licensed child day care agencies. Enhanced certification was removed due to the cost of

additional employees needed at DHHS to carry out its provisions. Vote 17-0.

SB 483-FN, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill, as amended, permits returns from the meals and rooms tax to be filed by mail or through electronic data submission. Electronic data submission has proved most successful. Nonetheless, small entrepreneurs and renters of summer cottages prefer, at this time, to file by mail. The amendment stipulates that if filing is done by mail, business persons shall forfeit any amounts retained pursuant to RSA 78-A: 7 III - the 3 percent refund. One person currently processes the tele-file returns and would continue to do so, without additional expense to the state under the bill as amended. Vote 15-2.

SB 504-FN, relative to members of predecessor systems of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill would allow one member of the old teachers' retirement system to transfer to the New Hampshire Retirement System. The amendment says that the accrued liability cost of \$22,000 shall not be a draw on any state funds. Therefore there is no fiscal impact to the state. Vote 19-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 507, establishing a committee to study pharmaceutical assistance for the elderly. OUGHT TO PASS

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill recommends the formation of a study committee to address the pharmaceutical assistance needs for the elderly. There is no question that some seniors are forced by monetary circumstances to make choices on whether or not to buy medications. Medicaid assists some of our elderly on this matter, but too many are left in dire need of assistance. Vote 12-0.

THURSDAY, May 28

REGULAR CALENDAR

LOCAL AND REGULATED REVENUES

SPECIAL ORDER

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SPECIAL ORDER

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.

SPECIAL ORDER

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.

FINANCE

HB 1663-FN, relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and establishing a committee to study procedures in administrative rulemaking. REFER FOR INTERIM STUDY

Rep. Robert G. Holbrook for Finance: This very complex bill received many hours of debate from committees, departments, agencies and interested parties. As there were many difficult issues with no resolutions in sight, it was deemed strategic to refer this bill for interim study. Vote 17-0.

NOTICE OF RECONSIDERATION

This day, Wednesday, the 20th of May, 1998, at 5:20 p.m., Representative Karen K. McRae, having voted with the prevailing side, did serve notice that today or some other day as limited by Rules she would ask the House to reconsider its action whereby it defeated the motion to print the remarks of the Honorable Newt Gingrich, Speaker of the United States House of Representatives in the House Journal.

Karen O. Wadsworth, Clerk of the House

COMMITTEES OF CONFERENCE

HB 170, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Reps. Hess, Teschner, Noyes and Coes; Sens. F. King, Johnson and Blaisdell)

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

HB 505, relative to smoking in indoor public places. (Reps. Hunt, M. Fuller Clark, Tsiros and Belanger)

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

HB 707, relative to municipal taxation of telecommunications poles and conduits. (Reps. Hess, Alukonis, L. Foster and Teschner)

HB 1118, relative to the expiration of contact lens prescriptions. (Reps. Emerton, Morello, French and Dawe; Sens. D. Wheeler, McCarley and Squires)

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

HB 1448, relative to confidential communication between victims and counselors. (Reps. Lyman, Sargent, C. Wiggins and Knowles)

SB 102-FN, relative to the possession of certain weapons in the commission of a violent crime. (Sens. Gordon, D. Wheeler and Hollingworth; Reps. Lyman, Christie, Mikowski and Knowles)

SB 197, relative to final dispositional orders in child protection cases. (Sens. Gordon, Squires and Pignatelli)

SB 333, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot. (Sens. Roberge, Whipple and K. Wheeler)

SB 397, relative to the composition of the pharmacy board. (Sens. Danais, J. King and Francoeur)

HOUSE BILLS AMENDED BY THE SENATE

HB 147, relative to disclosure of certain information relating to tobacco products. (House Concurred 5/20/98)

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 485, relative to limited electrical energy producers. (SJ 16)

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. (House Nonconcurred; C-of-C 5/20/98)

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. (House Nonconcurred; C-of-C 5/20/98))

HB 1103, relative to the state representative districts and towns. (SJ 15)

HB 1109, allowing prepayment of property taxes before April 1. (SJ 15)

HB 1112, relative to the placement of articles on the official ballot. (House Concurred 5/20/98)

HB 1113, relative to reports of town and school district meetings to be certified to the department of revenue administration. (SJ 15)

HB 1114, relative to registration procedures for the use of antique plates. (House Concurred 5/20/98)

HB 1118, relative to the expiration of contact lens prescriptions. (House Nonconcurred; C-of-C 5/20/98)

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 1167, relative to a reapproval process for community mental health programs and area agencies. (House Concurred 5/20/98)

HB 1175, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (House Nonconcurred 5/20/98)

HB 1182, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. (SJ 16)

HB 1189, increasing the limits of direct off-premises sales from breweries and brew pubs. (House Concurred 5/20/98)

HB 1196, relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife. (SJ 16)

HB 1205, making technical corrections to the securities laws. (SJ 16)

HB 1209, revising the interagency agreement for special education. (House Concurred 5/20/98)

HB 1215, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. (House Concurred 5/20/98)

HB 1221, relative to the acceptance of personal property donated to towns or village districts. (SJ 15)

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 1234-FN, establishing an office of volunteerism. (SJ 15)

HB 1238, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character, and environmental quality against low density sprawl and the loss of sense of place. (SJ 15).

