

State of New Hampshire HOUSE RECORD

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

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Contains: Public Hearings, Work Sessions, Notices and Reports and Amendments for April 1

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

As we go to press, we anticipate the Senate will pass a Claremont bill before the weekend. If they do, the Senate amendment will be the subject of a public hearing on Monday, March 29 at 9:00 a.m. in Rooms 210-211 LOB and the House will meet on Tuesday, March 30 at 1:00 p.m. Division 4 of the Finance Committee will facilitate the hearing. Although they will not be casting votes for or against the bill in committee, they have agreed to moderate a hearing designed to inform the members of the House and give the public a chance to be heard. Please note that official notice for both the session and the hearing will be provided through media outlets, in a mailing, and on the House website.

The House will meet on Thursday, April 1 at 10:00 a.m. Future sessions are tentatively set for Wednesday, April 7 and Thursday, April 8.

Members who have not yet received the new Black Book may pick them up in the Speaker's reception area, Room 308 State House.

Chairmen and Vice Chairmen will meet on Tuesday, March 30 at 9:00 a.m. in Room 201 LOB.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, April 1 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, April 1 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.

TIME PERMITTING, WE WILL CONSIDER THE CONSENT AND REGULAR CALENDARS WHEN THE HOUSE NEXT MEETS.

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 356, relative to the issuance of summons and notice in CHINS petitions. OUGHT TO PASS

Rep. Mary Stuart Gile for Children and Family Law: This bill provides that notification of pending court petitions relating to children in need of services (CHINS) be sent to the non-custodial parent via certified mail, return receipt requested, to his or her last known address. Vote 14-0.

HB 540, relative to court diversion programs. INEXPEDIENT TO LEGISLATE

Rep. Anne C. Grassie for Children and Family Law: The issues contained in this bill will be addressed in HB 721 which is currently being discussed in a sub-committee of Children and Family Law. Vote 16-0.

HB 555, relative to representation of a child during child interviews. RE-REFER TO COMMITTEE

Rep. Ruth Ginsburg for Children and Family Law: The committee decided that since so many questions were raised as we discussed the bill, more time was needed to clarify the issues. Vote 16-0.

HB 674, relative to the solemnization of marriages. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill would forbid marriages to be performed by any religious authority who did not hold a commission from the state. The committee believes that religiously performed marriages should be recognized by the state as is done at present. Vote 12-1.

HB 723-FN, relative to standby and emergency guardianship proxies. OUGHT TO PASS

Rep. Mary Stuart Gile for Children and Family Law: This bill authorizes parents to establish short-term guardianship for their minor children either on a temporary or emergency basis and defines the protocol for designation of standby guardianship proxies. The committee felt this bill would reduce the turmoil and potential trauma to children in times of family crises, especially when parents die unexpectedly or are incapacitated due to illness or accident. Vote 13-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 254-Local, relative to restricting the fire marshal's authority in certain municipalities. RE-REFER TO COMMITTEE

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill would restrict the powers of the state fire marshal's office in those communities of 3000 or more. It was determined that this would create several problem areas. In order to address all of the problems this bill would create it was decided to re-refer this bill to committee. Vote 17-0.

HB 345-FN, relative to harassment via the Internet. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: With the passage of HB 345-FN, the committee adds harassment via a computer to RSA 644:4:II. The bill updates the statute to include current technological advances and includes electronic transmissions communicated via a "computer". This definition of a "computer" means a programmable electronic device capable of accepting and processing data. Seventeen other states have already enacted laws covering Internet harassment. Vote 17-1.

HB 367, relative to requesting certifying scientists to appear at DWI hearings. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Under existing law (RSA265) a person charged with operating under the influence of alcohol may request that the person who conducted the blood alcohol test appear in court. HB 367 will change the responsibility for the appearance in court from the alcohol analyst who performed the test to the certifying scientist. The certifying scientist is the state's forensic toxicologist, who under existing law provides testimony in cases where a defendant is charged with being under the influence of controlled drugs. The results of passage of this bill will allow the alcohol analyst to stay in the lab doing tests instead of traveling to court 2 – 3 times a week. The travel time and the court time equal about 5 hours for each appearance. The implementation of this bill will save the state money, speed up the testing turnaround time, and be consistent with what we do for drug tests. Vote 12-0.

HB 427, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. RE-REFER TO COMMITTEE

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill would repeal the law requiring a prescription for purchasing hypodermic needles as well as requiring information on drug addiction treatment. The committee brought forth several questions for which there were no quick, concise answers. There was interest in data from other states without prescription laws including needle disposal, the willingness of pharmacists to participate, addict participation, addicts crossing state lines to purchase, etc. Therefore, it was determined these questions and concerns could be more thoroughly addressed in a concentrated study effort through the summer. Vote 15-1.

HB 509, relative to requirements in order to obtain a private detective license. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill would modify the requirements for a private detective license by adding to those currently contained in RSA 106-F:6 a provision to utilize a written examination in lieu of any of the "experience criteria" currently part of the law. After hearing testimony and review of how the licensing procedures are operating, it was determined (1) there is currently an alternate way to qualify for a license involving apprenticeship and (2) the existing system has not created any type of a problem requiring fixing. Vote 17-1.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 481-FN, relative to penalties for unlicensed practice of regulated occupations and professions. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: This bill would provide there be no penalty for

unauthorized, unlicensed, unregistered practice of an occupation or profession if a person provided the appropriate board or commission with his/her name and occupation or profession. This bill would, essentially, eliminate licensure, registration or other authorization. The committee decided this bill is not in the interest of protecting the public safety and would serve to undermine the protections offered by licensure, registration or certification. Public policy should be pro-active. Vote 17-0.

HB 671, adding a member to the council on resources and development. OUGHT TO PASS

Rep. Michael O'Neil for Executive Departments and Administration: The committee agreed that the addition of the commissioner of cultural resources to the council will strengthen the council of resources and development by providing a direct connection between several of its key responsibilities and the state agency charged with protecting the state's historic and cultural resources. Vote 15-0.

FINANCE

HB 237-FN, relative to the percentage of gross sales from each state aggregated in the tri-state lotto compact pool. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: While this proposal was submitted at the request of the Sweepstakes Commission, the Commission now indicates that the bill is no longer necessary as a result of the failure of Vermont to adopt parallel legislation. Without the unanimous agreement of all three states in the tri-state lottery compact (Maine, New Hampshire and Vermont) the desired result would not take effect and the bill is of no use. Vote 24-0.

HB 489-FN-A, exempting certain transfers to or from a revocable trust from the real estate transfer tax. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: This bill would exempt from the real estate transfer tax any transfers of real estate into or from a revocable trust. The law as it now stands taxes these transfers at the minimum charge of \$40 when for estate planning purposes. The committee felt this is not excessive and should stand. Vote 22-2.

HB 619-FN, requiring the commissioner of health and human services to produce certain quarterly reports. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: As amended, the bill calls for the Department of Health and Human Services to produce these reports annually. The annual report will provide the legislature with information about accounts payable in the large health and human services grant lines. This is a tool for the legislature to use in monitoring the state budget. Vote 21-1.

HB 681-FN, requiring that all moneys received by the state treasurer which are not constitutionally dedicated be deposited in the general fund. INEXPEDIENT TO LEGISLATE

Rep. Robert G. Holbrook for Finance: The subject of dedicated funds has always been a controversial subject, but to drastically sweep all dedicated funds from the many efforts of the state, such as parks and recreation, watercraft safety, oil pollution control, underground leaking storage tanks recovery costs, police standards and training programs, emergency communications, and hazardous waste reclamation, to mention a few, is not a common sense approach to this continuing practice of departments of the state. Vote 23-1.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 233, establishing a committee to study the price of prescription drugs. INEXPEDIENT TO LEGISLATE

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill is well intentioned and sorely needed. The Department of Health and Human Services & Elderly Affairs is in the process of contracting with a vendor to provide a discount drug program for New Hampshire's seniors. The department will continue to address the cost issue for pharmaceuticals. The committee did not want to disrupt this ongoing initiative by Health and Human Services. Vote 14-0.

HB 326-FN, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare. RE-REFER TO COMMITTEE

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: New federal regulations require inspections of home health agencies for compliance with federal regulations for Medicare. It was discovered that two home health agencies who do

not provide Medicare services were impacted by this. A representative of the Department of Health and Human Services told the subcommittee that this could be worked out in rules, and that no action would be taken for non-compliance until addressed in rules. The re-refer motion will enable that process to be followed through. Vote 16-0.

HB 329, relative to privatization of nursing homes. INEXPEDIENT TO LEGISLATE

Rep. Walter D. Ruffner for Health, Human Services and Elderly Affairs: This bill theoretically would study the privatization of county nursing homes. Counties have jurisdiction over their homes at present and testimony was presented that counties have the power to privatize now. It was deemed by the committee to be impractical and economically unfeasible. Vote 16-0.

HB 353, relative to access to toilet facilities in public places. INEXPEDIENT TO LEGISLATE

Rep. Andre Martel for Health, Human Services and Elderly Affairs: This legislation is intended to allow public access to toilet facilities in public accommodations. Although well intended, by placing this requirement in law, certain properties will have many security problems i.e. liquor stores, jewelry stores, etc. It was felt that public access should be left to individual site personnel. Vote 18-0.

HB 530, establishing a committee to review the policies and procedures of the joint health council. OUGHT TO PASS

Rep. Paul Perkins for Health, Human Services and Elderly Affairs: This bill establishes a study committee to address the problems and procedures as they relate to the Joint Health Council. After receiving public input, the committee feels strongly with a 17-0 vote of OTP that the original intent of the council needs to be studied. The major problem is that the current council and the procedure by which requests for changes to the drug formulary are made, are lengthy and cumbersome and may be restricting the access of services to their patients. Vote 17-0.

JUDICIARY

HB 502-FN, subjecting all rules promulgated and administrative actions taken by lower courts to review and approval by the legislature. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary: At the recommendation of the sponsor, this bill was withdrawn and recommended to be ITL. The sponsor felt that his concerns have been met by previously filed legislation and testimony received by the members of the Judiciary committee. Vote 17-0.

LEGISLATIVE ADMINISTRATION

CACR 7, relating to the size of the legislature and the salary for legislatures. Providing that the size of the house of representatives be reduced and the article related to the compensation of the legislature be removed from the constitution. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Legislative Administration: The committee felt that to diminish the size of the New Hampshire House of Representatives would make the House less representative of our citizens. The size of our House allows members to focus on an area and develop an expertise thereby assuring that all legislation receives significant consideration and review. The committee did not wish to change the nature of our citizen legislature. The committee also considered the question of amending the constitution to delete any reference to the compensation of the legislature. This would allow our compensation to be increased without a vote of our citizens. The committee felt that the legislature is already considering many other issues this session which will require significant funding and increasing our yearly compensation did not reach that level of importance. Vote 12-1.

HB 467, establishing a committee to study the ability of the legislature to obtain accurate testimony. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for Legislative Administration: This bill would establish a committee composed of 9 House members and 2 Senators to review the ability of the General Court to obtain accurate testimony. This proposed committee would review instances of alleged "unlawful invasions" of the constitutional rights of individuals testifying before the legislature by state and federal prosecutors.

The committee did not hear evidence of any actual violations. The scope of the proposed study committee was also not clearly defined. For these reasons, the committee voted to recommend that this bill be found Inexpedient to Legislate. Vote 14-0.

HB 603, relative to the performance audit and oversight committee. OUGHT TO PASS

Rep. Warren C. Henderson for Legislative Administration: This bill would streamline the process under which the legislature reviews the functions and performance of state agencies. The Performance Audit and Oversight Committee was established to allow review of state agency functions and to insure that those agencies operate in an efficient manner. Audits recommended by this committee have revealed outdated practices, lack of financial safeguards, and on occasion, activities not authorized by law. These audits have also revealed efficient practices and innovative ideas which should be shared with other agencies. While current law authorizes the Performance Audit and Oversight Committee to make recommendations for agency audits, the Fiscal Committee must approve the recommendation and actually receives the audit. To enable the Performance Audit and Oversight Committee to more efficiently fulfill its duties, this bill would add the chairman of the Fiscal Committee to the audit committee and authorize the audit committee to request and receive audits without requiring the separate approval of the fiscal committee. Vote 14-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 99, relative to granting to the county convention the authority to fill vacancies in elected county offices and to remove county officers for official misconduct. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have authorized the county convention to fill vacancies in county offices. The Committee believes that giving the convention this authority would unduly politicize the process of filling vacancies. The Committee further believes that the approach taken by HB 604 is the best way to address this issue. Vote 14-0.

HB 209, relative to authorizing the consideration of traditional village patterns in local zoning ordinances. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: This bill and HB 391 both deal with maintaining traditional, municipal growth patterns. It is the Committee's intent to study the concepts embodied in this bill with those in HB 391, which we also recommend be re-referred to the committee. Vote 14-0.

HB 523, relative to the terms of office of county officers. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: The committee appreciates the sponsor's willingness to offer an amendment, which addressed problems concerning the recount and appeals process precipitated by this proposed change. Unfortunately, other important concerns, such as inadequate transition time and multiple recounts and subsequent appeals, still exist. The New Hampshire Association of Counties Executive Board voted unanimously to oppose this bill. A representative from this Association who is also a county officer testified that most transitions are smooth. The Committee unanimously believes that the existing date has generally worked well and should be retained. Vote 14-0.

HB 550-L, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting. INEXPEDIENT TO LEGISLATE

Rep. Marilyn A. Fraser for Municipal and County Government: This Committee strongly recommended that SB-2 towns exercise the privilege of being able to make changes suitable to specific areas by adopting the Charter process. This bill would have moved up the date by which town budgets have to be posted in SB-2 towns by a few days. The Committee does not believe such a minor change warranted a statutory amendment. The issue of when town reports must be made available to the legislative body in SB-2 towns can be addressed in two other bills which are still in committee. Vote 15-0.

HB 569, relative to the tax credit for service-connected total disability. RE-REFER TO COMMITTEE

Rep. Elizabeth S. Hager for Municipal and County Government: The committee learned during the public hearing and in subsequent subcommittee work that the definitional change in this bill is more complex than it appears. The committee is committed to working to assure fair treatment of our veterans in studying this bill. Vote 14-0.

HB 583, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: This extends the reporting date for the Committee studying the

issue of updating New Hampshire laws related to fences from November 1, 1999 to November 1, 2000. Vote 14-0.

HB 587, relative to form of records of property with registers of deeds. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill would require that the local tax map and lot number be placed on all deeds or instruments prior to allowing the Register of Deeds to record such documents. Besides restricting the Register, the Committee knows that the tax map lot, and block numbers change constantly and are not intended to be legal identifications to be used for assessing purposes. Vote 14-0.

HB 595-L, enabling municipalities to grant the elderly property tax exemption to an additional person in a household. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have allowed municipalities to adopt an additional elderly exemption for members of the same household. The Committee believes that the bill requires further study as it may be directly affected by a statewide property tax. Vote 14-0.

HB 604, relative to filling a vacancy in the office of county commissioner. OUGHT TO PASS

Rep. David W. Hess for Municipal and County Government: As introduced, this bill would amend current law by providing that any person appointed to fill a vacancy in the office of county commissioner serve only until the next biennial election, rather than for the full, unexpired term of that vacancy, which is current law. The Committee considered and rejected two amendments to this bill which would have vested the power to fill such a vacancy in the remaining, two county commissioners. The Committee was very concerned about the process (or lack thereof) which the Superior Court has followed recently in filling several county commissioner vacancies and urges the Court to adopt formal, open procedures for carrying out this statutory duty in the future. However, the Committee concluded that the present statutory framework is preferable to the alternatives, at least for now. Vote 15-0.

HB 661-L, relative to the scope of abatement appeals. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This legislation ensures that the Board of Tax and Land Appeals and the Superior Court have authority during the tax abatement process to increase the assessed value placed on a parcel of land, if the parcel had been undervalued or had "escaped taxation." Vote 14-1.

HB 731-L, relative to allowing the granting of tax abatements or tax deferrals to owners of open space land. INEXPEDIENT TO LEGISLATE

Rep. Marilyn A. Fraser for Municipal and County Government: The committee concluded that this bill is not necessary due to the fact that its objectives can already be accomplished through RSA chapters 79-B and 79-C, as well as through long-recognized real estate conveyance methods, already available Vote 12-0.

PUBLIC WORKS AND HIGHWAYS

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. William P. Brennan for Public Works and Highways: The committee felt this bill should be re-referred back to the committee so that the funding could be properly straightened out. Obviously, on such an important matter the Public Works & Highways committee wants to be clairvoyant. Vote 16-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 383, relative to the authority of the department of environmental services to assign air pollution allowances and credits. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: This bill, as amended, allows the Department of Environmental Services to allocate emission reduction credits after submission to the Air Pollution Advisory Committee for review and recommendation. The bill also defines "shutdown emissions credit." Vote 17-0.

HB 402, establishing a commission to study the use of a surcharge to promote the use of renewable energy sources. OUGHT TO

PASS WITH AMENDMENT

Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill establishes a legislative committee to study ways to promote the use of renewable energy sources. The committee is charged with making suggestions and proposing possible legislation by November 1, 1999. Vote 16-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 258, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces. OUGHT TO PASS

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The Committee strongly supported Gold Star Mother's Day as an annual Sunday observance on a certain Sunday. Vote 12-0.

HCR 1, encouraging an increased distribution of federal money out of the military budget to the states sufficient to meet domestic needs. INEXPEDIENT TO LEGISLATE

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: There was no evidence expressed that the military budget was in any fashion necessarily available or in any fashion to be reduced to fund domestic programs further. Vote 12-0.

HCR 8, urging nonimplementation of the articles of the Kyoto Protocol on global climate change. OUGHT TO PASS

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: It was the consensus of the majority of members that we should not "put the cart before the horse". In that, neither the President nor the Senate have ratified the matter under discussion, we should not be viewed as attempting to preempt the Federal government. Vote 11-1.

TRANSPORTATION

HB 403, relative to speed limits on Turtle Town Pond in Concord. OUGHT TO PASS

Rep. Alfred C. Lerandau for Transportation: This bill adopts the speed limit on frozen surfaces of Turtle Town Pond in Concord, which was previously repealed effective June 30, 1998, at 55 miles per hour. Due to the small size of the pond, and the overwhelming testimony of the local residents as to how effective the speed limit had worked previously, it became our consensus to recommend continuing the speed limit. Vote 20-0.

HB 409, establishing a committee to study transportation of bulk unpackaged food products for livestock and human consumption. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill's intent is to establish a committee to study the transportation of bulk unpackaged food products for livestock and human consumption, and has good intentions by the sponsor who introduced the bill for a constituent who had an incident. However, testimony given by the department of agriculture assured the committee that safeguards are in place by state and federal statutes and standards. This is an area where the department can promulgate rules to adapt to any unhealthy trends. The committee did not feel it was necessary to form a study committee to further study this issue. Vote 20-0.

HB 430, requiring anyone operating windshield wipers to also have on headlights. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would require anyone who is operating windshield wipers to also turn on their headlights. The committee recognizes the good intentions of the sponsors, and accepts that this should be common sense in foul weather. However, the committee is troubled by how this may be enforced. Could this unnecessarily endanger our law enforcement officers in foul weather? The committee also received compelling testimony from auto dealers during the executive session, revealing auto manufacturers are including lights-on all-times features in new automobiles, making it difficult to purchase a new vehicle without this feature. The committee agrees that this bill is not essential at this time. Vote 20-0.

HB 453, requiring certain vehicles that transport children to school or school-related activities to meet the minimum safety standards for school buses. INEXPEDIENT TO LEGISLATE

Rep. George A. LaPorte for Transportation: Since the federal government will supercede this bill in 2003, by outlawing vans that transport school children, the committee felt this bill was not needed. Vote 19-1.

HB 589 FN-L, mandating a cap on municipal registration fees for recreational vehicles. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill would set a cap on probably the most expensive motorized vehicles on the road. The committee felt that if someone is spending \$100,000 plus for a motor home, they have the means to pay the local town tax. Vote 20-0.

HB 702-FN, relative to pro-rating the registration fees for recreational campers. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill would allow for recreational campers to be registered on a prorated basis by how many months a year they were used. This would do two things: create a bookkeeping nightmare for town clerks; and, open the door to all seasonal vehicles demanding the same consideration – (motorcycles, snowmobiles, boats, motor homes). This could conceivably cost city and towns revenue. Vote 20-0.

WILDLIFE AND MARINE RESOURCES

HB 552, relative to the issuance of crossbow permits to persons with a permanent physical disability. OUGHT TO PASS WITH AMENDMENT

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill enables persons with certain permanent disabilities that preclude the use of a conventional longbow, or compound bow safely, to hunt with a crossbow. Vote 17-1.

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 576-FN-A, establishing additional staff positions for child impact seminars, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Karen K. Hutchinson for Children and Family Law: This bill expands the successful child impact seminars into additional counties so that it will be available in all of the counties throughout New Hampshire. Child impact seminars teach parents the effects of divorce on children. Vote 14-1.

HB 712-FN-L, requiring notification to school districts of certain restraining orders and of the presence, or return to the school, of certain juvenile offenders. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Children and Family Law: This bill, as submitted, mandates the notification to the current school system by the clerk of court of all criminal convictions, restraining orders, confinements and releases from any detention facility. Once the school system receives the information it becomes part of the student's permanent record and would be forwarded with the student transcript whenever requested either by another school, college or even the military. It is the consensus of the committee that this bill is too complex, far-reaching, and would be difficult to execute. The juvenile system of justice does not recognize "criminal convictions". There are no provisions for "juvenile restraining orders" and the state and federal statutory requirements of confidentiality would be impossible to maintain. There are other provisions available to address the issues the sponsors are working to resolve. Vote 9-4.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 84-FN, requiring a one year mandatory prison sentence for a third driving while intoxicated conviction. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Everett A. Weare for the Majority of Criminal Justice and Public Safety: As amended, this bill mandates a minimum 6 months confinement for a third time conviction for DWI. It authorizes the use of electronic monitoring, special alternative incarceration programs offered by the county departments of correction, intensive community supervision, as a condition of probation for any suspended sentence. The individual must successfully complete an approved 28-day residential treatment program before the driver's license may be restored. Vote 10-7.

Rep. Timothy N. Robertson for the Minority of Criminal Justice and Public Safety: A minority of the committee felt that mandatory sentencing of DWI offenders unwisely intrudes on judicial discretion. They reasoned that this matter should be

referred for study to examine more effective means of addressing a serious societal problem such as treatment options, electronic monitoring and other creative approaches.

ENVIRONMENT AND AGRICULTURE

HB 51, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment. RE-REFER TO COMMITTEE

Rep. Kenneth R. Marshall for Environment and Agriculture: The Committee felt that issues raised by this proposal need additional time to resolve. Vote 14-2.

HB 340, establishing a committee to study mercury source reduction and recycling issues. OUGHT TO PASS WITH AMENDMENT

Rep. Susan L. R. Franks for Environment and Agriculture: This act, as amended, establishes a committee to study mercury source reduction in New Hampshire, and methods of reducing the amount of toxicity of mercury-containing products in the waste stream. Vote 16-0.

HB 558-FN, relative to solid waste management. OUGHT TO PASS WITH AMENDMENT

Rep. Susan L.R. Franks for Environment and Agriculture: This act, as amended, further clarifies laws relative to solid waster management requirements and makes technical changes to certain provisions of the toxins reduction laws. Vote 14-1.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 484, relative to the registration of alternative providers of naturopathic care. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: Naturopathic doctors have been licensed in New Hampshire since 1995 and since then they have become recognized as participants in the health care system. This bill, if passed, would have provided lesser-trained persons to provide essentially, some of the same services. The sub-committee that reviewed HB 484 felt that this could lead to confusion in the health care market place, and would not be good public policy. Unlicensed persons dealing in natural health areas may still provide services as herbalists, naturalists, aroma therapists, etc., they just can not identify themselves as naturopaths. Vote 10-7.

FINANCE

HB 91-FN-A-L, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. INEXPEDIENT TO LEGISLATE

Rep. Norman L. Major for Finance: The intent of this bill was to repeal a provision allowing operators to retain 3 percent of meals and rooms taxes collected. The Department of Revenue Administration indicates that this bill will increase state revenues by \$3.75 million in FY 2000 and each year thereafter. The sponsor feels it is unfair to reward business for collecting taxes since our system does not reward our citizens for preparing and collecting funds to pay their state taxes. Much of the testimony indicated the 3 percent does not adequately compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them. There are costly penalties if the collected taxes are not timely remitted monthly Vote 21-3.

HB 235-FN-A, increasing the exemption amount under the interest and dividends tax. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The proposal would more than double the current exemption levels under the interest and dividends tax, causing a reduction of revenues to the general fund in excess of \$10 million. The proposed exemption for single filers would increase from \$2,400 to \$5,200 while the exemption for joint filers would increase from \$4,800 to \$10,400. Supporters of the bill suggest that the increased exemptions will return the tax to a position of revenue neutrality versus the tax as it was enforced prior to the changes made by the legislature in 1995. This would not be the case however. Subsequent to the changes made in 1995, the Department of Revenue Administration undertook a detailed study of all tax filers and found that the changes were revenue neutral. Increases in tax collections subsequent to the 1995 changes were a result of increases in the stock market, increased investment, a stronger economy, and increased compliance with the tax law as more people were made aware of the obligation to file and pay a tax on interest and dividend income. The committee believes that such a change in

policy, and the resultant impact to the general fund is one which should not be entertained at this time. Vote 23-1.

HB 475-FN-A, appropriating a portion of tobacco settlement moneys to fund the activities of the emergency shelter and homeless coordination commission. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Finance: This is one of a number of bills moving through the legislature which identify various worthy purposes to which portions of the tobacco settlement moneys could be dedicated. The Finance Committee, while acknowledging the concerns of the sponsors, concludes that the prospective funding stream expected from the tobacco settlement will be in great demand from myriad competing causes and that an effort should be made to have in place an underlying policy framework before any decisions are made as to specific allocations.

It is unlikely that any tobacco settlement funds will be received by the state before the end of SFY 2000. Vote 24-0.

HB 492-FN-A-L, reducing the state bond guarantee limit for wastewater projects. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance: This bill reduces the state bond guarantee limit for wastewater projects from \$250 million to \$200 million. The Department of Environmental Services has requested this bill because the amount of outstanding guaranteed debt has decreased to about \$124 million. Enactment of this bill could have a small positive impact on the state's financial rating. Vote 24-0.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill makes a one-time appropriation of \$150,000 to the Department of Cultural Resources for payment to the non-profit organization Celebrate New Hampshire Culture, Inc. for the purpose of funding the state's participation in the Smithsonian Festival of American Folklife. This bill accomplishes an attempt begun in the last session to match to a small degree the anticipated \$2 million of private donations raised in support of New Hampshire's participation in the Smithsonian Festival in Washington, D.C.

The amendment decreases the original amount in the bill from \$200,000 to \$150,000 as the first \$50,000 of this anticipated commitment was obligated in the last session. Vote 24-0.

HB 495-FN-A, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill extends the date for the motor oil discharge clean-up fund to January 1, 2003. The fee for importation of fuel oil is increased from \$.005 to \$.01 per gallon. This fuel oil recovery program has approved claims awaiting funds hence the need for an increase in revenue to the Fuel Oil Discharge Clean-up Fund. The amendment adds fuel oil tank recovery costs up to \$1,000 upon proof of financial need. Vote 24-0.

HB 572-FN-A, relative to the apportionment provisions of the business profits tax. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance: For multi-state businesses that have a commercial presence in New Hampshire there is a formula that apportions the business profits tax to the New Hampshire activity. Said formula uses property, compensation, and sales, but under a temporary law the sales piece is multiplied by 2. After July 1, 1999, the multiplier will revert to 1.5 unless this bill is passed maintaining the double weighting.

Testimony emphasized the importance of the sales factor over the other two components and was in support of the bill. The committee had heard testimony on another bill which used only the single factor of sales in computing apportionment. That option may occur if the other bill passes.

The number of businesses affected by this bill is about 6,800. The net effect of reverting to a 1.5 multiplier would be a loss of \$2 million to the business profits tax. Vote 24-0.

JUDICIARY

CACR 22, relating 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. RE-REFER TO COMMITTEE

Rep. Dennis J. Withee for Judiciary: This amendment seeks to change the constitution so that judges must be re-appointed,

commissioned, and sworn to subsequent 7-year terms. Excellent testimony supporting both sides of the issue was received and considered by the committee. Since the committee will be studying similar legislation this summer, the majority voted to have the contents of CACR 22 as part of its judicial reform package. The minority of the committee believes that this amendment should be found ITL because the House has already re-referred HB 53 which contains similar material. Vote 11-8.

LEGISLATIVE ADMINISTRATION

HB 623-FN, increasing the mileage reimbursement rate for members of the legislature. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Legislative Administration: This bill would raise the mileage rate received by legislators to 42 cents per mile for the first 60 miles and to 26 cents for every mile above that. Current rates are 38 cents for the first 45 miles and 19 cents for every mile in excess thereof. This bill would also make these changes retroactive to January 1, 1999. The fiscal note did not establish the actual annual cost of these increases. We are currently in the first year of offering two options to members for mileage reimbursement. As we work to resolve issues which have occurred during this transition, we should not revise the program and its payment schedule in mid-stream, particularly when the cost of the additional payments is unknown. The many other significant issues which will require assistance from our state treasury this year was another factor which led the majority of the committee to recommend that this bill be found Inexpedient to Legislate. Vote 12-2.

PUBLIC WORKS AND HIGHWAYS

HB 279-FN-A, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Giovanni M. Verani for the Majority of Public Works and Highways: The majority of the committee, although sympathetic to the sponsors' requests, found that the removal of the tolls on the Cheshire bridge would bring about far reaching fiscal impacts to the 10 Year Highway Plan, as well as other funding issues. This issue has been before the House on several prior occasions, and keeping in mind that the toll was first established to help keep the bridge open without weight restrictions, the committee had the same feeling as in the past. This toll bridge is not popular in the area, however, there is light at the end of the tunnel because, as soon as the bonds are paid off, the toll will end. The original time line saw the toll removed in 2012, but the current projection predicts 2005, because revenues are better than expected. Vote 10-7.

Rep. John R. Cloutier for the Minority of Public Works and Highways: The minority feels it is time to abolish tolls on what remains the last toll bridge in the State of New Hampshire. Abolishing the tolls would not only help the average citizen in southwestern New Hampshire, but also spur more economic development by attracting business to expand or relocate to the area. More economic development would result in more property tax revenue for communities like Charlestown, as well as more business tax revenue for the state.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill is a cost savings plan. With the recent leasing of two buildings (one to the Department of Revenue Administration and the other to the Liquor Commission) at an average of \$13.50 per square foot, the operating cost of Johnson Hall is just \$6.14 per square foot. It is less than half the cost of the two new leases, and we are reusing very well built brick buildings located on the New Hampshire Hospital Grounds. The Brown Building was rehabilitated for \$63.00 per square foot. When we compare this cost to the cost of the new Court Office Building at \$103.00 per square foot, these startling figures show a savings of 40% by just using the assets we already own. The Walker Building was appraised for \$6 million four years ago. The time is now to fix the roofs, plywood the windows and seal the building from water damage. The Committee believes we should take this important step forward as it is in the best fiscal interest for the state and it looks at this project as a revenue saving measure, not a spending issue. Vote 17-0.

HB 482, relative to a study of tolls on the turnpike system. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Morse for Public Works and Highways: This bill would study the impact of eliminating tolls on the turnpike system and replacing the revenue with an increase in the gas tax. There was testimony from the committee and from the Department of Transportation that many recent studies have been completed, and that the gas tax would have to be raised by 15-18 cents to replace toll revenue. The committee felt that further studies are not needed, and an increase of this amount would have an adverse affect on the state's fuel sales. Vote 16-1.

HB 617-FN-A-L, relative to funding and monitoring seacoast harbor issues. OUGHT TO PASS

Rep. Winston H. McCarty for Public Works and Highways: This bill, having had a thorough and extensive study by a prestigious committee of Senate and House members, provides the funding for harbor dredging and pier maintenance from boat fees, registrations, and a share of the unrefunded road tolls. These needs occur with some irregularity as the result of storms and water flow, and need attention without waiting for the legislature to provide the funding. The projects will be the responsibility of the New Hampshire Port Authority with prior approval of Capital Budget Overview Committee. This bill also transfers the commercial fish piers in Portsmouth, Rye Harbor and Hampton Harbor from the Department of Resources and Economic Development to New Hampshire State Port Authority. Both departments approved this transfer. This places all the responsibility of the harbors and piers in one department. Further provisions are also made to study the feasibility of mutual use of Coast Guard facilities and a study of waterfront erosion. Both the study and House committees were unanimous in this decision. Vote 16-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 426, relative to clean indoor air in state buildings. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: This housekeeping bill was a request of the Department of Health and Human Services for the purpose of clarifying the definitions of "office space," "building renovation" and "building addition" relative to spaces in state buildings required to meet clean air standards. Vote 15-1.

TRANSPORTATION

HB 70, relative to increasing the fines for violating the child passenger restraint law. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The intent of this bill is to double the fines on first and second offense, and create a third or subsequent offense for failing to wear a passenger restraint. This bill was difficult for the committee since the passage of HB 94 made the violation of mandatory seat belt usage a primary offense. Testimony during executive session revealed that drivers who lost their licenses due to the under 20 law, paid an extraordinary amount of money to reinstate their privileges. The majority of the committee felt that adding this new fine schedule to the list would be a draconian measure. Vote 16-4.

HB 320-FN, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. INEXPEDIENT TO LEGISLATE

Rep. George N. Katsakiores for Transportation: Testimony from the Commissioner of the Department of Transportation, the Director of Highway Safety and the AAA representative indicated that to best live up to the required highway speeds based on public safety, the current interstate speed limits are proper and in the best interest of our constituencies. Studies addressing speed limits are based on consideration for safe and reasonable speeds under favorable road traffic and weather conditions. The rationale for government regulation of speed is based on the fact that unreasonable speed may cause damage and injury. Speed laws also provide a basis for punishing the unreasonable behavior of an individual driver. The majority of the committee opposed this bill. Sufficient documented evidence was presented substantiating the majority's position. Vote 12-7.

HB 656, relative to the use of personal watercraft on Beaver Lake in the town of Derry. INEXPEDIENT TO LEGISLATE

Rep. Pierre W. Bruno for Transportation: This bill seeks to prohibit the use of personal watercraft (e.g., jet skis) on Beaver Lake in the town of Derry. Beaver Lake is a state lake, and as a state lake, public access is maintained. The committee has compassion for any Beaver Lake resident who would like to ban the use of particular watercraft. Nonetheless, the majority of the committee agreed that imposing such a discriminatory ban on a single type of watercraft would not be appropriate for statute. The department of safety has a hearing process to remedy requests for specific prohibitions, such as those sought by this bill on state lakes. Vote 14-5.

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. OUGHT TO PASS

Rep. Sherman A. Packard for Transportation: This bill was introduced to accomplish two goals. During the last year, the department of environmental services has worked closely with the department of safety in crafting a response to federal requirements under the Clean Air Act for a comprehensive vehicle emissions testing program in three New Hampshire counties.

In place of an onerous enhanced inspection/maintenance (I/M) program, New Hampshire successfully negotiated with the U.S. Environmental Protection Agency (EPA) an environmentally superior and more cost-effective package of air pollution reduction strategies, including implementation of the Enhanced Safety Inspection and Diesel Opacity Testing programs. Federal statute typically requires enforcement of enhanced I/M programs to be based on registration denial, a mechanism that DES and DOS regard as unworkable in New Hampshire, and have strongly opposed. As part of New Hampshire's alternative approach, DOS instead committed to establishing additional enforcement capacity for its motor vehicle inspection programs, including the new Enhanced Safety Inspection and Diesel Opacity Testing components. This bill will provide DOS with resources to fulfill this commitment. This bill will also help ensure that the regular safety inspections are being done properly creating safer highways. To offset the expense, the fee for inspection stickers will be increased by 25 cents. The NH Auto Dealers Association, NH Motor Transport Association, DES and DOS endorsed this bill. Vote 20-0.

WILDLIFE AND MARINE RESOURCES

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. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill has been around for three or more sessions. Each time the Fish and Game Department and the Wildlife and Resource Committee worked very hard for a solution to no avail. After 12 hours of hearings, several hours of subcommittee work as well as four hours of Executive Committee discussion, all parties involved agreed to most of the items in question, i.e. the amount of money. For a fencing program; the split of 75% paid by Fish and Game; 25% paid by growers; and immediate possession of two depredation permits. The only item that was not agreeable to all parties was the repeal of RSA 207:22 and 207:23 (damage by game birds). Vote 13-5.

LAID 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.)

HB 549-L, relative to the minimum vote required for bond issues by municipalities. (Pending question is on inexpedient to legislate.)

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

COMMITTEE MEETINGS

MONDAY, MARCH 29

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Subcommittee work session on **HB 459**, removing the requirement for continuing education for renewal of a professional engineer's license, **HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists, **HB 598-FN**, relative to the licensure of x-ray technicians, **HB 650-FN-A**, relative to alcohol and drug abuse prevention and making an appropriation therefor and **HB 313-FN**, relative to the regulation of the practice of optometry.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the following bills:

HB 608-FN-A, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.

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.

Work and executive session on pending legislation to follow.

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

9:00 a.m. Work session on the budget and other pending legislation.

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

9:30 a.m. Regular meeting.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Rooms 301-303, LOB (Please note room change.)

2:00 p.m. Briefing by Congressman Sununu.

TUESDAY, MARCH 30

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on ***HB 654-FN-LOCAL***, relative to the disposition or sentencing of persons under 18 years of age who commit certain crimes.

10:00 a.m. Work and executive session on pending legislation.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on ***HB 450***, prohibiting a prepayment penalty on a second mortgage home loan which has been in existence for 4 years.

9:30 a.m. Subcommittee work session on ***HB 451***, relative to payments of first and second home mortgages.

10:00 a.m. Subcommittee work session on ***HB 309***, relative to motor vehicle insurance and ***HB 322***, relative to funds exchanged at real estate closings.

10:30 a.m. Subcommittee work session on ***HB 369***, relative to tobacco use violations by minors and establishing a committee on teen tobacco use prevention and education.

10:45 a.m. Subcommittee work session on ***HB 317***, relative to the display of tobacco products.

11:00 a.m. Subcommittee work session on ***HB 662-FN***, relative to the duties of the liquor commission.

1:15 p.m. Subcommittee work session on ***HB 443***, allowing certain beverage manufacturers to distribute products directly to retailers.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Subcommittee work session on ***HB 508***, relative to the nude photography of 16 and 17 year old subjects.

10:00 a.m. Subcommittee work session on ***HB 722-FN***, revising the law relative to protection of persons from domestic violence and ***HB 216***, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases.

11:30 a.m. Subcommittee work session on ***HB 360-FN***, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

EDUCATION, Room 207, LOB

10:00 a.m. Continued public hearing on **HB 705-FN-LOCAL**, privatizing the functions of the community-technical college system.

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

2:30 p.m. Subcommittee work session on **HB 498-FN**, establishing a special education catastrophic aid fund and **HB 577**, relative to the power of a school district to expend catastrophic special education funds.

ELECTION LAW, Room 308, LOB

9:00 a.m. Subcommittee work session on **HB 458**, relative to voter qualifications.

9:10 a.m. Subcommittee work session on **HB 493-FN**, relative to alteration of sample ballots.

9:20 a.m. Subcommittee work session on **HB 506-FN-LOCAL**, relative to voter registration.

9:30 a.m. Subcommittee work session on **HB 389**, relative to procedures for apportioning state representatives among counties and among legislative districts.

10:00 a.m. Full committee work session on **HB 547-LOCAL**, changing the state primary election day to the first Saturday after Labor Day and **HB 374**, relative to the order of names on presidential primary election ballots followed by an executive session on pending legislation.

11:00 a.m. Subcommittee work session on **HB 293**, relative to the definition of "party" for election purposes, **HB 375**, relative to substitutions for disqualified candidates and relative to nominations by nomination papers.

11:30 a.m. Rescheduled subcommittee work session on **HB 61**, relative to political contributions by members of the ballot law commission.

ENVIRONMENT AND AGRICULTURE, Room 307, LOB (Please note room change.)

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.

10:30 a.m. Subcommittee work session on **HB 410**, relative to the enforcement authority of the department of environmental services.

11:00 a.m. Subcommittee work session on **HB 510-FN**, relative to monitoring aerial spraying of herbicides.

1:00 p.m. Subcommittee work session 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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Subcommittee work session on **HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

9:30 a.m. Subcommittee work session on **HB 643-FN-A-LOCAL**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety.

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

1:00 p.m. Subcommittee work session on **HB 553-FN-A**, establishing a commission on the status of men, and making an appropriation therefor.

1:30 p.m. Subcommittee work session on **HB 535**, establishing a committee to study the creation of a

department of natural resources.

FINANCE, Rooms 210-211, LOB

9:00 a.m. **HB 278**, relative to scheduling of district court sessions. (A)

9:45 a.m. **HB 612-FN**, relative to compensation paid to jurors.

10:30 a.m. **HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor.

11:00 a.m. **HB 274-FN**, relative to the office of the consumer advocate. (A)

1:00 p.m. **HB 363-FN**, increasing the bonding limit of the school building authority.

1:30 p.m. **CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town.

2:15 p.m. Public hearing on proposed amendment to **HB 596**, making technical corrections to certain laws administered by the department of revenue administration. (The proposed amendment deals with extending the communications services tax, and the meals and rooms tax, and the real estate transfer tax. Copies of the amendment will be available from the Sergeant-at-Arms Office.)

2:45 p.m. **HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs.

3:15 p.m. **HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Executive session on pending legislation to follow.

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

10:00 a.m. Subcommittee work session on **HB 624-FN**, establishing a health care quality commission.

1:00 p.m. Subcommittee work session on **HB 419-FN**, repealing the certificate of need law, **HB 545-FN**, relative to ambulatory surgical facilities and **HB 657-FN**, relative to the health services planning and review board.

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.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

1:00 p.m. Subcommittee work session on **HB 636-FN**, relative to public safety employee collective bargaining negotiations under the public employee labor relations act.

1:30 p.m. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Continued public hearing on **HB 630-FN-LOCAL**, relative to the Skyhaven airport transfer plan.

Executive session on **HB 25-FN-A**, making appropriations for capital improvements.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:45 a.m. Subcommittee work session on **HB 685-FN-A**, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor.
- 10:00 a.m. Executive session on pending legislation.
- Noon Subcommittee work session on **HB 580-FN-A-LOCAL**, creating a new tourism district and making an appropriation therefor and meeting with Mr. Arnett of DRED.
- 2:30 p.m. Subcommittee work session on **HB 539-FN**, relative to public access to Squam Lake.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Subcommittee work session on **HB 527**, relative to the duties of the public utilities commission, **HB 314**, relative to universal service, **HJR 3**, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring, **HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Individual Service Organization and **HB 464**, relative to economic development and retention rates and special contracts.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Rooms 301-303, LOB (Please note room change.)

- 10:00 a.m. Briefing by Congressman Bass.

TRANSPORTATION, Room 203, LOB

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

WEDNESDAY, MARCH 31

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.
- 10:00 a.m. Work and executive session on pending legislation.
- 11:00 a.m. Subcommittee work session on **HB 703-FN-A-LOCAL**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor.

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 408**, relative to drug formularies under managed care entities, **HB 321**, requiring health carriers to pay for all recommended prescription drugs.
- 9:30 a.m. Subcommittee work session on **HB 333**, relative to contracts between participating providers and managed care entities and **HB 442**, relative to charitable gift annuities.
- 10:00 a.m. Rescheduled public hearing on **HB 668**, adding 2 members to the board of directors of the Pease development authority.
- 11:00 a.m. **HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations.
- 1:15 p.m. Continued public hearing on **HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on **HB 706**, relative to the definition of "sexual contact" under the sexual assault laws.

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

11:00 a.m. Subcommittee work session on **HB 584-FN**, relative to administrative license suspensions.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on pending legislation, if needed.

Noon Subcommittee work session on **HB 529**, requiring all postsecondary institutions to report all assaults to local police departments.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Pesticide and environmental policy subcommittee work session on **HB 510-FN**, relative to monitoring aerial spraying of herbicides.

1:00 p.m. Subcommittee work session 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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:30 a.m. Subcommittee work session on **CACR 21**, relative to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral.

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

1:30 p.m. Subcommittee work session on **HB 626-FN**, relative to revising the laws regulating accountancy.

FINANCE, Rooms 210-211, LOB

2:30 p.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the following bills:

HB 278, relative to scheduling of district court sessions. (A)

HB 612-FN, relative to compensation paid to jurors.

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

HB 274-FN, relative to the office of the consumer advocate. (A)

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. Revenues.

Executive session on pending legislation may follow.

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

10:00 a.m. - noon Division of Behavioral Health

1:00 p.m. Division of Children, Youth and Families

Work and executive session on the budget and other pending legislation may be held throughout the day.

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

8:30 a.m. Work and executive session on **HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution; and other Claremont-related bills.

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

9:00 p.m. Subcommittee work session on **HB 615-FN-A**, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund.

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

JUDICIARY, Room 208, LOB

9:30 a.m. Executive session on pending legislation.

LEGISLATIVE ADMINISTRATION, Room 205, LOB

3:00 p.m. Subcommittee work session on **HCR 2**, recognizing outstanding student role models in the public schools.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Continued executive session on **HB 25-FN-A**, making appropriations for capital improvements.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Executive session on pending legislation, if needed.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 625-FN-A**, relative to a mercury emissions reduction and control program, **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 and **HB 649-FN**, relative to air pollution emissions from small, high-polluting electricity generators.

TRANSPORTATION, Room 203, LOB

10:00 a.m. Subcommittee work session on **HB 698-FN-LOCAL**, restricting fees for registration permits for certain vehicles.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. **SB 41**, correcting a reference in provisions relating to hunting and fishing licenses for members of the armed services.

FRIDAY, APRIL 2

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. Revenues.

Executive session on pending legislation may follow.

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

10:00 a.m. Department of Youth Development Services

Work and executive session on the budget and other pending legislation may be held throughout the day.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB

9:00 a.m. Regular meeting.

MONDAY, APRIL 5

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

9:30 p.m. Regular meeting.

FINANCE, REPRESENTATIVES HALL

1:30 p.m.–5:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

7:00 p.m.-10:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

TUESDAY, APRIL 6

FINANCE, Rooms 210-211, LOB

9:30 a.m. **HB 486-FN-A**, relative to the physician effectiveness program. (A)

10:00 a.m. **HB 488**, relative to the definition of a developmentally delayed child in the provision of special education services. (A).

10:30 a.m. **HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor. (A)

11:15 a.m. **HB 311-FN-A**, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. (A)

1:00 p.m. **HB 574-FN-A**, establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats. (A)

1:45 p.m. **HB 709-FN-A-L**, relative to the railroad tax.

Executive session on pending legislation to follow.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), NH Historical Society Auditorium, 30 Park Street, Concord

3:00 p.m. Regular meeting.

WEDNESDAY, APRIL 7

JOINT COMMITTEE ON ADDRESS, Room 208, LOB

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

MONDAY, APRIL 12

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

2:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

FRIDAY, APRIL 16

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. Regular meeting.

MONDAY, APRIL 19

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 308, LOB

1:00 p.m. Regular meeting.

WEDNESDAY, APRIL 21

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

9:00 a.m. Regular business.

9:30 a.m. Audit: State of New Hampshire Sweepstakes Commission management letter for the year ended June 30, 1998.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet Friday, April 23 at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood for the first quarter review.

Rep. Jon P. Beaulieu, Chairman

Rockingham County executive Committee

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

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

Donna Sytek, Speaker

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 108, 109, 116, 118, 119, 120, 124, 237, 245, 453, 565, 579, 641, 655, 676, 692, 693, 694, 695, 696, 715, 719, 733 and 734.

Leo J. Callahan, Assistant Clerk

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

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
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MEMBERS' NOTICES

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

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 30 at 8:30 a.m. in the Upham Walker House.

Rep. Sylvia A. Holley

The Legislative Caucus for Young Children will meet on Tuesday, March 30th from noon to 1:00 p.m. in the Upham Walker House. Review of current bills of interest to the caucus will take place. Bring your lunch.

Rep. George W. Chase

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 31, April 14 and April 28.

Rep. Paul M. Mirski

Come and meet presidential candidate US Senator John McCain at a legislative luncheon. The lunch will be held at noon on Wednesday, March 31st at the Eagles Nest, Main Street, Concord. For further information contact Rep. Dean Ouellette at 626-0800.

Rep. Dean Ouellette

The New Hampshire Order of Women Legislators will meet Thursday, April 1 at noon in Room 307, LOB for the election of officers.

Rep. Betsy McKinney

Manchester Democrats will be back at the Black Brimmer Restaurant, 1087 Elm Street for monthly meetings this spring. The next meeting is Monday, April 5th at 7:00 p.m. Topics will include the upcoming city election cycle and plans for our June 14th Flag Day celebration.

Rep. Steve Vaillancourt

The Main Street Republicans will meet at noon in the Upham Walker House on April 6th and April 20th. All Republicans are welcome to participate. Coffee will be served. Bring a lunch.

Reps Cynthia J. Dokmo and Richard C. Leone

During the lunch break on Wednesday, April 7th the American Parkinsons Disease Association will be handing out literature in the lower lobby of the Legislative Office Building. Please stop by.

Reps. A. Theresa Drabinowicz and Griffin T. Dalianis

All members are reminded that we will be celebrating New Hampshire Tartan Day on Thursday, April 8 at the opening of session. We will be entertained by P/M Gordon Webster formerly of the Scots Guards and piper to Queen Elizabeth. Also performing will be two Highland Dancers, Maggie Meffen and Megan Marsh who will be representing New Hampshire at the Smithsonian Folk Festival in Washington this summer. All members are asked to wear tartans on that day.

Rep. Stephen G. Avery

The New Hampshire Public Health Association invites all interested legislators to attend an important educational forum on Alcohol Policies for the coming years. This presentation will be made by George A. Hacker, Director, Alcohol Project Center for Science in the Public Interest and a nationally known authority in this area. The meeting will be held at Blue Cross and Blue Shield of New Hampshire, 3000 Goffs Falls Road, Manchester from 4:00 to 7:00 p.m. on Thursday, April 8. If you have any questions, please contact the Association at 228-2983 or Rep. Haettenschwiller.

Rep. Alphonse Haettenschwiller

Attention Legislators: The Statewide Independent Living Council and the Governor's Commission on Disability are holding a Disability Awareness Day for Legislators on Thursday, April 8 from 9:00 a.m. to 3:00 p.m. at the Holiday Inn, Concord. Discover some of the resources available to serve your constituents. All Legislators are welcome and encouraged to attend. It's free. Call Carol Nadeau at 271-6895 (Voice/TTY), for more information.

Rep. Eugene L. Gagnon

The Rockingham County Republican Committee will hold its annual Lincoln Day Dinner on April 11 at the Executive Court Conference Center, Route 28, Londonderry at 5:00 p.m. Featured speaker is US Senator John S. McCain. For tickets see Rep. Sherman Packard or Bob Letourneau.

Rep. Sherman A. Packard

There will be an open discussion on "Sludge" attended by members of agencies and organizations presenting different points of view. All officials from the five towns in Merrimack District 1 have been invited to attend. This will be taped for our local TV channel. The meeting will be held Wednesday, April 14th at the Andover Elementary/Middle School Auditorium at 7:00 p.m.

Rep. Richard P. Brewster

Strafford County Republicans will hold a meeting every third Tuesday at 7:00 p.m. Location will be the Gateway II Restaurant, Somersworth.

Rep. Robert E. McKinley

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. 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 29 – New Boston Town Office Grange Hall, 7 Meetinghouse Hill Road, 7:00 p.m. Public informational meeting, New Boston, NH 13 at Molly Stark Lane intersection.

Mar 31 – Vic Geary Center, 18 Greenough Road, Plaistow, 7:00 p.m. Public officials meeting, Plaistow, replacement of 2 bridges over B&M Railroad.

Apr 5 – Franklin City Hall, 316 Center Street, Franklin, 7:30 p.m. Franklin City Council, Franklin, discussion of ten year plan and bridge 127/Route 3.

April 7 – NHDOT, Room 3, 1 Hazen Drive, Concord, 9:00 a.m. Commission meeting, Carroll-Bethlehem, US Route 302.

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

Apr 9 – Runnells Hall, Tamworth, 4:00 p.m. Visioning workshop Tamworth pilot study.

Apr 14 – Peterborough Town House, 1 Grove Street, 7:00 p.m. Public informational meeting, Peterborough, US 202.

Apr 20 – Hudson Town Hall, 12 School Street, 7:00 p.m. Combined public officials/public informational meeting, Hudson, NH 102, Highland Street to McDonald's.

May 4 – Griffin Memorial School, Litchfield, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

May 6 – Town Hall Courtroom, Merrimack, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

May 11 – Alvrine High School, Hudson, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

May 13 – City Hall Auditorium, Nashua, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

AMENDMENTS
(LISTED IN NUMERICAL ORDER)

1999-0364h

Amendment to HB 84-FN

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

Amend the bill by replacing section 1 with the following:

1 Multiple DWI Offender Intervention Detention Center Program; Subsequent Convictions. RSA 265:82-b, II(b)(2) is repealed and reenacted to read as follows:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than one year, no more than 6 months of which may be suspended. Any suspended sentence may include, as a condition of probation, confinement to a person's place of residence, intensive community supervision, electronic monitoring and special alternative incarceration programs offered by the county department of corrections pursuant to RSA 651:2, V. Any offender placed in a home confinement, intensive supervision, electronic monitoring, or special alternative incarceration program who violates the conditions or restrictions of probation shall be subject to immediate arrest by a probation officer or any other authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition. The person shall also successfully complete at the person's own expense, unless recommended treatment is provided by the correctional facility at no cost, a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment, which may commence during imprisonment if available, based upon a formal evaluation by a licensed alcohol or other drug counselor and approved by the department of health and human services before the driver's license may be restored.

1999-0354h

Amendment to HB 340

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing section 4 with the following:

4 Duties. The committee's duties shall include, but not be limited to:

I. Investigating methods to reduce the amount or toxicity of mercury-containing products or wastes in the waste stream, such as:

- (a) Establishing collection and recycling programs for mercury, mercury-added products and mercury-containing wastes;
- (b) Establishing labeling and manufacturer take-back programs for mercury-added products;
- (c) