

# State of New Hampshire HOUSE RECORD

## Second Year of the 155<sup>th</sup> Session of the General Court Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Wednesday, June 10, 1998 No. 55

Contains: Hearings, Notices, Work Sessions, Committee of Conference Procedures, Reports and Amendments for June 10

### HOUSE CALENDAR

#### NOTICE

##### MEMBERS OF THE HOUSE:

We expect to receive many Senate messages today which will require that we respond quickly. Please review today's Senate calendar for the proposed Senate amendments.

We also expect to take a long lunch break today to allow committees to meet and review Senate amendments or to hold committee luncheons. If the Senate remains in session for an extended period of time today, we will recess with the understanding that we will appoint committees of conference for any additional bills which arrive from the Senate after we recess.

Committees of conference will meet during the next week. June 16 is the deadline for filing committee of conference reports. If you have any questions about process or proposed amendments, please do not hesitate to contact us.

The House will next meet on Thursday, June 18.

Donna Sytek, Speaker

#### NOTICE

There will be a Republican Caucus on Wednesday, June 10th at 9:30 a.m. in Representatives Hall.

Rep. Robert Wheeler, Majority Leader

## NOTICE

There will be a Democratic Caucus on Wednesday, June 10th at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

## CHANGES IN HOUSE DEADLINES

### *House Rule 64:*

*June 10, 1998 - Last day to act on all bills, 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 18, 1998 - Last day to act on Committee of Conference Reports, excluding those related to the Claremont decision.*

*June 22, 1998 - All bills to the Governor, excluding those related to the Claremont decision.*

*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.*

## WEDNESDAY, JUNE 10

## CONSENT CALENDAR

## 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. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill would allow the retirement system to hire two new persons. The Committee felt the addition of new personnel should be addressed through the budget process. Vote 15-0.

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

Rep. Charles L. Vaughn for Finance: This bill, as amended, establishes a revolving loan fund of \$10 million to permit natural gas companies which create and expand intrastate pipelines to obtain financing at reduced interest rates through tax-exempt bonds issued by the Business Finance Authority (BFA). These nonpolluting energy projects will tap into the 30-inch gas pipeline coming into the state from southwestern states, western Canada and from the huge Sable Island gas field off the coast of Nova Scotia. Tax-exempt financing lowers costs for current and future industrial, commercial and residential users of natural gas. Gas utilities requesting loans under the bill would be required to receive applicable local, state and federal permits. Further, these utilities must pass muster with the BFA which would determine credit-worthiness, and terms and conditions of any loan. The Public Utilities Commission also reviews improvements and expansions of pipelines. Finally, Governor and Council must approve loans. The state treasurer indicated that this bill would not adversely affect the state's bonding capacity, as BFA bonds create self-supporting debt. Vote 17-0.

**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. Arthur P. Klemm, Jr. for Finance: This bill deals with fines payable to the Division of Motor Vehicles. The bill would allow the Division of Motor Vehicles to contact the 80,000 default violators that are currently outstanding and notify them that they can now pay their fines by credit card by dialing an 800 number. The Department feels that they will be able to collect on 10,000 of the default warrants which would translate to \$1,500,000 into the General Fund. The bill also changes the name of the DWI Bench Warrant Fund to the Default Bench Warrant Fund. The fund will be funded by the default bench warrant penalty

assessment money and will be used to systematically replace the 66 breath analyzer machines across the state over the next three years. The fund will also be used to reimburse the costs related to law enforcement officials enforcing bench warrants. Vote 16-1.

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

Rep. Kenneth L. Weyler for Finance: The Department of Revenue Administration is attempting to have all meals and rooms tax filers use electronic filing by 2002. This bill exempts filers collecting \$25,000 or less in meals and rooms revenue from losing the 3% administrative fee if they continue to file paper returns. All others collecting revenue above \$25,000 will lose the 3% if they do not file electronically. Since the \$25,000 is a tenfold increase over the original small business exemption, there could be several hundred filers going back to paper filing. This would increase administrative costs at the DRA. The amendment increases their budget by \$33,000 to print new forms, instruction books and hire an additional clerk. Should the level of paper filing not increase substantially, most of this appropriation will not be spent. If a large number of filers, collecting more than \$25,000 each, choose to file by paper and give up the administrative fee, then the tax revenue will increase proportionally. Vote 17-0.