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

HB 1291, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (SJ 16)

HB 1295, relative to reimbursing the state medical assistance program. (SJ 15)

HB 1298, requiring health care providers to wear identification. (SJ 16)

HB 1314, relative to enforceable provisions in retail installment contracts for motor vehicles. (SJ 16)

HB 1320, amending provisions of the advisory committee on the education of students with disabilities. (House Concurred 5/20/98)

HB 1328, extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate. (House Concurred 5/20/98)

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 1347, preserving relationships between siblings who are separated as a result of court ordered out-of-home placements. (SJ 15)

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

HB 1369, revising the student membership of the university system of New Hampshire board of trustees. (SJ 15)

HB 1371, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (SJ 15)

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. (House Concurred 5/20/98)

HB 1384, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American

Folklife. (SJ 14)

HB 1407, clarifying the unlawful practice of medicine. (House Concurred 5/20/98)

HB 1421, relative to review of drugs by the board of nursing and the joint health council. (House Concurred 5/20/98)

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. (House Concurred 5/20/98)

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

HB 1444, requiring a special primary for all parties if there are at least 2 candidates for election from one party. (SJ 16)

HB 1448, relative to confidential communication between victims and counselors. (House Nonconcurrent; C-of-C 5/20/98)

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

HB 1493, relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings. (SJ 15)

HB 1498, authorizing emergency medical care providers to inform patients of transport options. (SJ 16)

HB 1501, relative to amending certain provisions of the charter school law. (SJ 15)

HB 1513, relative to vehicle emissions control equipment and testing. (SJ 16)

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

HB 1517, establishing a fund for dredging to maintain harbors in New Hampshire. (SJ 16)

HB 1527, relative to unauthorized switching of telecommunications or energy-related service procedures. (House Concurred 5/20/98)

HB 1529, reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter. (House Concurred 5/20/98)

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

HB 1539, relative to property tax billing procedures for land parcels having multiple owners. (SJ 15)

HB 1562, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (SJ 16)

HB 1605, establishing a study committee on marine patrol services. (House Concurred 5/20/98)

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

THURSDAY, MAY 28

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session. (Or at the conclusion of the House session.)

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

AT THE CONCLUSION OF THE FULL COMMITTEE EXECUTIVE SESSION: WORK AND EXECUTIVE SESSION ON ***SB 409-FN***, relative to long-term care and extending the moratorium on new nursing home beds.

EXECUTIVE SESSION ON OTHER BILLS BEFORE THE DIVISION MAY FOLLOW

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

After the House session full committee work session on ***SB 326*** relative to representation and costs in utility rate proceedings.

Executive session may follow.

frIDAY, 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.

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

IF PERMITTED BY THE HOUSE:

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.

EXECUTIVE SESSION ON OTHER BILLS BEFORE THE DIVISION MAY FOLLOW

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.

TUESDAY, JUNE 2

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

IF PERMITTED BY THE HOUSE:

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

1:00 p.m. Subcommittee work session on ***HB 1317***, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. Regular meeting.

WEDNESDAY, JUNE 3

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

11:00 a.m. Full committee meeting re: interim study bills.

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

11:00 a.m. Work and executive session, if needed.

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

IF PERMITTED BY THE HOUSE:

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.

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. Full committee work session on ***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.

THURSDAY, JUNE 4

FINANCE, Rooms 210-211, LOB

Executive session at the conclusion of the House session.

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

IF PERMITTED BY THE HOUSE:

. AT THE CONCLUSION OF THE HOUSE SESSION: WORK AND EXECUTIVE SESSION ON ***SB 409-FN***, relative to long-term care and extending the moratorium on new nursing home beds.

FRIDAY, JUNE 5

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 8

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), NH Hospital, Acute Psychiatric Services Building, Conference Room

9:00 a.m. Subcommittee meeting.

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.

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

10:30 a.m. Full committee work session on assignments for interim study bills.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

9:00 a.m. Regular meeting.

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

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 22

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

9:00 a.m. Rescheduled 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

The Grafton County Delegation will meet on Thursday, May 28th after the House session in Room 201, LOB.

Rep. Paul I. LaMott, Chairman

Grafton County Delegation

COUNTY DELEGATION NOTICE

The Merrimack County Convention Executive Committee will meet at 8:30 a.m. on May 28th in Room 206, LOB to take final action on salary recommendations for the Merrimack County Sheriff and the Merrimack County Register of Deeds.

Rep. Robert A. Lockwood, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

The Merrimack County Convention will meet immediately following the House session on May 28th in Rooms 206-208, LOB to vote on salaries of elected county officials.

Rep. David W. Hess, Chairman

Merrimack County Delegation

COUNTY DELEGATION NOTICE

The Rockingham County Elected Officials Salary Subcommittee will meet in Room 204, LOB on Thursday, May 28th during the House session lunch break for a final vote prior to the Executive Committee meeting.

The Rockingham County Executive Committee will meet in Room 204, LOB on Thursday, May 28th during the House session lunch break to discuss the salary subcommittee recommendations.

Rep. Sherman A. Packard, Chairman

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

The Rockingham County Delegation will meet in Room 204, LOB on Thursday, May 28th at the close of the House session to finalize county and elected officials salary program. All members are urged to attend.

Rep. Kenneth W. Malcolm, Chairman

Rockingham County Delegation

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

Rob Johnson, Sergeant-at-Arms

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, 1339, 1350, 1354, 1374, 1377, 1384, 1387, 1396, 1399, 1400, 1456, 1473, 1490, 1509, 1513, 1515, 517, 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

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

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.

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

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

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

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

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

Rep. John R.M. Alger

The 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

Legislators and legislative staff are cordially invited to a Legislative Lunch hosted by the Home Care Association of NH, the NH Hospital Association and the NH Medical Society on Thursday, June 4 from noon to 1:30 p.m. at the NH Historical Society (next to the LOB).

Reps. Robert L. Wheeler and Peter H. Burling

The Friends of Merle Schotanus will host a reception for Rep. Merle Schotanus at the Holiday Inn, Concord on Thursday, June 4th from 4:30 to 6:30 p.m. Tickets are available at the door for \$25 each.

Reps. Katherine H. Metzger, Joseph E. Stone and Robert A. Lockwood

The Strafford County Republican Party will have a meeting on Saturday, June 6th at 9:00 a.m. at the Gateway Restaurant, Somersworth.

Rep. Robert E. McKinley

The Executive Council will hold a public hearing regarding the privatizing/leasing of the Mt. Sunapee Ski Area on Monday, June 8 in Representatives Hall in Concord at 4:00 p.m. We welcome your participation.

Rep. Gene G. Chandler

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, June 10th. Refreshments will be served.

Rep. Robert K. Boyce

On June 26, 1996 the then Public Protection and Veterans Affairs 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

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

In an effort to organize a Legislative Masonic group, all House members who are Free Masons are asked to contact me at home (926-7106) or see me during session.

Rep. Andrew Christie, Jr.

All Representatives and State House staff are invited to Governor Shaheen's 2nd Annual Legislative Barbecue at Bridges House on Thursday, June 25th, from 4:00 p.m. to 8:00 p.m. Please RSVP to Bernadette in the Governor's Office at 271-2121 by June 19th

Rep. Peter H. Burling

The Department of Transportation will hold the following meetings:

June 3 - Lin-Wood Public School, Multi-purpose Room, Main Street, Lincoln, 7:00 p.m. Combined public officials/public informational meeting, Lincoln, sidewalk/bicycle pedestrian path NH Route 112.

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

June 11 - Grafton Fire/Ambulance Station, Library Road, Grafton, 7:00 p.m. Combined public officials/public informational meeting, Grafton, removal of railroad bridge over US Route 4.

June 16 - Anchor Darling Building (formerly Scott & Williams), 32 Moulton Street, Laconia, 7:00 p.m. Public hearing (commission), Laconia, Elm Street.

