

State of New Hampshire HOUSE RECORD

**First Year of the 156th Session of the General Court
Calendar and Journal of the 1999 Session**

Web Site Address: www.state.nh.us

Vol. 21 Concord N.H. Friday, March 12, 1999 No. 26

Contains: Public Hearings, Work Sessions, Notices and Reports and Amendments for March 18

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on Thursday, March 18. In addition to the regular calendar we will take up a proposal offered by the House Rules Committee to amend the deadlines by setting April 1 as the last day to amend the rules by a majority vote.

Future sessions are planned for March 25 and April 1.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, March 18 at 9:00 a.m. in Rooms 201-203, Legislative Office Building.

Rep. Gene G. Chandler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, March 18 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

HOUSE DEADLINES

House Rule 64:

December 15, 1998, Tuesday

Last day for all members to file LSR's, with complete information.

January 11, 1999, Monday

Last day for sign-off of all Claremont-related bills.

January 25, 1999, Monday

Last day for sign-off of all non-Claremont-related bills.

March 11, 1999, Thursday

Last day to amend House rules by majority vote.

THURSDAY, MARCH 18

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 260-FN-A, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Irene A. Pratt for Children and Family Law: The committee was concerned with the establishment of a new marital commission pilot program at a time when the Family Court Pilot Program is in implementation stages. It appeared to represent a duplication of effort. The Family Court Pilot Model evaluations have documented financial and human cost benefits. Vote 15-0.

HB 324, repealing certain grounds for granting a divorce for cause. OUGHT TO PASS

Rep. Julie M. Brown for Children and Family Law: This bill repeals certain grounds for divorce. The four grounds are already covered in RSA 458:7 IX. Vote 13-3.

HB 405-FN, relative to the definition of "placement cost" with regard to services for children, youth, and families provided by the department of health and human services. RE-REFER TO COMMITTEE

Rep. Karen K. Hutchinson for Children and Family Law: The committee believes that the additional time provided in the re-refer process would allow the committee to investigate the mechanism and adequacy of funding with regards to the existing programs before acting on this bill. Vote 19-0.

HB 420, relative to orders for spousal support in domestic relations cases. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Stuart Gile for Children and Family Law: This bill amends current domestic relations law by clarifying that if either spouse is living apart from the other without justifiable cause or deserts the other, the court may issue orders for relief to either spouse, and allows for an attachment of either spouse's property to enforce a court order for spousal support. Vote 17-0.

HB 622, relative to a school district's duty to provide education. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Children and Family Law: The committee felt this bill might prevent a number of children from completing their education. The Education Committee studied this issue extensively last session and arrived at a similar conclusion. Vote 16-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 357, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders. OUGHT TO PASS

Rep. William J. McCarthy for Criminal Justice and Public Safety: This bill is the result of earlier concerns expressed in the House and is the product of a committee set up to investigate what is perceived by many to be unfair and unequal treatment of sex offenders and their alleged victims. The subcommittee isolated seven areas: videotaping, access of records, requirement of admission of guilt, sentencing, lack of corroboration and parole protocols as vital areas for further more comprehensive study. Vote 20-0.

HB 513, relative to approved permissible fireworks. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill authorizes the sale of certain permissible fireworks for public use in those towns that do not prohibit such backyard activity. These items have been tested and approved by House and Senate. This is another year that this committee has failed to submit this list to the administrative rules committee in a timely fashion. This list will make available these additional items in time for our summer season. New Hampshire has noticed a decline in fireworks injuries as a result of the intensive inspection of these fireworks. By allowing "safe and sane" fireworks to be available to our citizens, the illegal dangerous items that injure and maim (black market items) have largely disappeared from our state resulting in no serious injuries during the last season. Vote 19-0.

EDUCATION

HB 250, relative to authorized regional enrollment area schools OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee for Education: This bill corrects a problem not addressed in last year's legislation and changes the time period from 120 days to 180 days for an AREA school to submit a report to withdraw to the State Board of Education. The amendment changes the period to a minimum of 10 years during which an AREA plan shall remain valid. The legislation also addresses the obligations of bonds issued in the school district. Vote 18-0.

HB 304, relative to the confidentiality of criminal history records checks. RE-REFER TO COMMITTEE

Rep. Phil Weber for Education: The members agree that discussion of a range of offenses is needed to do a criminal history check in the schools. The committee will, in addition, be working with the Dept. of Safety and the Criminal Justice Committee to pass a bill, which will fulfill the objectives of the intent, which is to insure the safety of the pupils in our schools. Vote 18-0.

ELECTION LAW

HB 78, relative to candidates for office who are also moderators or town clerks. OUGHT TO PASS WITH AMENDMENT

Rep. Natalie S. Flanagan for Election Law: The Committee felt that there should be an even playing field. Having the moderator running for another elected position and working at the polls would give him or her an unfair advantage. Vote 12-0.

HB 292, relative to ballot procedures for constitutional amendments. OUGHT TO PASS WITH AMENDMENT

Rep. Janet S. Arndt for Election Law: The Committee unanimously agreed that all constitutional questions, including the text of the article of the constitution as it is proposed to be amended and the printed explanation to the questions, must be approved by the policy committees in the House and Senate, which passed them. Vote 12-0.

ENVIRONMENT AND AGRICULTURE

HB 52, exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas. RE-REFER TO COMMITTEE

Rep. Kenneth R. Marshall for Environment and Agriculture: The Committee would like to have time to work with the Division of Forests and Lands to see if it is possible to solve the sponsors' problem without passing legislation. Vote 19-0.

HB 288, relative to the committee to study land management, protection of farmland, rural character, environmental quality

and sprawl. OUGHT TO PASS

Rep. John G. Tuthill for Environment and Agriculture: This bill increases the membership of the Land Use Management and Farmland Preservation Study Committee, authorizes the Committee to monitor progress of state action to avoid "sprawl," and extends the reporting date to November 1, 2000. Vote 17-1.

HB 291, establishing a study committee for seed sterilization technology or "terminator" technology. OUGHT TO PASS

Rep. Derek Owen for Environment and Agriculture: As the title of the act suggests, sterilization of "terminator" technology for seeds may seriously alter or affect our food production system. Bio-diversity has gone on for centuries and biotechnology tampers with the propagation of life itself. Under the auspices of increased food production for the third world, this requires gathering more information to forgo any unfair advantages being taken by privileged individuals/corporations. One recent example is certain Canadian farmers being sued for violating contracts in handling their seed. Another area is the need for information regarding transfer of genes within species. Vote 18-1.

HB 310, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. RE-REFER TO COMMITTEE

Rep. George T. Musler for Environment and Agriculture: In the view of the Committee, this bill was deemed insufficient to do the job intended. Further examination is needed and therefore the bill is re-referred to committee. Vote 18-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 85, relative to statements of financial interests for certain board and commission members. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill addressed the yearly submittal of "financial disclosure statements" to the secretary of state's office. It calls for the removal of all members of executive branch boards, councils and commissions should they not turn in their financial statements yearly. The committee applauds the over 700 community spirited citizens serving on these committees and felt removal was too extreme for a procedure deficiency. Vote 13-3.

HB 275-FN, providing that the deputy adjutant general shall serve as the director of emergency management and funds for emergency management shall be appropriated to the adjutant general. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will place the deputy adjutant general in charge of the emergency management functions and transfer their funds to the adjutant general. The committee felt that the present office of emergency management is functioning very well as a coordinator of planning, mitigating and coordinating emergency situations. The office of emergency management is a coordinator while the adjutant general's office would be a provider of assistance in time of a declared emergency. The committee feels that functions of coordination and providing assistance should remain separate. The office of emergency management and the adjutant general's office are both under the direct control of the governor but the committee received no input from the office of the governor as to the advantage of this change. The office of emergency management, by its organizational structure, is better suited to interact when emergencies are declared by the governor and by the president. Vote 16-0.

HB 352-FN, relative to including persons practicing as sports trainers in the regulation of athletic trainers. INEXPEDIENT TO LEGISLATE

Rep. Dana L. Landers for Executive Departments and Administration: The committee felt that because athletic trainers are such a different class altogether from sports trainers, that by allowing sports trainers to be categorized within the same licensure as athletic trainers could lead to serious consequences because of the vast differences in educational and experience requirements. Vote 16-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 206, relative to restrooms in restaurants OUGHT TO PASS WITH AMENDMENT

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The intent of this bill, as amended by the committee, is to give the Commissioner of Health and Human Services the authority to waive requirements for toilet facilities in establishments where food is served. This would be for good cause shown, provided the business is unable to comply because of

zoning requirements or historic site restrictions or the applicant can show the law would cause substantial hardship. The Health and Human Services committee supports this sensible, public health policy. Vote 14-0.

HB 307, establishing a committee to study the shared risk when patients decide to remain in a facility over the recommendations of the department of health and human services. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill establishes a committee to study a newly emerging issue of negotiated risk agreements between providers and elderly residents who may need a higher level of support than can be routinely provided. The committee made several editorial changes, including using the preferred term "negotiated risk agreements". Vote 14-0.

HB 415-FN, establishing a registry for brain and spinal cord injuries. INEXPEDIENT TO LEGISLATE

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The committee acknowledges that compelling testimony was presented by several constituencies supporting more and more appropriate services for this particular population. The total needs are unknown, but are no doubt substantial. Some of the needs are already being met by existing programs, but a registry alone would not seem to be an adequate answer at this time. Vote 14-0.

HB 452, relative to patients' rights. INEXPEDIENT TO LEGISLATE

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The subcommittee studying HB 452, as well as the full committee, felt that the issue of shared risk was too complex to be solved by this amendment to RSA 151:21,V. The prime sponsor agreed this whole issue should be further studied, as proposed in HB 307. Vote 14-0.

JUDICIARY

CACR 1, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary: The committee is concerned because this bill has the effect of blurring the separation of powers. Just as the legislature sets and adopts its own rules, the court proposes and adopts its rules for the conduct of business within the court system. There are many people who are angry with particular rulings passed by the court. That feeling is often confused with rules. Chief Justice Brock has testified to the committee that he has a panel working on areas in which the court has had complaints. The intention is for more "sunshine" in the process. Vote 13-2.

CACR 2, relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee. RE-REFER TO COMMITTEE

Rep. Dennis J. Withee for Judiciary: Because this bill creates a shift in the balance of power between the legislative and judicial branches, the committee concluded that it deserves careful and thorough consideration. It is the committee's intent to study both CACR 1 and CACR 2 in the re-referral as both bills cover related subject matter. Specifically, CACR 2 requires that rules be reviewed and approved by a special legislative committee. Vote 14-1.

HB 53, establishing a process for reviewing judges. RE-REFER TO COMMITTEE

Rep. Robert H. Rowe for Judiciary: The committee has several bills before it that relate to major matters of judicial reform. Because of complexity of the bills and subject matter, including constitutional issues, the committee felt that referral justified a comprehensive study recommendation. Vote 14-1.

HB 259-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 \$5,000. INEXPEDIENT TO LEGISLATE

Rep. Tony F. Soltani for Judiciary: The committee is of the strong opinion that administrative hearings and proceedings must provide a fair quorum. The bill highlights an area which needs careful and detailed attention. However, there may be too many unintended adverse consequences. The actual and perceived fairness of the administrative proceedings should be reviewed on an agency-by-agency basis. The proper potential remedy may include upgraded rules or perhaps a right to a jury trial. Vote 13-1.

HB 270, relative to persons not competent to stand trial. OUGHT TO PASS WITH AMENDMENT

Rep. Tony F. Soltani for Judiciary: This bill allows up to sixty days (60) for the department of corrections to examine and make a determination as to whether a defendant is competent to stand trial. If the department determines the person to be incompetent, the Division of Mental Health Services will have thirty (30) days to ascertain whether the person meets the criteria for an involuntary admission to the New Hampshire Hospital. Previously, the Department of Corrections had ninety (90) days, but the Division of Mental Health was not allocated anytime, under the law, to conduct its examination. This bill is intended to remedy that dilemma. Vote 16-0.