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

Rep. Robert G. Holbrook for Finance: This bill directs the Department of Environmental Services to develop and implement a model for managing the flow of water in the Winnepesaukee River. To aid in the planning of the model, this bill establishes a Winnepesaukee River Watershed Advisory Committee to report annually on the 31st of December. Any implementation shall be certified by the Department of Environmental Services to the General Court and Governor. The estimated \$200,000 cost will be funded in the next biennial capital budget. Vote 17-0.

## SCIENCE, TECHNOLOGY AND ENERGY

**SB 326**, relative to representation and costs in utility rate proceedings. REFER FOR INTERIM STUDY

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill came late in the session. As proposed, the bill would allow intervenors at the Public Utility Commission to recover the costs of intervention at any PUC proceeding. An intervenor could recover costs only if it helped to achieve ratepayer savings and this cost recovery was deemed reasonable by the Commission. During the public hearing several problems were identified in the bill including; (a) that there was no monetary cap, (b) that it applied to any PUC proceeding, (c) that it could create additional regulatory costs and burdens to New Hampshire consumers. Through the interim study process, the committee will determine if this is good public policy and if so, how to implement in a way that protects the interests of all parties that appear before the PUC. Vote 16-0.

**WEDNESDAY, JUNE 10**

**REGULAR CALENDAR**

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**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. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee amendment makes it a misdemeanor to manufacture or sell phony photographic identification cards and increases the penalty to a class B felony for a third or subsequent offense or for a person who is engaged in the business of manufacturing phony identification cards. It is a misdemeanor to possess a phony identification card. A person under the age of seventeen is prohibited from being employed as an entertainer in a cocktail lounge where liquor is sold. Vote 11-0.

## FINANCE

**SB 409-FN**, relative to long-term care and extending the moratorium on new nursing home beds. REFER FOR INTERIM

# STUDY

Rep. William S. Belvin for Finance: This bill addresses the vital concern of long term care primarily for the impoverished elderly and those that are physically disabled or chronically ill. The bill's core objectives are twofold: to provide individuals with choices that serve their needs from among several appropriate alternative levels of care in addition to nursing homes, and to set in place shared state and county financial responsibility based on sustainable and affordable costs. While there was unanimous committee agreement on the bill's concept, the linkages between the broad objectives and actual application to eligible individuals, long term care facilities, counties and the state were the subject of numerous amendments and policy concerns.

It is clear that very few, if any, persons seek nursing home care because of its institutional environment and loss of autonomy. It is also clear that the \$191.6 million of expenditures (FY 1999) in support of these entitled needy persons for nursing home and home nursing care will likely grow with the aging of the state's population. Consequently it is very important that the eligibility requirements, methodologies, and state/county cost share formulas, and their long term consequences, be thoroughly understood and agreeable to all parties if we are to achieve the variety of quality care needed and desired by our elderly at an affordable cost. Given the bill's late arrival in the House, and despite expedited efforts by both the Health and Human Services and Finance committees, the issues involved could not be resolved in the time allowed, and the bill was voted Interim Study. Going forward, both committees will collaborate in the interim study and will begin the effort early in the summer. Vote 17-0.

**SB 475-FN-L**, relative to medicaid reimbursement rates and dental care. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill came to the House dealing with medicaid reimbursement rates for children's dental care. It mandated an increase in the reimbursement rates from 65% to 73% of the "usual and customary charges." The Finance Committee amendment sets up a two-year pilot program for the next biennium and requires the Department of Health and Human Services to report on how effective the higher dentist reimbursements are in increasing the number of children receiving dental care. The estimated cost is \$875,000 in FY 2000 and \$1.3 million in FY 2001.

Two additional issues were added as amendments after public hearings. One amendment deals with significant separation of powers concerns relating to the authority to define eligibility for programs tied to the Federal poverty level. At present, the executive branch may unilaterally expand eligibility for such programs or create new ones, such as the proposed children's health insurance program, setting the stage for higher future appropriations. The Committee believes some legislative participation is required to balance the executive branch's authority, and the amendment requires that any such expansion first be approved by the legislative Fiscal Committee.

The other amendment is an appropriation of \$1,532,500 as the required state match for the Federal funds received as a result of the January 1998 ice, snow and wind storms and their associated damage. Vote 11-6.

# PUBLIC WORKS AND HIGHWAYS

**SB 363-L**, relative to notification to and jurisdiction of municipalities concerning governmental use of property. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Public Works and Highways: This bill as amended is intended to strengthen existing law relative to notification to municipalities regarding government use of property. The bill makes clear that private use of government property does not enjoy the same exemption from local regulation that government uses do. The Public Works & Highways committee amendment specifies lead time required for notification and exempts installation of fiber optics facilities and apparatus in highway and railroad rights of ways. Vote 13-6.

## 1998 House Committee of Conference Procedures

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will concur, non-concur, or request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Speaker generally will appoint members from those committees which have heard the bill. Chairmen will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees. Chairmen should recommend only those members from their policy committees. In the case of a bill which has gone to a policy committee and Finance, one slot is generally reserved on the four member Committee of Conference for a member from the Finance Committee.
- For House bills in Committee of Conference, the House Committee of Conference Chairman shall set the time and place

of the first meeting and shall chair each meeting of the Committee of Conference. Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.(House Rule 43(b)(3))

- The House and Senate Committees of Conference on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments to the bill which are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill.(House Rule 49 (b))
- The sponsor of a bill which is in Committee of Conference shall, upon request, be provided an opportunity to be heard.
- A unanimous vote of both the House and Senate Committees of Conference voting separately is necessary for an agreed upon report to be sent to the House and Senate.
- Reports of all Committees of Conference must be filed with the Office of Legislative Services by the deadline adopted by the House in Rule 64. All Committee of Conference members must sign all Committee of Conference reports in the Office of Legislative Services.
- The first-named House member on all bills in Committee of Conference must prepare an analysis of the report for printing in the House Calendar. This statement should contain a complete explanation of all changes made to the bill since it was passed by the House. This will be submitted to the House Clerk's Office for printing in the calendar.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day.
- A Committee of Conference report on either a House or Senate bill may be placed on the Consent Calendar only upon a unanimous vote of all House conferees.(House Rule 49 (d)).

## 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 1103**, relative to the state representative districts and towns. (Reps. Arnold, Horton, J. Clemons and Gibbons)

**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; Sens. Roberge, K. Wheeler and Danaïs)

**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. (Reps. Mock, Nowe, Carlson and Rollo)

**HB 1205**, making technical corrections to the securities laws. (Reps. Lindblade, W. McCarthy, Mittelman and Klemm)

**HB 1234-FN**, establishing an office of volunteerism. (Reps. M. Dyer, Thulander, Stickney and Gile; Sens. Barnes, Roberge and Whipple)

**HB 1291**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. **HOUSE AND SENATE ADOPTED REPORT 6/4/98**

**HB 1339**, regulating the sale by mail of liquor, wine, and beer. (Reps. F. Torr, Klemm, R. Kelley and Pantelakos; Sens. Blaisdell, Danaïs and F. King)

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. (Reps. Henderson, Dearborn, Luebker and Guest)

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Reps. Pfaff, Keans, Kurk and Wall)

**HB 1384**, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Reps. Klemm, Alukonis, Holbrook and Lynch; Sens. Barnes, Danaïs and Hollingworth)

**HB 1430**, relative to political expenditure limitation amounts. **HOUSE AND SENATE ADOPTED REPORT 6/4/98**

**HB 1448**, relative to confidential communication between victims and counselors. (Reps. Lyman, Sargent, C. Wiggins and Knowles; Sens. Gordon, Pignatelli and D. Wheeler)

**HB 1501**, relative to amending certain provisions of the charter school law. (Reps. Belvin, O'Hearn, Durham and Snyder; Sens. Rubens, Francoeur and Whipple)

**HB 1514**, setting the biennial rate for the medicaid enhancement tax. (Reps. Weyler, Nichols, Dowd and P. Dwyer; Sens. Blaisdell, F. King and Fraser)

**HB 1517**, establishing a fund for dredging to maintain harbors in New Hampshire. (Reps. G. Chandler, Kurk, Klemm and Vaillancourt)

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life. (Sens. Francoeur, D. Wheeler and Whipple)

**SB 73**, providing the telecommunications poles and lines be subject to the property tax. (Sens. F. King, Gordon and Blaisdell)

**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; Reps. J. Brown, Richardson, Pfaff and Dowling)

**SB 205**, establishing a special school district to provide special education eligible inmates in the state prison system. (Sens. Gordon, McCarley and Francoeur)

**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; Reps. A. Torr, Flanagan, Langley and Buckley)

**SB 339**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor. (Sens. Fraser, F. King and Larsen)

**SB 344**, clarifying requirements regarding certain trusts. (Sens. Fraser, K. Wheeler and Gordon)

**SB 353**, relative to official ballot procedures. (Sens. Rubens, Whipple and Roberge)

**SB 397**, relative to the composition of the pharmacy board. (Sens. Danaïs, J. King and Francoeur; Reps. Goulet, Stickney, Sapareto and Gile)

**SB 400**, relative to withdrawal of a school district from an area district. (Sens. Johnson, Rubens and K. Wheeler)

**SB 421**, relative to timber harvesting and penalties for timber trespass. (Sens. Gordon, Francoeur and Whipple)

**SB 429**, relative to the confidentiality of drivers' motor vehicle records. (Sens. Roberge, Gordon and Whipple)

**SB 451**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. (Sens. Rubens, Francoeur and McCarley)

**SB 502**, allowing federal judges to perform marriages after obtaining a special license. (Sens. Roberge, Francoeur and Whipple)

**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 Nonconcurrent; 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 Nonconcurrent; C-of-C 4/10/98)

**HB 485**, relative to limited electrical energy producers. (House Concurred 6/4/98)

**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. (House Nonconcurrent; 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 Nonconcurrent; C-of-C 5/7/98)

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

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. (SJ 18)

**HB 583**, relative to felonious disarming of a law enforcement officer. (SJ 18)

**HB 587**, relative to the system benefits charge. (SJ 18)

**HB 630**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. (SJ 17)

**HB 651**, relative to electric rate reduction financing. (SJ 18)

**HB 676**, relative to the distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner. (SJ 17)

**HB 686**, relative to financing day care facilities. (SJ 18)

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

**HB 707**, relative to municipal taxation of telecommunications poles and conduits. (House Nonconcurrent; C-of-C 5/20/98)

**HB 730**, relative to aggravated felonious sexual assault. (SJ 18)

**HB 798**. Relative to the regulation of health clubs. (SJ 17)

**HB 1100**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999. (SJ 18)

**HB 1103**, relative to the state representative districts and towns. (House Nonconcurrent; C-of-C 5/28/98)

**HB 1109**, allowing prepayment of property taxes before April 1. (House Concurred 6/4/98)

**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. (House Concurred 5/28/98)

**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 Nonconcurrent; 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 1129**, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. (House Concurred 6/4/98)

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

**HB 1141**, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. (SJ 18)

**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 1174**, establishing a committee to study the state substance abuse treatment delivery system and relative to certain tests for alcohol concentration. (SJ 18)

**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. (House Concurred 5/28/98)

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

**HB 1191**, relative to limiting the liability of governmental units under certain circumstances. (SJ 18)

**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. (House Nonconcurred; C-of-C 6/4/98)

**HB 1205**, making technical corrections to the securities laws. (House Nonconcurred; C-of-C 5/28/98)

**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 1217**, relative to balancing the operating budget. (SJ 18)

**HB 1221**, relative to the acceptance of personal property donated to towns or village districts. (House Concurred 5/28/98)

**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. (House Concurred 6/4/98)

**HB 1226**, creating the educational credential of master teacher. (House Concurred 6/4/98)

**HB 1234-FN**, establishing an office of volunteerism. (House Nonconcurred; C-of-C 5/28/98)

**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. (House

Concurred 5/28/98).

**HB 1245**, relative to the management of New Hampshire retirement system funds by the board of trustees. (House Concurred 5/28/98)

**HB 1279**, relative to the procedures for vacating unthinkable or unsafe buildings. (House Concurred 6/4/98)

**HB 1291**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (House Nonconcurrent; C-of-C 5/28/98)

**HB 1295**, relative to reimbursing the state medical assistance program. (House Concurred 5/28/98)

**HB 1298**, requiring health care providers to wear identification. (House Concurred 5/28/98)

**HB 1307**, relative to penalties for habitual offenders. (SJ 17)

**HB 1314**, relative to enforceable provisions in retail installment contracts for motor vehicles. (House Concurred 6/4/98)

**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 1338**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution. (SJ 18)

**HB 1339**, regulating the sale by mail of liquor, wine, and beer. (House Nonconcurrent; C-of-C 5/28/98)

**HB 1347**, preserving relationships between siblings who are separated as a result of court ordered out-of-home placements. (House Concurred 5/28/98)

**HB 1361**, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (House Concurred 5/28/98)

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. (House Nonconcurrent; C-of-C 6/4/98)

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (House Nonconcurrent; C-of-C 5/28/98)

**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. (House Nonconcurrent; C-of-C 5/28/98)

**HB 1389**, relative to agreements for telecommunications-related uses of the state highway system. (SJ 18)

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

**HB 1411**, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers and establishing the individual health insurance market mandatory risk sharing plan. (House Concurred 6/4/98)

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

**HB 1424**, relative to filling a vacancy in the position of a county officer. (SJ 17)

**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. (House Nonconcurrent; C-of-C 6/4/98)

**HB 1444**, requiring a special primary for all parties if there are at least 2 candidates for election from one party. (House Concurred 6/4/98)

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

**HB 1455**, relative to the publication of administrative rules. (SJ 18)

**HB 1459**, relative to the specificity of administrative rules and the identification of state and federal law in the rulemaking process. (SJ 18)

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

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (SJ 17)

**HB 1493**, relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings. (House Concurred 5/28/98)

**HB 1496**, relative to energy facility evaluation. (House Concurred 6/4/98)

**HB 1498**, authorizing emergency medical care providers to inform patients of transport options. (House Concurred 5/28/98)

**HB 1501**, relative to amending certain provisions of the charter school law. (House Nonconcurrent; C-of-C 5/28/98)

**HB 1513**, relative to vehicle emissions control equipment and testing. (House Concurred 5/28/98)

**HB 1514**, setting the biennial rate for the medicaid enhancement tax. (House Nonconcurrent; C-of-C 5/28/98)

**HB 1516**, requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children. (SJ 17)

**HB 1517**, establishing a fund for dredging to maintain harbors in New Hampshire. (House Nonconcurrent; C-of-C 5/28/98)

**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. (House Concurred 5/28/98)

**HB 1540**, allowing non-banks to establish cash dispensing machines. (SJ 18)

**HB 1553**, prohibiting the possession or use of rohypnol, ketamine, and GHB. (SJ 18)

**HB 1562**, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (House Concurred 5/28/98)

**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 1636**, relative to the executive director of fish and game and the fish and game commission. (SJ 18)
- HB 1657**, extending the consultant's reporting date for surveying the department of youth development services' facilities. (SJ 18)
- HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities. (House Concurred 5/28/98)
- HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. (SJ 18)
- 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**

**WEDNESDAY, JUNE 10**

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

1:00 p.m. Full committee work session on comparative risk. (Or at the conclusion of the House session)

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

9:00 a.m. Regular meeting.

**THURSDAY, JUNE 11**

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

10:00 a.m. Full committee will meet in committee room to leave for a tour of Souther's Orchard in Concord.

**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**

1:30 p.m. Rescheduled regular meeting.

**TUESDAY, JUNE 16**

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

9:30 a.m. Joint work session of the sludge and hazardous waste subcommittees.

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

9:00 a.m. Regular meeting.

**JUDICIARY AND FAMILY LAW, Room 208, LOB**

10:00 a.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, ***HB 1390***, adopting a drug dealer liability act and ***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.

**FRIDAY, JUNE 19**

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

8:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

**THURSDAY, JUNE 18**

**FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB (Please note date change.)**

9:00 a.m. Regular business.

**MONDAY, JUNE 22**

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

9:00 a.m. Rescheduled regular meeting.

**TUESDAY, JUNE 23**

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Whittier House Restaurant, Route 16B, Ossipee**

6:00 p.m. Public forum on negotiations and other labor laws.

**WEDNESDAY, JUNE 24**

**LOCAL AND REGULATED REVENUES, Room 206, LOB**

1:30 p.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.

**MONDAY, JUNE 29**

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

9:30 a.m. Regular meeting.

**MONDAY, JULY 13**

**BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB**

2:00 p.m. Public hearing.

**FRIDAY, JULY 17**

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

9:00 a.m. Regular meeting.

**MONDAY, JULY 20**

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

9:30 a.m. Regular meeting.

**OFFICIAL NOTICES**

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, 1075, 1100, 1115, 1121, 1138, 1141, 1189, 1193, 1211, 1224, 1259, 1280, 1284, 1291, 1298, 1300, 1303, 1328, 1330, 1331, 1336, 1337, 1338, 1339, 1350, 1354, 1371, 1374, 1377, 1384, 1387, 1396, 1399, 1400, 1456, 1473, 1490, 1509, 1513, 1515, 517, 1541, 1543, 1545, 1555, 1573, 1575, 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

Norma A. Sabella, 4 Birchwood Drive, Derry, New Hampshire 03038-3937

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.

\*\*\*\*\*

Legislators are encouraged to submit nominations for the Parents of the Year award. One couple from each of the 13 regions will be honored at a reception in Washington, DC by the Parents Day Foundation at which many Congressmen and a representative of the President will participate. Last year, Beaver and Claire Jutras of Peterborough were chosen as the regional winners and as the national winners. The Jutrases have said the reception and the other events have made this an unbelievable year for them. The parents chosen this year will again be role models of excellent parenting. For more information or for nomination materials, please contact Rep. Gene Gagnon (666-4097) or Rep. Bud Luebker (647-1851).

Rep. Bernard J. Luebker

\*\*\*\*\*

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 and Wednesday, June 24th. 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

\*\*\*\*\*

Manchester City Democrats will present a Flag Day Celebration, a tribute to former Chair C. Arthur Soucy on Friday, June 19 at 7:00 p.m. at the Chateau Restaurant, 201 Hanover Street. Tickets for the reception are \$30; \$100 for a pre-reception cocktail party. For tickets contact Rep. Raymond Buckley at 668-7151.

Rep. Steve Vaillancourt

\*\*\*\*\*

The Concord Democratic delegation cordially invites members of the NH Senate and House of Representatives to a reception for Mary Rauh, candidate for US Congress 2nd District to be held Tuesday, June 23, 4:30 to 6:00 p.m. at Hermanos Cocina Mexicana Restaurant, 11 Hills Avenue (corner of Storrs Street) Concord. Donation \$15 per person. Please contact Rep. Toni Crosby.

Rep. Toni M. Crosby

\*\*\*\*\*

Former Governor Stephen and Heather Merrill will host Tom Colantuono at the Alpine Club, 165 Putnam Street, Manchester, on Wednesday, June 24 from 6:00 to 9:00 p.m. Tickets \$20 per couple. For tickets please contact Reps. Don White or Loren Jean.

Rep. Donald B. White

\*\*\*\*\*

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 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 16               | Hillsborough County #2 - Nashua Public Library<br>2 Court Street, Nashua | 10:00 a.m. |
| June 18               | Rockingham County - Exeter Town Hall<br>10 Front Street, Exeter          | 10:00 a.m. |
| June 23               | Belknap County - Laconia City Hall<br>45 Beacon Street East, Laconia     | 10:00 a.m. |
| June 23               | Merrimack County - Concord City Council<br>35 Green Street, Concord      | 2:00 p.m.  |
| June 25               | Strafford County - Dover City Hall<br>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 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

| DATE | TIME          | GROUP                                 | CLASS/Size |
|------|---------------|---------------------------------------|------------|
| 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     |

WEDNESDAY, JUNE 10

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-1899h

Amendment to SB 324-FN

Proposed by the Committee on Criminal Justice and Public Safety

Amend the bill by replacing all after the enacting clause 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.*

~~[H.]~~ *III.* No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under 17 years of age in a cocktail lounge where liquor or beverages are sold.

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

~~[HV.]~~ *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.

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

2 New Section; Manufacture, Sale, and Possession of False Identification. Amend RSA 179 by inserting after section 61 the following new section:

179:62 Manufacture, Sale, and Possession of False Identification.

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:

(a) A misdemeanor.

(b) A class B felony if such person has had 2 or more prior convictions in this state or another state for the conduct described in this paragraph.

(c) A class B felony if such person is engaged in the business of manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered photographic identification cards in violation of this paragraph.

II. In this section, "engaged in the business" means manufacturing, selling, advertising for sale, soliciting orders for, delivering,

or causing to be delivered 5 or more photographic identification cards in violation of paragraph I.

III. No person shall possess a 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 card holder. Any person who violates this paragraph shall be guilty of a misdemeanor.

IV. 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.

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

#### AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in dining rooms licensed to sell liquor to sell liquor from 17 to 15 years, with the exception that dancers must be 21. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

1998-2030h

#### Floor Amendment to SB 324-FN

#### Proposed by Reps. Hess and David Welch

Amend RSA 179:19, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

*(a) "Dancer" means a person or a group of people who, with or without compensation, move their feet, or body, or both, to the accompaniment of music in a premises 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 who, with or without compensation, performs in a premises licensed to sell alcoholic beverages. "Entertainer" shall not include a "dancer" as defined under subparagraph I(a).*

1998-2070h

#### Amendment to SB 363-LOCAL

#### Proposed by the Committee on Public Works and Highways

Amend RSA 674:54, II as inserted by section 2 of the bill by replacing it with the following:

II. The state, university system, county, town, city, school district, or village district shall give written notification to ***the governing body and planning board, if such exists, of*** a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, ~~and~~ explanations of proposed changes available at the time, ***a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction.*** ~~[A] Either the governing body or planning board of the~~ municipality ~~[or its designated land use board]~~ may conduct a public hearing relative to the proposed governmental use. ~~[If the municipality chooses to hold a hearing, the]~~ ***Any such*** hearing shall be held within 30 days after receipt of notice by the ~~[municipality]~~ ***governing body or planning board.*** A representative of the governmental entity which provided notice shall be available to present the plans, specifications, ~~or~~ ***and construction schedule, and to provide*** explanations. The ~~[municipality shall provide]~~ ***governing body or planning board may issue*** nonbinding written comments relative to conformity ***or nonconformity of the proposal*** with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

Amend RSA 674:54, III as inserted by section 2 of the bill by replacing it with the following:

III. This section shall not apply to:

**(a)** The layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision approval under this title. ***For purposes of this subparagraph, "transmission apparatus" shall not include wireless communication facilities.***

**(b)** ***The erection, installation, or maintenance of poles, structures, conduits and cables, or wires in, under, or across any public highways under RSA 231, or licenses or leases for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communications facilities.***

1998-1924h

## Amendment to SB 427-FN

### Proposed by the Committee on Finance

Amend the bill by replacing section 4 with the following:

4 New Section; Public Safety and Welfare; Business Finance Authority Revenue Bonds; Intrastate Energy Pipeline Facility Revolving Loan Fund. Amend RSA 162-I by inserting after section 3-a the following new section:

162-I:3-b Intrastate Energy Pipeline Facility Revolving Loan Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the intrastate energy pipeline facility revolving loan fund which shall be kept separate and distinct from all other funds. Moneys in the fund shall be nonlapsing and shall be continually appropriated to the authority, and shall be used to provide loans for the construction of intrastate energy pipeline facilities in the state in order to increase the state's ability to meet the energy needs of its citizens and businesses at the lowest reasonable cost, while providing for the reliability and diversity of energy sources. The intrastate energy pipeline facilities shall be eligible for the revolving funds upon the operator receiving all applicable local, state, and federal permits. Loans provided to operators of intrastate energy pipeline facilities shall be approved by the governor and council.

II. The operator of the intrastate energy pipeline facility provided a loan under this section shall furnish assurance to the authority by a signed agreement that the facility intends to operate as an intrastate energy provider for the life of the capital improvement for which the funds are loaned.

III. The operator of the intrastate energy pipeline facility shall repay any loan made pursuant to this section upon such terms and conditions as are required by the authority. The term of the loan shall be no less than 5 years and no longer than 20 years, and shall to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the intrastate energy pipeline facility and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan. The authority shall execute all such binding agreements on behalf of the state. All money received through reimbursement shall be deposited by the state treasurer in the intrastate energy pipeline facility revolving loan fund.

IV. In addition to such other terms and conditions that the authority may impose with regard to collateral for a loan, a lien on the property and equipment of the operator of the intrastate energy pipeline facility, including the improved property or equipment, shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the intrastate energy pipeline facility. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supersede any pre-existing lien created by a mortgage, bond indenture, or similar form of security instrument affecting such property. The lien shall expire only when the loan has been fully repaid.

V. To provide funds for the revolving loan fund established pursuant to this section, the state treasurer, as may be requested from time to time by the authority, is authorized to borrow from time to time upon the credit of the state such amounts so that the aggregate principal amount of the bonds outstanding at any time shall not exceed \$10,000,000 and for said purposes may issue bonds and notes at such time in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The authority shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied from sums in the fund established in paragraph I.

- VI. The payments of principal and interest on the bonds issued under paragraph V shall be made when due from the special fund established by paragraph I.
- VII. While the authority shall administer the fund as set forth in this section, and shall have the authority to charge borrowers to whom funds are loaned a fee to reimburse the authority for the services provided by it and costs incurred by it, the authority shall have no financial responsibility for the bonds issued under this section, said bonds being the obligation of the state as set forth in this section.
- VIII. The operator of the intrastate pipeline facility shall reimburse the state treasurer for any expenses incurred in connection with the issuance of bonds under this section.
- IX. 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.

1998-2033h

**Amendment to SB 440-FN-LOCAL**  
**Proposed by the Committee on Finance**

Amend RSA 502-A:19-b, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) A person arrested pursuant to this section shall be given the option to pay the outstanding fine and fees in full to a bail commissioner. Upon such payment, the matter shall be deemed closed, and the civil bench warrant vacated. All payments received by bail commissioners pursuant to this section shall be transmitted to the court or the division of motor vehicles within 5 business days. The bail commissioner shall be entitled to a fee for services as set forth in RSA597:20.

1998-2034h

**Amendment to SB 475-FN-LOCAL**  
**Proposed by the Committee on Finance**

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

AN ACT relative to medicaid reimbursement rates and dental care, relative to eligibility levels for certain programs, and making an appropriation to the office of emergency management.

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

- 1 Intent. The legislature finds that it is the state's responsibility to ensure that the greatest number of children possible receive adequate dental care. Therefore, this act provides that, as of July 1, 1999, the medicaid reimbursement rates for dental services to children shall be not less than 73 percent of the usual and customary charges for such services.
- 2 Medicaid Reimbursement. For the period of July 1, 1999 through June 30, 2001, medicaid reimbursement rates for dental services to children shall be not less than 73 percent of the usual and customary charges for such services.
- 3 Funding; Department of Health and Human Services. The department of health and human services shall include in its next biennial budget the costs of funding medicaid reimbursement rates for dental services to children at not less than 73 percent of the usual and customary charges for such services.
- 4 Report. The department of health and human services shall, on or before January 1, 2001, submit a report to the governor, the senate president, and the speaker of the house which analyzes the effect of the percentage increase in section 2 of this act on the number of children who participate in the dental care program. This report shall include, but not be limited to, identifying barriers to participation by children in the medicaid reimbursed dental care program and recommending approaches to address those barriers in future programs or legislation.
- 5 New Section; Eligibility Levels. Amend RSA 126-A by inserting after section 5 the following new section:
- 126-A:5-a Eligibility Levels. Notwithstanding RSA 126-A, RSA 167 or any other provision of state law to the contrary and to the

extent allowed by federal law, percentage eligibility levels under any new and existing programs administered by the department of health and human services or any other department which are partially or fully funded by state general funds and which are tied to the federal poverty guidelines as set by the United States Department of Health and Human Services shall not be raised from their levels as approved by the federal government as of May22,1998 without the prior approval of the legislative fiscal committee.

6 Appropriation; Emergency Management. The sum of \$1,532,500, of which \$250,000 shall be a charge against the highway fund, for the biennium ending June 30, 1999, is hereby appropriated to the office of emergency management to provide a state match for federal funds received as a result of damages sustained from severe ice storms, high winds, and snow in the month of January1998. This appropriation shall be in addition to any other sums appropriated to the office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

7 Repeal. Sections 1-4 of this act, relative to the medicaid reimbursement rate for dental services to children and a report, are repealed.

8 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 1999.

II. Section 7 of this act shall take effect June 30, 2001.

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

#### AMENDED ANALYSIS

This bill requires medicaid reimbursement rates for dental service for children to be at least 73 percent of the usual and customary charges for such services for the period of July 1, 1999 to June30, 2001.

This bill freezes eligibility levels for certain programs.

This bill also makes an appropriation to the office of emergency management to match federal funds received as a result of January 1998 storms.

1998-2008h

#### Amendment to SB 483-FN

#### Proposed by the Committee on Finance

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

AN ACT exempting certain businesses from the electronic filing requirement under the meals and rooms tax and making an appropriation therefor.

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

4 Appropriation. The sum of \$33,000 is hereby appropriated to the department of revenue administration for the fiscal year ending June 30, 1999, for the purposes of this act. Such sum shall be in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant out of any moneys in the treasury not otherwise appropriated.

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

#### 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. Businesses with under \$25,000 in meals and rooms taxable revenue in the prior calendar year shall be exempt from the forfeiture.

The bill also make an appropriation to the department of revenue administration.