June 23 - Holderness Town Hall, Route 3, Holderness, 7:00 p.m. Public hearing (commission), Holderness, NH Route 3/25

Rep. Gene G. Chandler, Chairman

Public Works and Highways

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
June 2	Cheshire County - Keene Recreational Center 312 Washington Street, Keene	10:00 a.m.
June 2	Sullivan County - Newport Sugar River Savings Bank Community Room 10 North Main Street, Newport	2:00 p.m.
June 4	Coos County #1 - Berlin City Hall 168 Main Street, Berlin	10:00 a.m.
June 4	Carroll County - Ossipee Town Hall 55 Main Street, Ossipee	2:00 p.m.
June 10	Coos County #2 - Lancaster Town Hall 25 Main Street, Lancaster	10:00 a.m.
June 10	Grafton County - Haverhill Town Hall Main Street, Haverhill	2:00 p.m.
June 16	Hillsborough County #2 - Nashua Public Library 2 Court Street, Nashua	10:00 a.m.
June 18	Rockingham County - Exeter Town Hall 10 Front Street, Exeter	10:00 a.m.
June 23	Belknap County - Laconia City Hall 45 Beacon Street East, Laconia	10:00 a.m.
June 23	Merrimack County - Concord City Council 35 Green Street, Concord	2:00 p.m.
June 25	Strafford County - Dover City Hall 288 Central Avenue, Dover	10:00 a.m.
Rep. Gene G. Chandler		

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

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
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
6/01	9:00 & 10:15	St. Anthony's School - Manchester	4 / 60
6/01	11:30 & 12:30	Pollard Elem. - Plaistow	4 / 48
6/02	10:00 & 11:00	Fred C. Underhill - Hooksett	3 / 50
6/03	10:00 & 11:00	Fred C. Underhill - Hooksett	3 / 50
6/04	10:00	Kensington Elementary	4 / 25
6/04	11:30	Mtn. Shadows School - Dublin	6 / 9
6/05	10:00 & 11:30	Ray School - Hanover	3&4/ 90
6/08	10:00; 11:00 & 12:00	Epping Elementary	4 / 60
6/08	2-2:30ish	Florence Rideout Elem. - Wilton	4 / 60
6/09	9:00 & 10:30	Beaver Meadow - Concord	4 / 50
6/10	9:30 & 11:00	Hillsboro-Deering Elementary	4 / 75
6/11	9:00 & 10:30	Beaver Meadow - Concord	4 / 50
6/12	10:00	Gilmanton Elem.- Gilmanton Iron Works	4 / 38
6/12	11:00 & 12:30	Lakeway Elementary - Littleton	4 / 96
6/15	10:00 & 12:00	Milford Elementary	4 / 75
6/18	11:45	Centerwoods - Weare	4 / 45

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: _____

THURSDAY, MAY 28

AMENDMENT CALENDAR

(LISTED IN NUMERICAL ORDER)

1998-1665h

Amendment to SB 342

Proposed by the Committee on Finance - C

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

AN ACT relative to capital appropriations for the Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovations to a certain state office building.

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

4 Capital Appropriation to Department of Safety; Projects Sums Combined. Amend 1997, 349:4, II, and the total state appropriation paragraph II, to read as follows:

II. Department of safety

- A. Dover Point Substation addition, [~~\$ 195,000~~]
- ~~B.~~ Warehouse/Epping station [~~\$ 195,000~~] **\$390,000**
- ~~C.~~ **B.** Microwave system upgrade * \$ 500,000

Total state appropriation paragraph II \$ 890,000

5 New Section; Approval of State Agency Leases Exceeding 5 Years; Long Range Capital Planning and Utilization Committee. Amend RSA 4 by inserting after section 39-a the following new section:

4:39-b Approval of State Agency Leases Exceeding 5 Years. Any lease of land, buildings, or space to be used by any state agency, as defined in RSA 21-G:5, III, and which exceeds a term of 5 years, including all options, shall be reviewed and approved by the long range capital planning and utilization committee established in RSA 17-M prior to submission to the governor and council for approval.

6 Department of Administrative Services; Use of Appropriated Funds for Certain State Office Building. The commissioner of administrative services is authorized to expend any unused balance of funds originally appropriated by 1991, 355:115 to be used for the study, design, and necessary renovation of the state office building located in Concord at 61 South Spring Street for state office space. Funds shall not be spent, obligated, or encumbered for renovations until the commissioner submits an action plan for approval by the capital budget overview committee.

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

AMENDED ANALYSIS

This bill:

I. Changes certain capital appropriations to the department of health and human services to be used for the Brown building addition and renovation at the Glencliff home for the elderly.

II. Changes certain capital appropriations to the department of safety for certain projects.

III. Requires approval by the long range capital planning and utilization committee of certain leases by state agencies.

IV. Authorizes certain funds to be used for renovations of the state office building at 61 South Spring Street in Concord.

1998-1473h

Amendment to SB 376

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

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.***

1998-1907h

Floor Amendment to SB 376

Proposed by Rep. Mirski

Amend the bill by replacing section 1 with the following:

1 Prohibition Added. Amend RSA 644:8, IV to read as follows:

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 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.

AMENDED ANALYSIS

This bill provides that a court shall give cases in which animals have been confiscated priority on the court calendar.

1998-1715h

Amendment to SB 437-FN

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

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.

1998-1854h

Amendment to SB 473-FN

Proposed by the Committee on Finance - C

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Registration Process. Amend RSA 170-E:11 by inserting after paragraph VII the following new paragraph:

VIII. Administration and enforcement of the registration process and maintenance of the registry established under RSA 170-E:6-a.

AMENDED ANALYSIS

This bill:

- I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.
- II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.
- III. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.

1998-1906h

Floor Amendment to SB 473-FN

Proposed by Reps. O'Hearn and Kurk - C

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

AN ACT relative to child day care providers and clarifying the procedures for background criminal checks for school employees and volunteers.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 7:

5 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee **and Volunteer** Background Investigations.

I. The employing school administrative unit, school district, or charter school shall complete a background investigation, including a criminal history records check, on every selected applicant for employment ~~[in any position in the]~~ **with, and, by decision of the appropriate governing body, on any designated volunteer position with a** school administrative unit, school district, or charter school prior to a final offer of employment **or acceptance of volunteer services. For the purposes of this section, the governing body of a charter school shall be the governing body of the school district.**

II. The selected applicant for employment with **or a designated volunteer position with** a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history record inquiry through its records and through the Federal Bureau of Investigation. **Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the original criminal records be released to the school administrative unit, school district, or charter school.**

IV. The school administrative unit, school district, or charter school may require the selected applicant for employment **or designated volunteer** to pay the actual costs of the background investigation, including a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravate felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. **By decision of the appropriate governing body, a school administrative unit, school district, or charter school may add any class B felony in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, to the list of crimes to be checked.**

VI. This section applies to any employee ~~[or]~~, selected applicant for employment, **or designated volunteer** with private businesses and agencies, **or volunteer organizations** which contract with school administrative units, school districts, or charter schools to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. It shall be the responsibility of the local school board or other appropriate governing body in every school administrative unit, school district, and charter school in the state to identify the circumstances under which volunteers who are designated as having regular contact with pupils are required to undergo criminal background checks, and formulate an appropriate procedure to govern such circumstances. Such procedure shall be implemented within one year of the effective date of this paragraph.

VIII. The department of safety shall establish a maximum period of time during which criminal records obtained from outside the state as part of such a background investigation may be retained. Under no circumstances shall criminal records obtained from outside the state as part of such a background investigation be kept longer than 6 months after their receipt. Such records shall be destroyed prior to the conclusion of such period.

6 Removal of Criminal Records. Under no circumstances shall any school administrative unit, school district, or charter school which has received any criminal records prior to the effective date of this act retain such records for more than 6 months after the effective date of this act. Such records shall be destroyed prior to the conclusion of this 6-month period.

AMENDED ANALYSIS

This bill:

- I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.
- II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.
- III. Requires the commissioner of health and human services to develop a system of certification for licensed day care agencies that provide greater services, such as preschool education.
- IV. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.
- V. Requires criminal background investigations of all school volunteers designated as having regular contact with pupils and establishes a maximum time period for retaining criminal records used in such background checks.

This bill is a recommendation of the study committee on SB 103 (1997, 64).

1998-1776h

Amendment to SB 483-FN

Proposed by the Committee on Finance - C

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

AN ACT relative to the electronic filing requirement under the meals and rooms tax.

Amend the bill by replacing section 3 with the following:

3 Filing Fee. RSA 78-A:8, V is repealed and reenacted to read as follows:

V. Any operator that does not choose to file electronically shall forfeit any amounts retained pursuant to RSA 78-A:7, III to the department to offset the costs of manual paper filing.

AMENDED ANALYSIS

This bill allows businesses to choose to file their meals and rooms tax returns by mail or by electronic data submission. Those businesses that choose to file by mail shall forfeit any amounts retained as commission to cover the costs of manual paper filing.

1998-1740h

Amendment to SB 504

Proposed by the Committee on Finance - C

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

1 New Section; Members of Predecessor Systems. Amend RSA 100-A by inserting after section 33 the following new section:

100-A:33-a Members of Predecessor Systems. Notwithstanding RSA 100-A:33 or any other provisions of law, any person who is a member of any predecessor system of the New Hampshire retirement system and is currently receiving benefits, or upon that person's retirement, death, disability, or termination, shall, upon the payment of any actuarially determined accrued liability cost, be considered to have been a full member of the New Hampshire retirement system for the entire period of creditable

service in either system and shall receive all benefits to which he or she is entitled as a full member of the New Hampshire retirement system. Any funds made available for payment of such accrued liability cost shall not be a draw on any state funds.

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