HB 278, relative to scheduling of district court sessions. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary: This bill was the product of an interim study during the last session of the legislature. The purpose of the bill is to expand court days and hours so as to be more convenient to the public. Many citizens must lose a day's pay to attend a court session. The bill has been established to meet this need at no additional expense to the court system by allowing the administrator of the district courts to establish flexible court hours including night court, if warranted. The bill also mandates that the administrative judge of the district courts report annually on the progress of implementing this law. Vote 14-1.

HB 515, extending the indemnification of persons providing clinical services to the department of health and human services. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary: The committee believes this system of indemnification of medical personnel at the NH State Hospital is very advantageous to the state. Since the closing of the old state facility, New Hampshire leads the nation in treatment of the mentally ill. This is in part due to the contract with the Dartmouth Medical School and its provision of state-of-the art care. The state is able to save approximately \$800,000/year in its contract with the medical center because while on state duty personnel are indemnified just like other state employees. Vote 13-0.

HB 612-FN, relative to compensation paid to jurors. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary: This bill would raise jurors' compensation from \$10 a half day to \$20. Prior to 1991 (and the budget crunch), it was \$15. The juror pool has been expanded with recent changes in the law. More and more self-employed, parents needing day care, and individuals working in small companies are being called to serve. This small increase is still a token for their monetary loss. Vote 13-2.

MUNICIPAL AND COUNTY GOVERNMENT

HB 226-L, establishing municipality bond payment schedules and percentages. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: This bill concerns tax increment financing (TIF) districts and would allow more flexibility in establishing bond repayment schedules. TIFs have been very effective in some New Hampshire communities and the concept embodied in this bill could increase their effectiveness. However, Claremont II creates serious questions about TIFs and this bill should not be acted upon until the education funding question is resolved. Vote 15-0.

HB 261-L, relative to the official ballot option. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: This bill contains technical corrections affecting municipalities using the official ballot (SB 2) for voting on all matters before the Town. The amendment clarifies that "one-time expenditures" are not to be included in the default budget. The bill will make the SB-2 voting process work more efficiently. Vote 16-0.

HB 347, relative to municipal economic development and revitalization district tax increments. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government: The Committee will be considering any necessary changes to tax increment financing in its study of HB 226. It will be able to consider this bill's contents at the same time. Vote 15-0.

HB 354, broadening the range of acceptable media for storage of public records. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government: Testimony from the New Hampshire Division of Records Management and Archives persuaded the Committee that this bill was not needed. The town officials who believed they needed a change in the law are also satisfied and advised the Committee that they not recognize that this legislation is unnecessary. Vote 14-0.

HB 490, enabling cities to permit the mayor to vote at city council meetings. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth S. Hager for Municipal and County Government: This is a technical amendment to the RSAs which govern cities enabling them to have freedom of choice in their own charters. Vote 15-0.

HB 531, allowing a governing body to grant a veteran's exemption in certain circumstances. INEXPEDIENT TO LEGISLATE

Rep. Thomas E.P. Rice for Municipal and County Government: The Committee felt that the unintended consequences of this bill would probably overshadow any benefit and that the communities already have the power to grant a credit for just and compassionate cause. Vote 15-0.

PUBLIC WORKS AND HIGHWAYS

HB 283-A, making a capital appropriation to the department of administrative services for the funding, siting, and design of the new Henniker-Hillsborough district courthouse. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: This bill makes a capital appropriation of \$153,000 to fund siting and design of a new Henniker-Hillsborough district courthouse to be located in Henniker. It was apparent from the testimony that the court facilities being used in both towns are less than desirable. However, this district courthouse is number 10 on the Court Facilities Needs Priority List so there is plenty of time for this design and siting effort in future years. Testimony indicated there is no consensus by the towns served by the two courts as to the best location for the new joint district court. The committee suggests the towns enter informal discussions to agree on location or sites. Vote 14-1.

HB 305-A, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. RE-REFER TO COMMITTEE

Rep. Edwin O. Smith for Public Works and Highways: The committee feels very strongly that this facility needs to be constructed. The land has been donated and has restrictions on the timeliness of its use. The committee did not want to report this as Inexpedient to Legislate, and felt that as the number two court on the list of those recommended by the Court Accreditation Committee, we should leave this issue open. It is possible that circumstances can change, so we wanted this bill back to be considered in the current biennium, and not have to be delayed into the next biennium. Vote 16-0.

HB 355, relative to the dredging of harbors and channels. OUGHT TO PASS

Rep. William E. Leber Public Works and Highways: This bill clarifies that the port authority may perform dredging of channels and harbors. Under dredge management in tidal waters, the port authority has responsibility to initiate and implement dredging projects. This bill will include dredging performed by the authority to permit use of in-house resources. Vote 11-3.

HB 363-FN, increasing the bonding limit of the school building authority. OUGHT TO PASS

Rep. Charles W. Morse for Public Works and Highways: This bill increases the bonding limit of the school building authority from \$75,000,000 to \$95,000,000. After hearing testimony from the State Treasurer on reductions in bonding limits in other departments, the committee voted to pass. Vote 14-0.

HB 479-A, making a capital appropriation for siting and design of a new Merrimack district courthouse. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: The committee heard testimony on several bills requesting capital appropriations for siting and design, and/or construction for district courthouses. The local officials made strong cases for support of improved conditions, particularly relative to handicap access and security for the safety of public and court officials. Obviously, the committee cannot approve all requests. In fact, the limits on capital appropriation may prevent any new district courthouse construction. The Merrimack district is number 16 on the court facilities needs priority list. In the interim, the Administrative Office of Courts (AOC) should consider some minor modifications to improve access and security with its operating funds or escrow funds. Vote 16-0.

HB 501-FN-A, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Candace White Bouchard for Public Works and Highways: The committee recognizes this is a rare and historic project, but felt it is a local community project. There are many worthwhile projects such as these throughout the state, and the committee

felt this would be setting a precedent. Vote 12-4.

HB 548-A, making a capital appropriation for the construction of the Plaistow district courthouse. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: The committee report for HB 548-A, also applies to this bill, with the exception that the Plaistow district is number 14 on the court facilities needs list. The committee heard testimony on several bills requesting capital appropriations for siting and design, and/or construction for district courthouses. The local officials made strong cases for support of improved conditions, particularly relative to handicap access and security for the safety of public and court officials. Obviously, the committee cannot approve all requests. In fact, the limits on capital appropriation may prevent any new district courthouse construction.. In the interim, the Administrative Office of Courts (AOC) should consider some minor modifications to improve access and security with its operating funds or escrow funds. In addition, based on the comments relative to previous court requests for Henniker-Hillsborough and Merrimack, the consensus of the committee is that a greater effort should be made by the court accreditation committee to develop a more creditable priority list. Vote 16-0.

HB 655-FN-A, making an appropriation from the highway fund to pay the interest and principal on bonds issued for the Cheshire Bridge. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Daigle for Public Works and Highways: The committee is well aware of the issues that arise out of this issue, however, we feel that HB 279 is a vehicle to address this matter. Vote 13-3.

RESOURCES, RECREATION AND DEVELOPMENT

HB 431, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: This bill establishes a study committee which will report on the ways in which traditional uses of White Mountain National Forest land may be maintained and promoted. The sponsor's concerns centered on the possible federal designation change from National Forest to National Park and the Resources Committee believes that these concerns will be addressed as one of the duties of the study committee. Vote 13-1.

HB 543, relative to fill and dredge permits for breakwaters. RE-REFER TO COMMITTEE

Rep. H. Charles Royce for Resources, Recreation and Development: This bill restricts breakwaters to lakes less than 10,000 acres. The Committee felt the permitting regulations being developed by DES need further review by the committee. Vote 15-0.

HB 594, prohibiting the introduction of zebra mussels and other exotic aquatic animals in New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. H. Charles Royce for Resources, Recreation and Development: This bill attempted to put DES plans in place to help prevent exotic species from infecting our lakes. At the 11th hour it was discovered that Fish and Game have regulations in place and this bill is not needed. DES and Fish and Game are now coordinating their exotic weeds and exotic species programs. Vote 15-0.

HB 697-FN-LOCAL, relative to the collection and use of boat fees. INEXPEDIENT TO LEGISLATE

Rep. Janet W. Fortnam for Resources, Recreation and Development: This bill requires that boat fees be sent to the treasurer of the town or city where the owner resides for the general use of the town or city. This would entail mailing fees between towns and does not include large sums of money; and the sponsor agreed that this bill be Inexpedient to Legislate. Vote 16-0.

HR 9, encouraging the use of funds from timber sales of White Mountain National Forest timber to be exclusively for maintenance, upgrading, and funding of the White Mountain National Forest and its facilities. OUGHT TO PASS WITH AMENDMENT

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This resolution directs Congressional attention to the economic relationship between the federal government and New Hampshire communities in the WMNF. It encourages full funding for the Land and Management Plan for the national forest; and full funding for payments in lieu of taxes to New Hampshire communities having land in WMNF. Further, it asks USDA, National Forest Service to report annually on their contributions to local towns and the impacts on area businesses. Vote 14-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 6, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. OUGHT TO PASS

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This resolution requests the President and Congress to fully fund special education programs in the state's elementary and secondary schools, which the congress has mandated. Vote 15-0.

WILDLIFE AND MARINE RESOURCES

HB 418, relative to accounts and reporting dates of certain funds in the fish and game department. OUGHT TO PASS

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill changes reporting dates and removes separate accounting procedures for various revenue accounts within the Fish and Game Department. Vote 16-0.

HB 480, relative to the taking of sand eels. INEXPEDIENT TO LEGISLATE

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: The method and limit of take is determined by the Fish and Game Department based on scientific data. This bill would grant authority to the legislature to regulate issues that rightly belong to the Fish and Game Department and therefore, the committee voted unanimously to vote this bill Inexpedient To Legislate. Vote 16-0.

HB 520, relative to an open season for chukar partridge. OUGHT TO PASS

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill addresses a concern of the Fish and Game Department regarding the taking of these imported birds which escape when released for training dogs and other purposes. Having an open season on Chukar partridge would allow the taking of a bird which may not survive our severe winters but may already be adapting to our unique New Hampshire habitat. Vote 16-0.

HB 629, relative to establishing weekly "no hunting" days. INEXPEDIENT TO LEGISLATE

Rep. Richard P. Brewster for Wildlife and Marine Resources: The committee appreciates the concerns of the land owners. However, the loss of revenue to the hospitality industry, especially the concern for possible loss of out of state long weekend hunters makes this bill prohibitive. The closing one day a week plus the fact it is not always on the same day is open to confusion. This also takes 48 days out of the hunting season. Vote 15-0.

HB 710-FN, relative to expanding the availability of lifetime licenses for hunting and fishing. OUGHT TO PASS

Rep. Richard E. Fletcher for Wildlife and Marine Resources: This bill allows lifetime licenses for hunting and fishing, or combined hunting and fishing, and allows persons under 16 years of age to purchase same. This bill also removes a requirement for continuous residency. The committee recommended by a Roll Call vote 15-0 Ought to Pass. This bill will help license sales because it separates licenses for fishing and hunting. This bill has no fiscal impact on state, county, and local government. Vote 15-0.

THURSDAY, MARCH 18

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 67, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Children and Family Law: This bill decreases the time allowed for a parent, subsequent to a finding of child abuse, to correct the situation leading to that finding, and provides for termination of parental rights where a parent has

been convicted of certain violent criminal offenses against a child. It establishes specific requirements to be followed by the court prior to ordering termination of parental rights in certain cases where the parent or guardian of the child is incarcerated. The passage of this bill brings the state of New Hampshire into compliance with the federal Adoption and Safe Families Act. Vote 15-0.

HB 90, removing the prohibition on adoption and foster parenting by homosexual persons. OUGHT TO PASS

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill removes the discriminatory provision forbidding adoption and foster parenting by homosexuals. It will provide additional homes for foster child placement. The public hearing had over 50 citizens favoring this bill and only one (1) speaker opposed. A number of clergy and adoptive parents testified in favor of this bill. Vote 15-3.

EDUCATION

HB 276-FN-L, requiring that a school administrative unit budget be approved by vote at the annual school district meeting. INEXPEDIENT TO LEGISLATE

Rep. William A. Riley for Education: This bill would require that an SAU budget must be approved by annual school district meeting. The committee felt that the vote by the school board on the SAU budget should be sufficient. This has been studied recently with no solution available due to SAU make up. The action that the bill could be used as a vehicle for a wide ranging examination of the question was received with a lack of enthusiasm since this has been done many times in the last decade to no agreement. Vote 13-4.

ELECTION LAW

HB 223, relative to waiver of filing fees and petitions for candidates for federal offices. OUGHT TO PASS

Rep. David A. Young for Election Law: After a spirited debate the Committee voted 13-3 to pass the bill. The legislation removes the additional filing fee for federal office as related to the voluntary spending limits. This fee is currently not being collected by the Secretary of State office as advised by the NH Attorney General. Vote 13-3.

HB 376, relative to the times for sessions for corrections of voter checklists. INEXPEDIENT TO LEGISLATE

Rep. Jane A. Clemons for Election Law: The majority of the committee felt that changing the time for these evening sessions for corrections of voter checklist and alterations to party registration from 2 hours to 1 hour is a disservice to the public for whom these sessions serve as opposed to the convenience of the elected supervisors of the checklist Vote 10-7.

ENVIRONMENT AND AGRICULTURE

HB 63-FN-A, relative to the Weekly Market Bulletin's budget and making an appropriation therefor. OUGHT TO PASS

Rep. Kenneth R. Marshall for Environment and Agriculture: This legislation was requested by the Department of Agriculture Markets and Food. It establishes a non-lapsing fund for all the subscription money to the Weekly Market Bulletin, which shall be continually appropriated to the Commissioner to pay the costs of publication of the Weekly Market Bulletin. Vote 17-0.

HB 229, changing the registration fee requirement of the commercial feed law. OUGHT TO PASS

Rep. Peter R. Leishman for Environment and Agriculture: This bill was requested by the Department of Agriculture, Markets and Food to simply correct a glitch in language, which was causing some confusion in certain quarters. Vote 17-0.

HB 238-FN-A, allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth R. Marshall for Environment and Agriculture: This bill requested by the Department of Agriculture Markets and Food simply allows for the legal growing of ginseng for interstate and internal sales. It is already allowed for in-state sales. Vote 16-0.

HB 239-FN-A, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a

special fund. OUGHT TO PASS WITH AMENDMENT

Rep. James Phinizy for Environment and Agriculture: This bill permits development and production of industrial hemp, so that New Hampshire agriculture may access a burgeoning market and correspondingly take a leadership role in this start-up market. Consistent with the desire to sustain agriculture and promote its continued success and growth by expanding into new markets, the committee considers industrial hemp a viable, alternative crop. It is a hardy, adaptable easy keeper, which does not require herbicides or pesticides, nor is it labor intensive. The Department of Agriculture is in complete support of this enterprise consistent with encouraging expansion into new and diverse fields of endeavor.

While industrial hemp is not new in this country, it was used, prior to synthetics, mostly to manufacture rope and line for maritime use. "Modern" industrial hemp produces such products as fuel, paper, paint, oils and lotions, as well as fabrics for furniture, shoes, and clothing. It is firmly established as a viable cash crop and commodity in approximately twenty-eight countries from Europe to Australia. At present, eight states, cognizant of its market potential, are addressing legislation permitting hemp production, and Hawaii has passed industrial hemp legislation through its House. Last year Canada permitted full-scale cultivation of industrial hemp.

After considerable review and several revisions and mindful of public safety and law enforcement's concerns expressed in both committee and sub-committee hearings, the "Canadian" guidelines for initial applications, crop management and registration procedures were adopted and included in the final amended version of HB 239-FN-A. These rather extensive guidelines draw upon ten years of experience in enforcement and oversight in Europe and serve as the basis for the management and control provisions in HB 239-FN-A. Stringent requirements must be observed and include such aspects as record keeping, controlled acquisition of seed exclusively through the Department of Agriculture, and crop management (growth limitations, acreage, number of parcels and parcel locations). Most importantly, costs necessary to monitor levels of tetrahydrocannabinol ("THC") are to be born by the grower, and an applicant must past strict preconditions, not the least of which the applicant or registrant may not make misrepresentations, be dilatory in management of records or have been convicted of " . . Any drug offense as provided in RSA 318-B: 26. . . " Vote 14-6.

HB 256, repealing the preemption of local regulation of pesticides. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: The committee believes that an issue as complex as pesticide regulation with the necessity of detailed scientific information and discipline can be far better addressed by experienced, informed state agency professionals than by over two hundred amateurs, often over-stressed, local town boards. Vote 14-3.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: This bill would return to local communities the right to have some say in the regulation of pesticide. Local communities should have a voice when toxic chemicals are sprayed on or near their land; they should have some say when it comes to protecting their water, land, or health..

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 396, establishing April 6 of each year as New Hampshire Tartan Day. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: The State of New Hampshire is indeed enriched by its ethnic diversity. Our citizens celebrate these many traditions and cultures on a great number of "special days" sponsored by various ethnic organizations and groups. To legislatively single out any one specific culture would only cause misunderstanding. It is far better for the governor to have the honor and pleasure of issuing proclamations for special days, and the recipients to enjoy this special moment of recognition. Vote 11-3.

JUDICIARY

SPECIAL ORDER

HB 342, repealing certain laws pertaining to adverse possession. INEXPEDIENT TO LEGISLATE

Rep. James W. Craig for Judiciary: This bill was filed merely as a way of stressing its sponsor's primary bill (HB 465) regarding this matter. The sponsor's position in submitting this bill was to make the point that government is not affected by adverse possession but private citizens are. The sponsor asked that the committee find the bill ITL. Vote 16-0.

HB 465, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. INEXPEDIENT TO LEGISLATE

Rep. James W. Craig for Judiciary: This bill seeks to do harm with the common law doctrines of adverse possession and prescription. These are longstanding legal doctrines which allow ownership of the property of another if that ownership is adverse, continuous and uninterrupted for a period of twenty years. This is basically a statute of limitations doctrine and since an owner has twenty years to remove the adverse possession, the committee did not see the need to change the law. Finally, some of the committee felt that this bill was introduced to address a specific incident. Vote 14-3.

HJR 5, requiring the attorney general to bring suit or to join with other states bringing suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. INEXPEDIENT TO LEGISLATE

Rep. Martha S. Solow for Judiciary: The bill would require the Attorney General to bring suit against the US Government for enacting a military firearms ban. The committee believes the Attorney General has the power and authority to take this action without a resolution from the NH House. Testimony did not reveal a compelling reason to take this action. The bill does not address the cost of bringing suit. The committee finds that the federal assault weapons ban does not interfere with the right of the people of New Hampshire to keep and bear arms for purposes other than assault, nor does it affect persons who presently possess such weapons. The sponsor could not define what an assault weapon was and neither could the committee definitely conclude what firearms were intended to be addressed in the HJR. Vote 14-1.

PUBLIC WORKS AND HIGHWAYS

HB 89-FN-A, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. OUGHT TO PASS

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill is a study of the five buildings that make up the state house complex. They are the State House, State House Annex, Legislative Office Building, bank building and the State Library. The intent of the bill is to try to assess the needs of both the building and the space needs of state government, hopefully for over the next ten, twenty years or beyond. Interest has been shown by the State Library and the departments of Cultural Resources to move to the State Hospital grounds. The study should be done before a move is considered. We should look into the needs of the state complex in the coming future. Some of the questions we need to address are life safety, security, parking and air quality. Vote 15-0.

HB 621-FN-L, reducing the tolls on New Hampshire highways by 25 cents. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: The committee received very passionate testimony from the citizens of Merrimack area for some relief from the tolls in Merrimack, which they consider oppressive and unfair to some to enter certain points. However, the statutory authority for setting tolls currently rests with the Governor and Council, and this bill does not address that issue. In addition, the loss of revenue is estimated at over 16 million dollars. The reduction would seriously jeopardize our bonds, which are revenue bonds, and reported to be 450 million outstanding. Should the state default, the bondholders could take over the turnpike system and such is estimated to occur within three years. Vote 16-1.

SCIENCE, TECHNOLOGY AND ENERGY

HB 274-FN, relative to the office of the consumer advocate. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Roy D. Maxfield for Science, Technology and Energy This legislation is intended to improve the accountability in the Office of the Consumer Advocate. It establishes a four (4) year term for the advocate and provides for a Residential Ratepayers Oversight Committee to advise the advocate. The Governor and Council will select the consumer advocate candidate from a list of three nominees submitted by the newly established Residential Ratepayers Advisory Board. The majority of the committee feels that this selection process for future appointees will be bipartisan and in keeping with New Hampshire tradition. Vote 17-1.

Rep. Donald B. White for the Minority of Science, Technology and Energy: The sponsor is not comfortable with the Governor and Council as the body that will pass judgment regarding the appointment to the Office of Consumer Advocate based on recommendations made by the Residential Ratepayers Advisory Board. It is felt this will eventually politicize the Office of

Consumer Advocate and thus affect the necessary complete independence of the appointee.

NOTICE OF RECONSIDERATION

This day, Wednesday, the 17th of February, 1999, at 11:05 a.m., Representative Michael S. Rollo, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby HB 94, relative to enforcement of the child passenger restraint law, was sent to third reading and passed.

Karen O. Wadsworth, Clerk of the House

NOTICE OF RECONSIDERATION

This day, Thursday, the 4th of March, 1999, at 5:50 p.m., Representative Whittier, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby HB 108, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor, was voted Inexpedient to Legislate.

Karen O. Wadsworth, Clerk of the House

LAI D ON TABLE

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. (Pending question is on re-refer to committee.)

HB 117-FN-A-L, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. (Pending question is on Recommit.)

HR 10, affirming revenue estimates for fiscal year 1999. (Pending question is ordering to third reading.)

COMMITTEE MEETINGS

MONDAY, MARCH 15

EDUCATION, Room 207, LOB

- 10:00 a.m. *HB 675-FN*, extending the applicability of postsecondary educational assistance for NewHampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions.
- 10:30 a.m. *HB 705-FN-LOCAL*, privatizing the functions of the community-technical college system.
- 1:00 p.m. *HB 699-FN-A*, establishing the granite state scholars program and making an appropriation therefor.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Rooms 210-211, LOB

- 1:00 p.m. Subcommittee work session on municipal related issues relating to educational funding.
- 3:00 p.m. Subcommittee work session on financial and implementation issues relating to a consumption tax.

FINANCE - (DIVISION I), Room 212, LOB

Division I will hold the following work sessions on the budget:

9:30 a.m. Cultural Affairs
10:15 a.m. Revenue Administration
11:00 a.m. Insurance Department
11:30 a.m. Parole Board
1:00 p.m. Department of Safety
2:00 p.m. Electricians Board
2:15 p.m. Liquor Commission
3:15 p.m. Department of Justice

Executive sessions will be held throughout the day.

FINANCE - (DIVISION II), ROOM 209, LOB

Division II will hold the following work session on the budget:
9:00 a.m. Department of Regional Community-Technical Colleges
Executive sessions will be held throughout the day.

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

Division III will hold the following work sessions on the budget:
DEPARTMENT OF HEALTH AND HUMAN SERVICES
8:30 a.m. – 12 noon Division of Behavioral Health
Division of Developmental Services
Executive session may be held throughout the day.

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

9:45 a.m. Subcommittee work session on **HB 624-FN**, establishing a health care quality commission.
10:00 a.m. Continued public hearing on **HB 392**, relative to exemptions from required child immunizations.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

1:30 p.m. Regular meeting. Ronald Adcock, Health and Human Services Ombudsman, will give an update on his office, as to how it interacts with the New Hampshire citizens. All are invited to attend.

NEW PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW HAMPSHIRE'S NATURAL, CULTURAL, AND HISTORICAL RESOURCES FEASIBILITY STUDY COMMISSION (SB 493, Chapter 161:2, Laws of 1998), Room 307, LOB

1:00 p.m. Regular meeting.

TUESDAY, MARCH 16

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Subcommittee work session on ***HB 721-FN***, relative to procedures regarding delinquent children under RSA 169-B.

10:15 a.m. ***HB 654-FN-LOCAL***, relative to the disposition or sentencing of persons under 18 years of age who commit certain crimes.

11:00 a.m. ***HB 723-FN***, relative to standby and emergency guardianship proxies.

1:00 p.m. ***HB 726-FN***, relative to the credentialing of personnel in early care and education programs.

2:00 p.m. ***HB 674***, relative to the solemnization of marriages.

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

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on ***HB 435***, relative to the mail order and catalog business.

10:00 a.m. ***HB 517***, relative to insurance coverage for alcoholism treatment.

11:00 a.m. ***HB 473***, relative to small group health insurance.

1:15 p.m. ***HB 351***, relative to liability for property taxes on manufactured housing when the manufactured housing is moved.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on ***HB 345-FN***, relative to harassment via the Internet.

10:00 a.m. ***HB 713-FN***, relative to penalties for multiple DWI offenses.

10:30 a.m. ***HB 714-FN***, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison.

11:00 a.m. ***HB 687-FN***, establishing the criminal offense of identity fraud.

1:30 p.m. ***HB 706***, relative to the definition of "sexual contact" under the sexual assault laws.

2:00 p.m. ***HB 722-FN***, revising the law relative to protection of persons from domestic violence.

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

EDUCATION, Room 207, LOB

10:00 a.m. ***HB 582***, eliminating the funding of athletic scholarships by institutions within the university system of New Hampshire.

11:00 a.m. ***HB 718-FN-LOCAL***, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district.

Rooms 205-207, LOB

1:00 p.m. ***HB 398***, relative to prayer in the public schools.

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

ELECTION LAW, Room 308, LOB

- 9:30 a.m. Subcommittee work session on **HB 366**, allowing the secretary of state to accept faxed filings for a primary on the last day of the filing period.
- 10:00 a.m. **CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.
- 10:45 a.m. Rescheduled public hearing on **HB 493-FN**, relative to alteration of sample ballots.
- 11:15 a.m. **CACR 14**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10.
- 1:00 p.m. Public hearing on proposed amendment to **HB 241**, relative to party nominations in multi-seat districts. (Copies of the amendment will be available from the Sergeant-at-Arms Office.)
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 225**, relative to the definitions of the terms "farm," "agriculture," and "farming", **HB 556-FN**, relative to transporting hazardous waste and **HB 557-FN**, relative to hazardous waste permitting and container identification.
- 1:30 p.m. Subcommittee work session on **HB 558-FN**, relative to solid waste management.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

- 10:00 a.m. **HB 658-FN**, relative to certification and registration requirements for recovery agents who assist bail agents and sureties.
- 11:00 a.m. **HB 716-FN**, requiring review of proposed administrative rules by house and senate policy committees.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:30 p.m. Subcommittee work session on **HB 397**, establishing a 4-year term for the commissioner of the department of corrections and **HB 601**, allowing the assistant commissioner of corrections to act on behalf of the commissioner in the commissioner's absence, establishing a term of appointment for the commissioner of corrections, and correcting out-of-date references and phraseology pertaining to the department of corrections.

FINANCE, Rooms 210-211, LOB

- 9:00 a.m. **HB 684**, allowing the department of health and human services to accept and expend federal reimbursement funds.
- 9:30 a.m. **HB 289**, relative to eligibility for child day care assistance.
- 10:00 a.m. **HB 619-FN**, requiring the commissioner of health and human services to produce certain quarterly reports.
- 10:30 a.m. **HB 653-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor.
- 11:15 a.m. **HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.
- 1:15 p.m. **HB 632-FN-A**, directing a portion of fees for copies of motor vehicle records to be deposited

in a nonlapsing account within the department of safety, division of fire standards and training.

1:45 p.m. **HB 681-FN**, requiring that all moneys received by the state treasurer which are not constitutionally dedicated be deposited in the general fund.

2:15 p.m. **HB 572-FN-A**, relative to the apportionment provisions of the business profits tax.

Executive session on pending legislation to follow.

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

9:30 a.m. Rescheduled public hearing on **HB 657-FN**, relative to the health services planning and review board.

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

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 575**, limiting railroad liability for passenger and tourist rail service.

11:00 a.m. **HB 544**, relative to limitations on landowner liability.

1:00 p.m. **HB 519-LOCAL**, relative to the liability of governmental units for personal injury or property damage arising out of police pursuit of individuals or vehicles operated by such individuals.

2:30 p.m. **HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:00 a.m. Rescheduled subcommittee work session on **HB 512**, relative to limiting work hours for 16 and 17-year old persons enrolled in school.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 661-LOCAL**, relative to the scope of abatement appeals.

10:45 a.m. **HB 731-LOCAL**, relative to allowing the granting of tax abatements or tax deferrals to owners of open space land.

11:15 a.m. Continued public hearing on **HB 595-LOCAL**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household.

11:30 a.m. Continued public hearing on **HB 523**, relative to the terms of office of county officers.

1:00 p.m. Continued public hearing on **HB 587**, relative to form of records of property with registers of deeds.

1:15 p.m. **HB 727-FN**, establishing an outdoor lighting code.

2:00 p.m. **HB 446-LOCAL**, subjecting certain land in the town of Newport to local land use regulations.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:30 a.m. **HB 627-FN-A**, relative to establishing a differential between special fuel and gasoline taxes.

1:00 p.m. **HB 630-FN-LOCAL**, relative to the Skyhaven airport transfer plan.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:30 a.m. Subcommittee work session on **HB 421**, relative to penalty provisions for the law regarding exotic aquatic weeds and **HB 362**, relative to dam safety program violations.

11:00 a.m. Subcommittee work session on **HB 580-FN-A-LOCAL**, creating a new tourism district and making an appropriation therefor.

1:30 p.m. Subcommittee work session on **HB 439**, relative to exemptions from the safe drinking water act.

2:30 p.m. Subcommittee work session on **HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

RULES COMMITTEE, Room 306, LOB

3:00 p.m. Subcommittee public hearing on the single year introduction of bills.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 645-FN**, relative to funding for the telecommunications assistance program, **HB 388**, relative to telephone number conservation, **HB 325**, prohibiting "cramming" in telecommunications billing, **HB 611**, relative to performance standards for telephone companies providing noncompetitive services, **HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services, **HB 386**, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail and **HB 407**, relative to unsolicited telephone sales by competitive telephone and electricity providers.

TRANSPORTATION, Room 203, LOB

10:00 a.m. **HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles.

10:30 a.m. **HB 698-FN-LOCAL**, restricting fees for registration permits for certain vehicles.

11:00 a.m. **HB 702-FN**, relative to pro-rating the registration fees for recreational campers.

1:00 p.m. **HB 651**, revising the speed limit law.

1:45 p.m. **HB 656**, relative to the use of personal watercraft on Beaver Lake in the town of Derry.

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Subcommittee work session on **HB 574-FN-A**, establishing a fisheries habitat stamp required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.

10:00 a.m. Subcommittee work session on **HB 704-FN-A**, establishing a wildlife damage control program to prevent and redress damage to certain commercial agricultural property, and making an appropriation therefor and **HB 298-FN**, relative to the authority of the executive director of fish and game to prevent damage to commercial agricultural crops through wildlife reduction or management.

11:00 a.m. Subcommittee work session on **HB 552**, relative to the issuance of crossbow permits to persons with a permanent physical disability.

WEDNESDAY, MARCH 17

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on **HB 571**, relative to joint legal and physical custody of children.

10:00 a.m. Continued public hearing on **HB 438**, relative to certain changes to the membership of the advisory committee on child care.

11:00 a.m. Continued public hearing on **HB 565**, relative to the disclosure of certain information by the department of health and human services and relative to the disclosure of the identity of a person filing a report of child abuse or neglect.

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

COMMERCE, Room 302, LOB

8:30 a.m. Subcommittee work session on **HB 372**, amending the bond issuing powers of the business finance authority.

10:00 a.m. **HB 371**, relative to warranty coverage and liability for loss under a motor vehicle lease.

11:00 a.m. **HB 469**, raising the medical payments coverage under automobile insurance policies.

1:15 p.m. **HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law.

2:15 p.m. **HB 563**, relative to names of limited liability partnerships and companies.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:30 a.m. Public hearing on the proposed amendment to **HB 537**, relative to background checks for firearms purchases. (Copies of the amendment will be available from the Sergeant-at-Arms Office.)

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

1:00 p.m. Subcommittee work session on **HB 508**, relative to the nude photography of 16 and 17 year old subjects, **HB 254-LOCAL**, relative to restricting the fire marshal's authority in certain municipalities and **HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles.

1:30 p.m. Subcommittee work session on **HB 224-FN-A**, changing the name of the division of fire safety to the division of fire and building safety; adding members to the state advisory board of fire control; establishing a joint committee on code enforcement; and appropriating funds for hiring mechanical inspectors in the division of fire and building safety.

EDUCATION, Room 207, LOB

9:30 a.m. Rescheduled public hearing on **HB 577**, relative to the power of a school district to expend catastrophic special education funds.

10:00 a.m. Rescheduled public hearing on **HB 498-FN**, establishing a special education catastrophic

aid fund.

11:00 a.m. Rescheduled public hearing on **HB 518-FN-LOCAL**, relative to a joint maintenance agreement to build a single high school involving the towns of Northwood, Nottingham, and Strafford.

1:15 p.m. Rescheduled public hearing on **HB 514-LOCAL**, establishing open enrollment provisions in the school districts of the state.

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

ELECTION LAW, Room 308, LOB

10:00 a.m. Subcommittee work session on **HB 374**, relative to the order of names on presidential primary election ballots.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 648-FN**, relative to a sludge testing program.

11:30 a.m. **HB 679-FN**, requiring that certain solid waste permit applicants include an environmental impact statement as part of the permit application.

1:30 p.m. Continued public hearing on **HB 335**, prohibiting the land application of sludge in reclamation areas.

1:45 p.m. Continued public hearing on **HB 334**, restricting the land application of sludge, septage, and solid wastes.

2:00 p.m. Continued public hearing on **HB 370-LOCAL**, prohibiting wastewater treatment plants from excluding towns that regulate sludge disposal within their borders from using such facilities and requiring disclosure by sellers of sludge applications to land.

2:15 p.m. Continued public hearing on **HB 504**, establishing a sludge advisory board and relative to sludge quality standards.

2:30 p.m. Continued public hearing on **HB 472**, relative to establishing metal limits on land-applied sludge.

2:45 p.m. Continued public hearing on **HB 222**, preempting local regulation of biosolids or sludge disposal by landfilling or landspreading.

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

3:00 p.m. Subcommittee work session on **HB 335**, prohibiting the land application of sludge in reclamation areas, **HB 334**, restricting the land application of sludge, septage, and solid wastes, **HB 370-LOCAL**, prohibiting wastewater treatment plants from excluding towns that regulate sludge disposal within their borders from using such facilities and requiring disclosure by sellers of sludge applications to land, **HB 504**, establishing a sludge advisory board and relative to sludge quality standards, **HB 472**, relative to establishing metal limits on land-applied sludge and **HB 222**, preempting local regulation of biosolids or sludge disposal by landfilling or landspreading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:30 a.m. Subcommittee work session on **HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system, **HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits, **HB 474-FN**, relative to the annual audit of New Hampshire retirement system funds, **HB 516**, exempting the New Hampshire retirement system from rulemaking for procedures concerning the retirement fund investment objectives and guidelines, **HB**

88-FN, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system, *HB 66-FN*, relative to disability retirement benefits for retirement system members permanently incapacitated for duty, *HB 476*, establishing a committee to study the feasibility of allowing state and local government part-time employees to participate in their employer's group insurance coverage, *HB 499-FN*, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members, *HB 669-FN*, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits, *HB 691-FN*, relative to persons receiving split benefit accidental disability retirement benefit allowances and *HB 646-FN*, relative to the vesting period for New Hampshire retirement system benefits.

FINANCE, Rooms 210-211, LOB

1:00 p.m. *HB 494-FN-A*, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

1:30 p.m. *HB 596*, making technical corrections to certain laws administered by the department of revenue administration.

1:45 p.m. *HB 495-A*, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee.

2:15 p.m. *HB 492-FN*, reducing the state bond guarantee limit for wastewater projects.

2:45 p.m. *HB 666-FN-A-L*, relative to the taxation of sand, gravel, loam, and other similar substances.

Executive session on pending legislation to follow.

FINANCE - (DIVISION II), ROOM 209, LOB

Division II will hold the following work session on the budget:

10:00 a.m. Department of Transportation

Executive sessions will be held throughout the day.

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

8:00 a.m. Rescheduled regular business.

8:30 a.m. Rescheduled audits: State of New Hampshire Year 2000 computing crisis special report March 1999.

Management letter for State of New Hampshire for the year ended June 30, 1998.

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

9:00 a.m. Subcommittee work session on *HB 530*, establishing a committee to review the policies and procedures of the joint health council.

JUDICIARY, Room 208, LOB

9:30 a.m. *CACR 22*, relative to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed.

1:00 p.m. *CACR 13*, relating to the administrative office of the courts. Providing that there shall be an independent administrative office of the courts; that rulemaking authority shall be transferred from the chief justice of the supreme court to the administrative office of the courts; and that the actions of the administrative office of the courts shall be subject to the approval of the legislature.

Executive session on pending legislation may be held throughout the day, time permitting, from the

time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:00 a.m. Subcommittee work session on **HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.

LEGISLATIVE ADMINISTRATION, Room 205, LOB

1:15 p.m. **HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor.

2:00 p.m. **HB 728-FN**, relative to per diem reimbursement to legislators for expenses on days of legislative committee meetings.

2:30 p.m. **HB 730-FN**, establishing a pilot program for the recording of committee proceedings of the general court.

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

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

8:00 a.m. Rescheduled regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. All day executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. **HB 541**, establishing a committee to study the upgrade of Routes 11 and 140.

10:45 a.m. **HB 672-FN-A-LOCAL**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor.

1:00 p.m. **HB 682-FN-A**, establishing a statewide program for the removal of graffiti from public property.

2:00 p.m. **HB 573**, clarifying the status of class VI highways.

2:30 p.m. **HB 593-FN-LOCAL**, relative to the classification of class VI roads which have been maintained by a town.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

9:30 a.m. **HB 694-FN**, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources.

1:00 p.m. **HB 724-FN**, relative to an industry average performance system for comprehensive air pollution regulation.

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

TRANSPORTATION, Room 203, LOB

9:00 a.m. **HB 673-FN-A**, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds.

10:30 a.m. **HB 680-FN-A**, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs

1:00 p.m. **HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

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

FRIDAY, MARCH 19

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

9:00 a.m. Regular meeting.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 203, LOB

1:00 p.m. Complaint hearing.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Subcommittee work session on municipal issues relating to educational funding.

FINANCE - (DIVISION I), Room 212, LOB

Division I will hold the following work sessions on the budget:

9:30 a.m. Resources and Economic Development

10:30 a.m. Pease Development Authority

11:00 a.m. Port Authority

11:30 a.m. Public Utilities Commission

11:45 p.m. PUC – Consumer Advocate

1:15 p.m. Board of Accountancy

1:30 p.m. Joint Board

Executive sessions will be held throughout the day.

SCIENCE, TECHNOLOGY AND ENERGY, Room 302, LOB (Please note room change.)

10:00 a.m. Subcommittee work session on **HB 694-FN**, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources, **HB 592**, creating a study committee regarding requirements for and usage of methyl t-butyl ether, **HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline, **HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits and **HB 649-FN**, relative to air pollution emissions from small, high-polluting electricity generators.

1:00 p.m. Subcommittee work session on **HB 625-FN-A**, relative to a mercury emissions reduction and control program.

MONDAY, MARCH 22

FINANCE - (DIVISION I), Room 212, LOB

Division I will hold the following work sessions on the budget:

- 9:30 a.m. Judicial Branch
- 11:00 a.m. Adjutant General
- 1:00 p.m. Office of Emergency Management
- 1:30 p.m. Agriculture, Markets and Food
- Veterinary Examiners Board
- 2:30 p.m. Department of Environmental Services
- 3:30 p.m. Public Employee Labor Relations Board
- 3:45 p.m. Real Estate Appraiser Board
- Executive sessions will be held throughout the day.

FINANCE - (DIVISION II), ROOM 209, LOB

Division II will hold the following work session on the budget:

- 9:00 a.m. Higher Education – University System
- Executive sessions will be held throughout the day.

TUESDAY, MARCH 23

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 640-FN**, relative to grievance procedures of managed care organizations.
- 11:00 a.m. **HB 647-FN**, relative to health care providers and provider agreements with health insurers.
- 1:30 p.m. **HB 662-FN**, relative to the duties of the liquor commission.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **CACR 25**, relating to: the election of governor, executive councilors, and senators. Providing that: the governor, executive councilors, and senators shall be elected every 4 years.
- 10:45 a.m. **HB 689-FN**, relative to campaign contributions and expenditures.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 510-FN**, relative to monitoring aerial spraying of herbicides.
- 11:00 a.m. Rescheduled public hearing on **HB 395-FN-A**, establishing a pilot program of matching grants and optional local tax exemptions to preserve historic agricultural structures in New

Hampshire and making an appropriation therefor.

1:00 p.m. Rescheduled public hearing on **HB 410**, relative to the enforcement authority of the department of environmental services.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. **HB 720-FN**, relative to the practice of midwifery.

11:00 a.m. **HB 725**, relative to rulemaking under the administrative procedures act.

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

FINANCE - (DIVISION I), Room 212, LOB

Division I will hold the following work sessions on the budget:

9:30 a.m. Office of the Governor

10:00 a.m. Energy and Community Services

10:30 a.m. Pari-Mutuel Commission

11:00 a.m. Commission on Disability

11:30 a.m. Highway Safety Agency

1:00 p.m. Labor Department

1:45 p.m. Fish and Game

2:45 p.m. Department of Corrections

Executive sessions will be held throughout the day.

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

Please note these work sessions were originally scheduled for 3/19. Division III will not meet on 3/19.

Division III will hold the following work sessions on the budget:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

8:30 a.m. – 10 a.m. Office of Community and Public Health

10:00 a.m. – 12 noon Division of Children, Youth and Families

1:00 p.m. – 2:00 p.m. Office of Information Systems

2:00 p.m. – 3:00 p.m. Division of Family Assistance

Executive session may be held throughout the day.

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 502-FN**, subjecting all rules promulgated and administrative actions taken by lower courts to review and approval by the legislature.

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

1:00 p.m. Subcommittee work session on ***HB 470***, relative to settlement of personal actions.

WEDNESDAY, MARCH 24

COMMERCE, Room 302, LOB

8:30 a.m. Subcommittee work session on ***HB 371***, relative to warranty coverage and liability for loss under a motor vehicle lease.

9:00 a.m. Rescheduled subcommittee work session on ***HB 442***, relative to charitable gift annuities.

11:00 a.m. ***HB 693-FN***, limiting access to certain business records.

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

1:15 p.m. Subcommittee work session on ***HB 443***, allowing certain beverage manufacturers to distribute products directly to retailers and ***HB 511***, relative to the sale of certain mixed or prepared alcohol products.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on ***HB 379***, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district and ***HB 380***, repealing the Interstate Solid Waste Compact.

FINANCE - (DIVISION I), Room 212, LOB

Division I will hold the following work sessions on the budget:

9:30 a.m. State Planning Office

10:00 a.m. Executive Council

10:15 a.m. Legislative Branch

Work and executive session on the budget to follow.

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

Please note these work sessions were originally scheduled for 3/22. Division III will not meet on 3/22.

Division III will hold the following work sessions on the budget:

8:30 a.m. – 9:30 a.m. Department of Youth Development Services

9:30 a.m. – 10:30 a.m. Veterans Home

10:30 a.m. – 11:30 a.m. Veterans Council

Executive sessions may be held throughout the day.

JOINT COMMITTEE ON ADDRESS, Room 208, LOB

2:00 p.m. ***HA 1***, for the removal of David A. Brock, chief justice of the New Hampshire supreme court, from his said office.

JUDICIARY, Room 208, LOB

9:00 a.m. ***HB 707-FN***, relative to the family division of the courts.

Executive session on pending legislation may be held throughout the day, time permitting, from the

time the committee is initially convened.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. **HCR 7**, urging the federal government not to adopt certain proposed rules requiring financial institutions to monitor their customers' banking habits.

11:00 a.m. **HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions.

1:00 p.m. **HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds.

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

FRIDAY, MARCH 26

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

9:00 a.m. Rescheduled regular meeting.

MONDAY, MARCH 29

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

9:30 a.m. Regular meeting.

TUESDAY, MARCH 30

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee work session on **HB 382**, making the law against discrimination by employers applicable to charitable and educational organizations and **HB 551**, relative to employers who are subject to state law against discrimination.

WEDNESDAY, MARCH 31

COMMERCE, Room 302, LOB

10:00 a.m. Rescheduled public hearing on **HB 668**, adding 2 members to the board of directors of the Pease development authority.

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Belknap County Delegation will hold a public hearing to approve the budget on March 22 at 7:00 p.m. at the Belknap County Complex, 34 County Drive, Laconia.

Rep. Robert H. Turner, Vice Chairman

Belknap County Delegation

The Carroll County Delegation will meet on Monday, March 22 at 9:00 a.m. at the Carroll County Administration Building to vote on the County budget. All members are asked to attend.

Rep. Gary P. Torressen, Clerk

Carroll County Delegation

I would like to remind all members that you are eligible to enroll in the state employee dental insurance plan. The plan is provided by Delta Dental and is available to members at their own expense. Please contact Carol Dunning, Member Services, Room 308, State House for further information and enrollment forms.

Rep. Donna Sytek, Speaker

Legislators are entitled to receive soft-bound copies of the session laws. The 1998 Session Laws are ready for printing and we need to know how many copies to order. If you would like a copy of the 1998 Session Laws, please notify the Office of Legislative Services by April 9.

Richard E. Amidon, Director of Legislative Services

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 108, 109, 116, 118, 119, 120, 124, 237, 245, 565, 641, 655, 676, 692, 693, 694, 695, 696, 715 and 719.

Leo J. Callahan, Assistant Clerk

Last week, a few changes were made to the General Court Web Page www.state.nh.us. The Home page was changed to give it a cleaner look that loads faster than the previous version for those using a modem. Also, the bill title now appears with the docket and a link to the docket was added to the House and Senate Bill Introduction lists. We've added a Quick Search for those who were familiar with Quick Bill Status on the Wang system. "Who's my Legislator?", the Roster and Committees have been updated as well.

Questions about the status of House Bills should be directed to the House Clerk's Office (271-2548). They key the status and docket information for bills that are in possession of the House. Direct any questions about Senate Bills to the Senate Clerk's Office (271-3420). They key the status and docket information for bills in their possession. The Senate Clerk's Office puts the Senate Bills on the web as well.

Stan Kelly, Manager, General Court Information Systems

NH Senators and Representatives may receive complimentary ski privileges at Cannon Mountain for themselves and one guest upon presentation of proper credentials at the ticket window. The elected official must be present to personally present the credentials unless prior arrangement has been made with Commissioner George Bald at the Department of Resources and Economic Development. *(Lift tickets are to be picked up at Guest Services or the ticket Window at Cannon.)*

Rep. Gene G. Chandler

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.

Judy A. Courchesne, 282 Conant Street, Manchester, New Hampshire 03102-4348

A. Theresa Drabinowicz, 56A Temple Street, Nashua, New Hampshire 03060-3429

Eugene L. Gagnon, 234 Joliette Street, Manchester, New Hampshire 03102-3019

Stanley N. Searles, Sr., 129 Dracut Road, Hudson, New Hampshire 03051-5423

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.

Those members who would like copies of the extensive handouts used by Senior Assistant Attorney General Walter Maroney during his presentation to the House Education Forum on the tobacco settlement on March 10th may obtain them in Room 308, State House.

Rep. Godfrey G. Howard

New Hampshire/Ceara Chapter of Partners of the Americas will sponsor a display in the Visitor's Center of photographic works of Brazil by Tim Gaudreau. The photos are the continuation of an ongoing ecological education program which last year brought the Endangered Fauna and Flora Environmental Photo Exhibit of Mauricio Albano to New Hampshire. Gaudreau's work is the follow-up to this exhibit and will be in the Visitor's Center from March 16th through April 9th.

Reps. Barbara C. French and Janet G. Wall

Legislators for Limited Spending will meet on Tuesday, March 16 and Tuesday, March 30 at 8:30 a.m. in the Upham Walker House.

Rep. Sylvia A. Holley

There will be a brief meeting of Representatives interested in supporting the Route 11 study committee proposal in Room 201, LOB at noon on Tuesday, March 16.

Reps. John R. Cloutier, William E. Leber and Richard C. Leone

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on the following Wednesdays: March 17, March 31, April 14 and April 28.

Rep. Paul M. Mirski

The Main Street Republicans will meet at the Upham Walker House on Wednesday, March 17 from noon to 1:00 p.m. Coffee will be served. Bring a sandwich.

Reps. Cynthia J. Dokmo and Richard C. Leone

Merrimack County Democrats St. Patrick's Day Dinner with Governor Jeanne Shaheen and honoring Sen. Clifton Below, Sen. Sylvia Larsen and Sen. Rick Trombly will be held at the Holiday Inn, Concord on Wednesday, March 17. Cocktails (cash bar) 6:00 p.m. Dinner 7:00 p.m. Tickets \$25 are available at the Democratic Office or from Rep. Wallin.

Rep. Jean R. Wallin

The Manchester Republican Committee will be holding its annual Lincoln Day dinner, Thursday, March 18th at 6:30 p.m. at the Center of New Hampshire. The keynote speaker will be New York Governor George Pataki. For tickets contact Hon. Bobbi Arnold at 669-4814.

Rep. Winston H. McCarty

Alliance of Gay, Lesbians and Straight legislators is organizing. Anyone who is interested in issues of discrimination are welcome. We will meet Thursday, March 18th at 8:30 a.m. in the State House Cafeteria. Please contact Reps. Marlene DeChane,

McKim Mitchell or Jim Splaine.

Reps. Marlene M. DeChane, McKim W. Mitchell and James R. Splaine

The Sullivan County Republican Lincoln Day Dinner will be held at the Newport Opera House on Saturday, March 20th at 6:00 p.m. The keynote speaker will be Congressman John Kasich. Donations are \$15 per person. Tickets are available from Beverly Rodeschin at 863-1941.

Rep. Richard C. Leone

All legislators are encouraged to march in the St. Patrick's Parade in Manchester which was snowed out and has been rescheduled to Sunday, March 21. Legislators will gather together at noon on Manchester's Elm Street, just north of Webster Street. Parking is not available. Please car pool and make arrangements to be dropped off at the start of the parade.

Rep. Raymond Buckley

Representatives from Manchester, Auburn, Bedford, Candia, Derry, Londonderry, Hooksett, Merrimack, Goffstown and Litchfield are invited to attend the annual legislative dinner sponsored by the Greater Manchester Chamber of Commerce, Monday, March 22 at 6:00 p.m. at the Courtyard Hotel, 1199 South Mammoth Road in Manchester. Please RSVP at 666-6600 by Thursday, March 18.

Rep. Steve Vaillancourt

The New Hampshire Association of Broadcasters will host their 9th annual Legislative Breakfast on Wednesday, March 24th at St. Paul's Church Ordway Hall. This is an opportunity for legislators and broadcasters to discuss specific ways they can work together. The breakfast begins at 7:30 a.m. and the panel discussion begins at 8:00 a.m. Please RSVP to 472-9800.

Rep. Gene G. Chandler, Majority Leader

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in March, 1999. These listings replace individual notifications in an effort to reduce paper usage and to ensure all members are notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
Mar. 15	10:00	Grace Christian School - Merrimack	4/11

Mar. 15	10:00	Salem Christian School	4/15
Mar. 15	10:00	Goffstown Christian School	3,4&6/6
Mar. 15	11:30	Marlborough School	4/25
Mar. 16	9:30 & 11:30	Green Acres Elementary - Manchester	4/60
Mar. 17	9:30 & 11:30	Green Acres Elementary - Manchester	4/60
Mar. 18	10:15 & 12:30	Moultonboro Central School	4/55
Mar. 19	10:00, 11:15 & 12:30	Plymouth Elementary School	4/60
Mar. 22	10:30 & 11:45	Stratham Memorial School	4/60
Mar. 23	10:00, 11:15 & 12:30	Reeds Ferry Elementary - Merrimack	4/75
Mar. 23	1:30	Concord Christian High School	9/15
Mar. 24	10:00 & 11:15	Reeds Ferry Elementary - Merrimack	4/50
Mar. 24	1:30	Concord Christian High School	9/25
Mar. 25	8:15 & 1:15	Merrimack Valley High School	HS/56
Mar. 25	10:00 & 11:15	Reeds Ferry Elementary - Merrimack	4/50
Mar. 25	3:30	White Mtn Regional HS	10 –12/40
Mar. 26	10:15 & 11:15	Stratham Memorial School	4/40
Mar. 26	12:30	Maplewood Elementary - Somersworth	3/50
Mar. 29	9:45, 11:00 & 12:30	Southwick Elementary – Northfield	3/75
Mar. 30	9:00 a.m. & 1:00 p.m.	UNH – Social Services Students	College/32
Mar. 30	10:00 & 11:15	Rindge Memorial School	4/45
Mar. 31	10:00 & 11:15	Rindge Memorial School	4/45
Mar. 31	11:15	Sant Bani School – Sanbornton	4/14
Mar. 31	12:30	Hopkinton French Exchange Students	HS/15

The Department of Transportation will hold the following meetings:

Mar 24 – Portsmouth City Council Chambers, 1 Junkins Avenue, Portsmouth, 7:00 p.m. Public informational/official meeting, Portsmouth-Kittery, Memorial Bridge/Sarah Mildred Bridge.

Apr 8 – Belmont High School Cafeteria, Seavey Road, Belmont, 7:00 p.m. Advisory task force meeting, Belmont, NH 140 study.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

THURSDAY, MARCH 18

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1999-0327h

Amendment to HB 67

Proposed by the Committee on Children and Family Law - R

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

1 Termination of the Parent-Child Relationship. Amend RSA 170-C:5, III to read as follows:

III. The parents, subsequent to a finding of child neglect or abuse under RSA169-C, have failed to correct the conditions leading to such a finding within ~~[+8]~~ **12** months of the finding despite reasonable efforts under the direction of the district court to rectify the conditions.

2 New Section; Termination of Parental Rights; Termination Petition Required; Reasonable Efforts to Reunify the Family Required. Amend RSA170-C by inserting after section 4 the following new section:

170-C:4-a Petition for Termination of Parental Rights Required; Reasonable Efforts to Reunify.

I. The state, through an authorized agency, or if required by a court of competition jurisdiction, shall initiate a petition for termination of parental rights or, if such a petition has been filed by another party, the state shall seek to be joined as a party to such petition, where any one or more of the following circumstances exist:

(a) Where a child has been in foster care, under the responsibility of the state, for 12 of the most recent 22 months.

(b) Where a court of competent jurisdiction has determined that a child has been abandoned as defined by RSA 170-C:5, I; or

(c) Where a court of competent jurisdiction has made any one or more of the following determinations:

(1) That the parent committed murder of another child of the parent pursuant to RSA 630:1-a or RSA 630:1-b.

(2) That the parent committed manslaughter of another child of the parent pursuant to RSA 630:2.

(3) That the parent committed attempt, pursuant to RSA 629:1, solicitation, pursuant to RSA 629:2, or conspiracy, pursuant to RSA 629:3, to commit any of the offenses specified in subparagraphs I (c) (1) or I (c) (2).

(4) That the parent committed a felony assault under RSA 631:1, 631:2, 632-A:2, or 632-A:3 that resulted in serious bodily injury to the child or to another child of the parent.

II. Concurrent with the initiation or joinder in a petition for termination of parental rights as defined in paragraph I of this section, the state shall seek to identify, recruit, and approve a qualified family for adoption in accordance with the provisions of RSA 170-B, and in accordance with the principle that the health and safety of the child shall be the paramount concern, unless one or more of the following circumstances exist:

(a) The child is being cared for by a relative or a relative is available and capable of caring for the child. If a relative is available and capable of caring for the child, the state may seek temporary placement of the child with such relative.

(b) A state agency has documented in the case file a compelling reason for determining that filing a petition for termination of parental rights would not be in the best interests of the child; or

(c) The state has not provided to the family of the child, consistent with RSA 170-C:5, III, such services and reasonable efforts as the state deems necessary for the safe return of the child to the child's home. In determining whether the state has made reasonable efforts to prevent placement and reunify the family, the court shall consider whether services to the family have been accessible, available, and appropriate. In evaluating the accessibility, availability, and appropriateness of services, the court shall consider the following:

(1) The dangers to the child and the family problems precipitating those dangers.

(2) Whether the agency has selected services specifically relevant to the family's problems and needs.

(3) Whether the state agency has diligently arranged those services.

(4) Whether appropriate services have been available to the family on a timely basis; and

(5) The results of the interventions involving the child, the family, and the state.

III. The state shall submit a sworn statement prior to any judicial hearing in which the court is to determine whether there have been reasonable efforts to prevent placement, reunify the family, or make and finalize a new permanent home for the child. Such statement shall be submitted to the court and to the parties at least 5 days prior to the hearing, and shall describe such reasonable efforts made by the state or the rationale for not making such efforts.

3 New Paragraph; Termination of Parental Rights; Incarceration of Parent or Guardian. Amend RSA 170-C:5 by inserting after paragraph VI the following new paragraph:

VII.(a) If the parent or guardian is, as a result of incarceration for a felony offense, unable to discharge his or her responsibilities to and for the child, the court shall review the conviction of the parent or guardian to determine whether the felony offense is of such a nature, and the period of incarceration imposed of such duration, that the child would be deprived of proper parental care and protection and left in an unstable or impermanent environment for a longer period of time than would be prudent. The health and safety of the child shall be the paramount concern. Incarceration in and of itself shall not be grounds for termination of parental rights.

(b) The court shall consider the following factors in determining whether termination of parental rights under this paragraph is appropriate:

(1) If the child is being cared for by a relative, or if a relative is available and capable of caring for the child.

(2) If a state agency has documented in the case file a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests; and

(3) If the state has provided to the family of the child, consistent with RSA 170-C:5, III, such services and reasonable efforts as the state deems necessary for the safe return of the child to the child's home.

4 Effective Date. This act shall take effect January 1, 2000.

AMENDED ANALYSIS

This bill decreases the time allowed for a parent, subsequent to a finding of child abuse, to correct the situation leading to that finding, requires that the state initiate a petition for termination of parental rights under certain circumstances and establishes specific requirements to be followed by the court prior to ordering termination of parental rights in cases where the parent or guardian of the child is incarcerated.

1999-0230h

Amendment to HB 78

Proposed by the Committee on Election Law - C

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

AN ACT relative to the counting of votes when the moderator is disqualified.

Amend the bill by replacing section 1 with the following:

1 Election Procedure; Counting of Votes; Duties of Moderator; Disqualification. Amend RSA659:60 to read as follows:

659:60 Duties of Moderator. The moderator, ***or the moderator pro tempore if the moderator is disqualified under RSA 658:24***, shall oversee the counting of votes by other election officers, including the selectmen and the town clerk, and may discharge any other duties relating to the counting of votes.

AMENDED ANALYSIS

This bill provides that the moderator pro tempore shall perform the duties of the moderator relative to counting of votes if the moderator is disqualified because his or her name appears on a ballot for an elective position other than a position of an election official

1999-0236h

Amendment to HB 206

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

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

1 Public Safety and Welfare; Places of Public Accommodation; Toilet Facilities Where Food is Served; Waivers. Amend RSA155:40 to read as follows:

155:40 Toilet Facilities To Be Provided for Restaurants, etc.

I. All places where the business of serving food to the public is conducted shall be equipped with toilet and lavatory facilities convenient of access for the use of patrons. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. ***The commissioner of the department of health and human services shall have the authority to waive the requirements of this section, for good cause shown, provided the business is unable to comply with this section because of zoning requirements or historic site restrictions, and the applicant can show that the requirements of this section would cause substantial hardship.***

II. The provisions ~~hereof~~ ***of this section*** shall not apply to mobile lunch carts or be construed to require roadside stands or so-called drive-ins, serving food to the public, to provide toilet facilities for patrons where seating facilities within the building are not available.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to waive the toilet facilities requirements for restaurants under certain circumstances.

1999-0259h

Amendment to HB 238-FN-A

Proposed by the Committee on Environment and Agriculture - R

Amend RSA 433-B:1, V as inserted by section 1 of the bill by replacing it with the following:

V. "Grower" means a person who cultivates ginseng for export, either interstate or international.

1999-0270h

Amendment to HB 239-FN-A

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing section 1 with the following:

1 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 433-A the following new chapter:

CHAPTER 433-B

Industrial Hemp

433-B:1 Purpose. The purpose of this chapter is to permit the development in New Hampshire of an industrial hemp industry, and to assure that production of industrial hemp is in compliance with state laws.

433-B:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of agriculture, markets, and food.

II. "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal and seed oil for consumption, and certified seed for cultivation if such seeds originate from industrial hemp varieties.

III. "Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, whether growing or not, that contain a tetrahydrocannabinol concentration of one percent or less by weight and are cultivated or possessed by a licensed grower in compliance with this chapter.

IV. "Records" means all commercial documents related to the production of industrial hemp, including accounts, correspondence, declarations, purchase orders, registers, seed invoices and tetrahydrocannabinol (THC) concentration analysis reports, including all documentation required under this chapter and by any other state law regarding the growing and cultivation of industrial hemp.

V. "Tetrahydrocannabinol" means a *Cannabis sativa* L. by-product, found in the resin secreted by the plant, that imparts psychoactive properties to marijuana.

433-B:3 Industrial Hemp an Agricultural Product. Industrial hemp is an agricultural product which may only be grown, produced, possessed and commercially traded in New Hampshire pursuant to the provisions of this chapter.

433-B:4 Licensing; Application.

I. Any person or business entity wishing to grow industrial hemp shall be licensed as an industrial hemp grower by the commissioner. A license from the commissioner shall authorize industrial hemp growing only at a site or sites as specified by the license.

II. A license from the commissioner shall be valid for 24 months and may be renewed, but shall not be transferable. An application for a license shall be filed with the commissioner by January 1, and a license granted by the commissioner shall be issued by February 1 of the same calendar year.

III. To qualify for a license from the commissioner, an applicant shall demonstrate to the satisfaction of the commissioner, in a manner prescribed by the commissioner, that the applicant intends to and is capable of growing industrial hemp, and has adopted methods to ensure its safe production, which at a minimum shall include:

(a) Furnishing the commissioner with a guaranteed irrevocable letter of credit or a surety bond executed by a surety company authorized to transact business in this state, in the sum of not less than \$2,000, obtained for the sole benefit of any person suffering loss or damage from violations of this chapter, or of the state of New Hampshire to cover the cost of destroying any industrial hemp crop not in compliance with this chapter.

(b) Ensuring the integrity of the industrial hemp crop while it is in the field, which shall include filing with the commissioner the location and acreage of all parcels sown and other field reference information as may be required by the commissioner.

(c) Ensuring that all parts of the industrial hemp plant not entering the stream of commerce as hemp products, such as flowers and leaves, are destroyed or recycled at the place of production.

(d) Agreeing to the provisions of RSA 433-A:6, II and III, regarding inspections by the commissioner.

(e) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of hemp.

(f) Every industrial hemp grower shall maintain all production records for at least 3 years at the production site.

433-B:5 Seed; Importation.

I. The commissioner shall be the sole source and supplier of seed for use in industrial hemp production in the state. The commissioner shall by rule adopt measures to define, distinguish and identify hemp as a plant variety consistent with the provisions of this chapter, secure all hemp seed under the control of the commissioner, and ensure that all hemp seed supplied to and used by growers is only the seed of the industrial hemp plant as defined in RSA 433-B:2, III.

II. An industrial hemp grower shall only use hemp seed obtained exclusively from the commissioner.

433-B:6 Administration; Inspection; Rules.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. The commissioner is authorized to investigate compliance with this chapter, and shall have access, subject to the provisions of paragraph III, to all land, buildings, or places where industrial hemp is grown, kept, stored, or handled, and to all records relating to hemp production. The commissioner may take samples of up to 1/10 of one percent of the industrial hemp crop of an industrial hemp grower, to test the crop tetrahydrocannabinol content to ensure compliance with this chapter and to provide a basis for sanctions or suspension of an industrial hemp grower out of compliance. The commissioner may make copies of any records.

III. The commissioner shall have access to the properties and records specified in paragraph II during regular business hours upon the consent of the industrial hemp grower, or when the commissioner has substantial justification to believe that any industrial hemp grower who is licensed under this chapter is otherwise in violation of this chapter or rules adopted under it.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement this chapter.

433-B:7 Revocation and Suspension of License; Enforcement.

I. The commissioner shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license in the following cases:

(a) If false or misleading information, statements, misrepresentation, or false or falsified documents have been submitted on or with an application or renewal for a license.

(b) If the industrial hemp grower fails to take any action required by the commissioner under the provisions of this chapter.

(c) If the commissioner has been informed and has verified that the license holder, or in the case of a corporation, cooperative or partnership, any of its officers, directors or partners, has a criminal record that includes within the previous 10 years:

(1) Any designated drug offense as provided in RSA 318-B:26; or

(2) If he or she ordinarily resides in a country other than the United States, an offense that if committed in the United States would constitute a designated drug offense.

(d) In the case of a corporation, cooperative or partnership, if any person who is less than 18 years of age is named as an officer, director or partner.

(e) If the holder of a license that was required to be submitted with the application no longer holds the license.

II. The commissioner may revoke a license where it is necessary to protect the security, safety or health of the public, if the commissioner has reasonable grounds to believe that the license holder has violated or failed to comply with any provision of this chapter or any rule adopted under it, or any condition of the license.

III. Revocation or suspension of a license may be in addition to any criminal penalties or fines imposed on an industrial hemp grower under other state law.

433-B:8 Fee; Cost of Seed; Special Fund.

I. A fee shall be charged by the commissioner for each license granted to an industrial hemp grower under this chapter. The fee amount charged for the first growing season shall be \$10 per acre of land under cultivation, plus a sufficient amount for testing samples, if required by the commissioner. After the first growing season, the commissioner shall recommend a fee amount to the general court for its approval, to be used beginning with the growing season following the first growing season. All fee revenue shall be deposited in the special program fund established in paragraph III.

II. The commissioner shall by rule establish hemp seed prices to be charged growers under provisions of RSA 433-B:3. All proceeds of seed sales shall be deposited in the industrial hemp special program fund established in paragraph III.

III. An industrial hemp special program fund is established in the office of the state treasurer. All moneys in the fund shall be nonlapsing and continually appropriated to the commissioner and used to defray the cost of implementing this chapter.

433-B:9 Research; University of New Hampshire.

I. The university of New Hampshire office of sponsored research is authorized to undertake research of industrial hemp production in the state, after receiving a license to grow hemp both from the commissioner and from the USDEA to the extent required by law. The commissioner may waive fee requirements for the university. The commissioner shall oversee the university research, which shall be mutually agreed upon by the commissioner and the university, and which shall include:

(a) Industrial hemp test plots, to assess optimum New Hampshire soils and other growing conditions.

(b) Analysis of minimum THC levels obtainable in industrial hemp production.

(c) Analysis of market economic conditions affecting the development of an industrial hemp industry in the state of New Hampshire.

II. The commissioner and the university shall cooperatively seek funds from both public and private sources to implement this section. Such funds shall be deposited into the industrial hemp special program fund.

III. By December 1, 1999, and annually thereafter, the university shall report on the status of research authorized by this section, including progress in securing funding for it, to the house environment and agriculture committee and the senate environment committee.

433-B:10 Report. The commissioner shall by January 15 of each year report to the house environment and agriculture committee and the senate environment committee on implementation of this chapter and on the commercialization of industrial hemp in this state and elsewhere in the world, and recommend any changes to this chapter deemed appropriate.

Amend the bill by replacing section 3 with the following:

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

AMENDED ANALYSIS

This bill permits the production of industrial hemp in New Hampshire. A person or business entity wishing to grow and produce industrial hemp must be licensed by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food will be the sole source and supplier of seed for use in industrial hemp production.

The commissioner of agriculture, markets, and food shall charge a fee for each license granted to industrial hemp growers. The revenue from these fees is to be used to defray the costs of licensing and regulating industrial hemp growers, for testing samples, and to fund a research program on industrial hemp production to be conducted by the university of New Hampshire office of sponsored research.

This bill grants the commissioner of agriculture, markets, and food rulemaking authority with respect to licensing and inspection of industrial hemp growers, and identification and distinguishing of hemp as a plant variety.

This bill establishes conditions under which the commissioner may or shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license.

1999-0356h

Amendment to HB 250

Proposed by the Committee on Education - C

Amend RSA 195-A:3, XI as inserted by section 1 of the bill by replacing it with the following:

XI. An area plan adopted by the voters of the sending and receiving district shall be valid for a ~~[period]~~ **minimum** of 10 years ~~[from the date of its adoption, amendment, or the withdrawal of a district]~~ **unless otherwise provided by mutual agreement of the school districts**. The area plan may be renegotiated at the request of a sending or receiving district or extended for additional 10-year periods upon a mutual vote of each sending and receiving school district legislative body 2 years prior to the expiration of the area plan.

1999-0265h

Amendment to HB 261-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

1 Town Meeting; Use of the First Session. Amend RSA40:13, IV to read as follows:

IV. The first session of the meeting ~~[shall consist of explanation, discussion, and debate of each warrant article, and shall be], governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10[; provided, however, that RSA 40:10, II shall not apply, and a vote to restrict reconsideration pursuant to RSA 40:10, I shall be deemed to prohibit any further action on the restricted article until the second session],~~ **shall consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply.** Warrant articles may be amended at the first session, subject to the following limitations:

- (a) ~~[Questions, the]~~ **Warrant articles whose** wording ~~[of which]~~ is prescribed by law~~[-]~~ shall not be amended.
- (b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

2 Town Meeting; Second Session of Annual Meeting. Amend RSA 40:13, VI to read as follows:

VI. All warrant articles shall be placed on the official ballot for a final vote, **including warrant articles as amended by the first session**. All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended.

3 Definition; Operating Budget. Amend RSA 40:13, IX-XI to read as follows:

IX. "Operating budget" as used in this subdivision means "budget," as defined in RSA32:3,III, exclusive of "special warrant articles," as defined in RSA 32:3, VI, **and exclusive of other appropriations voted separately**.

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

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

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles **and other appropriations voted separately**, the amounts set forth on the budget posted with the warrant or

as amended by vote of the first session, for the purposes set forth therein, totaling \$.....? Should this article be defeated, the operating budget shall be \$....., which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA40:13, X and XVI, to take up the issue of a revised operating budget only."

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

Procedural Defects in Official Ballot Voting

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

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

AMENDED ANALYSIS

This bill clarifies procedures of first and second town meetings.

This bill requires that if no operating budget article is adopted at the second session of an annual town meeting, the previous year's appropriations deemed to have been approved from the previous year shall be reduced or increased by debt service, contracts, and other previously incurred or mandated obligations, or reduced by one-time expenditures.

This bill also adds procedures to rectify irregularities or procedural defects in official ballot voting.

This bill was requested by the department of revenue administration.

1999-0107h

Amendment to HB 270

Proposed by the Committee on Judiciary - C

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

1 Persons not Competent to Stand Trial. Amend RSA 135:17-a, I to read as follows:

I. After a determination by the superior or district court that a person is not competent to stand trial, the court may, following a hearing and a determination that such person is dangerous to self or others, order the person to remain in custody for a reasonable period, not to exceed ~~[90]~~ **60** days, to be evaluated for appropriateness for involuntary admission into the state mental health services system, including the secure psychiatric unit, and to commence civil proceedings, if appropriate. The court may order such person to submit to examinations by a psychiatrist, designated by the state, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, including the secure psychiatric unit.

2 Persons Not Competent to Remain in Custody. Amend RSA 135:17-a, II(c) to read as follows:

(c) Probable cause exists that the person meets the criteria for commitment under RSA171-B:2; the court may order the person to remain in custody for a reasonable period, not to exceed ~~[90]~~ **60** days, to be evaluated for the appropriateness for involuntary admission into the state developmental services delivery system or the secure psychiatric unit, and to commence civil proceedings, if appropriate. The court may order such person to submit to examinations by a physician, psychiatrist or psychologist, designated by the state, who shall have experience and training in mental retardation, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state developmental services delivery system or the secure psychiatric unit.

3 New Paragraph; Person to Remain in Custody. Amend RSA 135:17-a by inserting after paragraph II the following new paragraph:

III. Upon the filing of the petition in probate court, the person shall remain in custody until the issuance of the order of the court

pursuant to RSA 135-C:45 or RSA 171-B:12; provided, that the court shall act upon the petition within 30 days of its filing.

4 Effective Date. This act shall take effect January 1, 2000.

AMENDED ANALYSIS

This bill declares that persons found not competent to stand trial can be held in custody for the completion of a civil commitment process, if appropriate.

The bill also reduces the number of days a person may be held in custody for evaluation for possible involuntary commitment.

1999-0280h

Amendment to HB 274-FN

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

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

1 Compensation of State Officers; Salaries Established; Consumer Advocate. Amend RSA 94:1-a, I by inserting in group N the following:

Consumer advocate; public utilities commission.

2 Public Utilities Commission; Support Personnel to Commission; Office of the Consumer Advocate. Amend RSA 363:28, I to read as follows:

I. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

(a) A consumer advocate, appointed by the ~~[attorney general]~~ ***governor and council, from a list of 3 nominees submitted by the residential ratepayers advisory board or re-appointed by the governor and council upon recommendation of the residential ratepayers advisory board*** who shall be ~~[a full-time classified employee and]~~ a qualified attorney admitted to practice in this state. ***The consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.***

(b) An assistant consumer advocate appointed by the ~~[attorney general]~~ ***consumer advocate***, who shall be a full-time classified employee ~~[and a qualified attorney admitted to practice in this state]~~.

(c) A secretary ***appointed by the consumer advocate.***

(d) ~~[Two]~~ ***Three*** additional staff people~~[- who may be a rate analyst and an economist]~~ ***appointed by the consumer advocate. When filling these positions, the consumer advocate should consider appointing rate analysts or economists.***

3 New Section; Public Utilities Commission; Support Personnel to Commission; Residential Ratepayers Advisory Board. Amend RSA 363 by inserting after section 28 the following new section:

363:28-a Residential Ratepayers Advisory Board.

I. There is established the residential ratepayers advisory board. The advisory board shall consist of the following public members:

(a) Three members appointed by the speaker of the house. One shall represent the interests of residential ratepayers; one shall represent the interests of the elderly; and one shall be a member of the public.

(b) Three members appointed by the senate president. One shall represent the interests of residential ratepayers; one shall represent the interests of the disabled; and one shall represent environmental concerns.

(c) Three members appointed by the governor and council. One shall represent the interests of persons of low income; one shall represent the interests of small business owners; and one shall represent the interests of residents of low-income housing.

II. Members shall serve 3-year terms. In the event of death or resignation of any member of the advisory board, the person or

entity that made the original appointment shall appoint a successor, and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. The members of the board shall receive no compensation but shall be entitled to reimbursement for mileage at the same rate provided for state employees.

III. The board shall elect annually a chairperson from among its membership.

IV. The board shall receive administrative support from the office of the consumer advocate.

V.(a) The board shall meet at least quarterly and at the call of the chairperson or 3 board members. The consumer advocate shall be present for all board meetings to inform the board of the actions of the office of the consumer advocate and to respond to the board's inquiries.

(b) The board shall advise the consumer advocate on matters concerning residential ratepayers.

(c) Prior to the expiration of the consumer advocate's term, the board shall recommend to the governor and council whether to reappoint the consumer advocate. If the board does not recommend reappointment or the governor and council do not accept the board's recommendation to reappoint, the board shall then nominate 3 persons to the governor and council to fill the position.

4 Initial Terms of Members of the Residential Ratepayers Advisory Board. The initial terms of members of the residential ratepayers advisory board established by this act shall be as follows: the members appointed by the speaker of the house shall serve for one year; the members appointed by the senate president shall serve for 2 years; and the members appointed by the governor and council shall serve for 3 years.

5 Applicability; Term of Consumer Advocate. The appointment of the consumer advocate holding the position on the effective date of this act shall expire on December 31, 2002. The consumer advocate on the effective date of this act shall become the unclassified consumer advocate at the salary step in group N which is not less than the consumer advocate's classified salary.

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

AMENDED ANALYSIS

This bill establishes the residential ratepayers advisory board to advise the office of the consumer advocate. This bill changes the appointing authority for the consumer advocate from the attorney general to the governor and council. This bill also adds a staff position in the office of the consumer advocate and provides that the consumer advocate shall serve a 4-year term.

1999-0157h

Amendment to HB 278

Proposed by the Committee on Judiciary - C

Amend RSA 502-A:2 as inserted by section 1 of the bill by replacing it with the following:

502-A:2 Sessions in Towns Within District.

I. The purpose of the establishment of this system of district courts is to provide the minimum number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, ***or in replacement of a portion of regular sessions***, the justice or special justice of each district ~~[may]~~ ***shall*** hold special sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district, provided, however, that no such special session shall be held in any building which does not meet the minimum standards prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

II. The administrative judge of the district courts shall have the authority to and shall, on an annual basis, establish the number of court sessions and the hours and days of operation required for each district court. The administrative judge shall consider the convenience of each court's users, caseload, resources, and security. Each court shall submit a plan for flexible scheduling to the administrative judge that meets the needs of the community served by that court which may include evening, early morning, and/or weekend sessions and other alternative sessions. In evaluating the community need for alternative sessions, the administrative judge and local courts shall

evaluate separately civil suits, small claims, order of notice, motor vehicle matters, and criminal cases to determine the needs of the community. The administrative judge shall file an annual report on the progress of implementing flexible schedules in the district courts with the chairpersons of the house and senate judiciary committees on or before November 1 of 2000, 2001, 2002, and 2003.

III. Any plan developed and instituted under paragraphs I and II shall not necessitate additional local expenditures by any political subdivision in accordance with part I, article 28-a of the New Hampshire constitution.

AMENDED ANALYSIS

This bill requires the administrative judge of the district courts to establish, on an annual basis, the number of sessions and the days and hours of operation required for each district court. Each court is required to have a schedule, which may include evening, early morning, or weekend sessions, which meets the needs of the community served by that court. The administrative judge of the district courts is required to file an annual report on the progress of implementing flexible schedules in the district courts with the chairpersons of the house and senate judiciary committees for a 4-year period.

1999-0171h

Amendment to HB 292

Proposed by the Committee on Election Law - C

Amend RSA 663:3-a as inserted by section 2 of the bill by replacing it with the following:

663:3-a Voter's Guides. If the general court proposes the constitutional amendment, the joint committee on legislative facilities may authorize the printing of a voter's guide. Distribution of the voter's guide shall not take place until its text has been reviewed and approved by the house and senate policy committees which considered the proposed constitutional amendment.

AMENDED ANALYSIS

This bill requires that the text of the proposed constitutional amendment be included in the question to the voters of whether to approve the proposed constitutional amendment. This bill also authorizes the joint committee on legislative facilities to print a voter's guide if the general court proposes a constitutional amendment.

1999-0183h

Amendment to HB 307

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

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

AN ACT establishing a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the negotiated risk agreements of the patient and the facility when a patient desires to remain in a facility rather than be transferred to a facility as recommended or required by the department of health and human services.

AMENDED ANALYSIS

This bill establishes a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

1999-0268h

Amendment to HB 420

Proposed by the Committee on Children and Family Law - C

Amend RSA 458:31 as inserted by section 1 of the bill by replacing it with the following:

458:31 Orders for Support of Spouse. ~~[Whenever a husband fails, without justifiable cause, to provide suitable support for his wife, or deserts her, or if the wife for justifiable cause is actually living apart from her husband, or if the husband is deserted by the wife, or is actually living apart from his wife for justifiable cause,]~~ ***If either spouse is living apart from the other without justifiable cause or willingly absents himself or herself from the other,*** the superior court, upon his or her petition, or if insane by his or her guardian or next friend, may issue orders which may at the discretion of the court be ex parte and which may grant such relief as provided for in RSA 458:16. The domicile requirements of RSA 458:4, 5, and 6 shall not apply to this section; and the court may grant relief hereunder to a nonresident plaintiff if the defendant is a resident of this state.

AMENDED ANALYSIS

This bill amends current domestic relations law by clarifying that if either spouse is living apart from the other without justifiable cause or deserts the other, the court may issue orders for relief to either spouse, and allows for an attachment of either spouse's property to enforce a court order for spousal support.

1999-0366h

Amendment to HB 431

Proposed by the Committee on Resources, Recreation and Development

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

AN ACT establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land.

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

1 Committee Established. There is established a committee to study the advantages of and methods and processes necessary for the retention and enhancement of traditional uses of White Mountain National Forest land.

2 Membership and Mileage.

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

(a) Four members of the house of representatives, appointed by the speaker of the house from among the membership of the resources, recreation and development, the municipal and county government, the wildlife and marine resources committee, and the commerce committees. At least 2 of the 4 members shall represent communities that include land within the White Mountain National Forest.

(b) Four members of the senate, appointed by the president of the senate from among the membership of the environment, the internal affairs, the wildlife and recreation, and the energy and economic development committees. At least 2 of the 4 members shall represent communities that include land within the White Mountain National Forest.

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

3 Duties. The committee shall explore any and all methods necessary to retain multiple use management of White Mountain National Forest land, and the impact of any considered change in designation of the White Mountain National Forest.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house

of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 2000.

6 New Section; Promotion of Continual Multiple Use Management of White Mountain National Forest Land. Amend RSA 12-A by inserting after section 2-h the following new section:

12-A:2-i Multiple Use Management of White Mountain National Forest Land. The commissioner of the department of resources and economic development, or designee, shall have the authority and responsibility to consult and work with the United States Department of Agriculture Forest Service in order to promote and maintain continued multiple use management of White Mountain National Forest land.

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

AMENDED ANALYSIS

This bill establishes a committee to study the advantages of and methods and processes necessary for the retention of traditional uses of White Mountain National Forest land. The committee will also explore the impact of any considered change in designation of the White Mountain National forest.

This bill also requires the commissioner of the department of resources and economic development to consult and work with the United States Department of Agriculture Forest Service to promote continual multiple use management of White Mountain National Forest land.

1999-0290h

Amendment to HB 490

Proposed by the Committee on Municipal and County Government - C

Amend RSA 49-C:12, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding paragraph I, a city may, pursuant to the procedures for adoption of charter amendments and submission to the voters under RSA 49-B:5 and 49-B:6, vote to allow the mayor to vote and be counted for purposes of a quorum at meetings of the city council, despite such mayor having been directly elected.

1999-0345h

Amendment to HR 9

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

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

A RESOLUTION urging the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest.

Amend the resolution by replacing all after the title with the following:

Whereas, the White Mountain National Forest consists of 720,000 acres in 35 different communities and 14 unincorporated places in New Hampshire; and

Whereas, the presence of national forest land provides both economic benefits and burdens to these communities; and

Whereas, adequate funding by Congress of the Land and Resource Management Plan ensures that the full economic, social and conservation benefits of proper management are received by these communities; and

Whereas, full payment in lieu of taxes by the federal government ensures that these communities receive revenues comparable to revenues these lands would generate in property taxes were they in private ownership; and

Whereas, full funding of the forest plan and full payment in lieu of taxes constitute a fiscal relationship between the federal government and the White Mountain National Forest communities that is essential to maintaining public trust and support for

continued management of these lands by the federal government; now, therefore, be it

Resolved by the House of Representatives:

That an annual report be issued by the United States Department of Agriculture Forest Service for public view and distribution, containing National Forest contributions to local towns in lieu of property taxes, statistics on revenues from timber sales, information regarding road construction, and approximate numbers of those who use the White Mountain National Forest for recreation and the economic impact on area business; and

That the federal government should make full funding of the Land and Resource Management Plan its highest priority in relation to its ownership and management of the White Mountain National Forest; and

That the federal government fully fund its statutory obligation to make payment in lieu of taxes to New Hampshire communities which contain land within the White Mountain National Forest;

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house resolution urges the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest and to fully fund its obligation to make payment in lieu of taxes to New Hampshire communities containing land within the White Mountain National Forest. This house resolution also urges the federal government to issue an annual report, for public view and distribution, containing information and figures regarding the use of the White Mountain National Forest for timber and recreation.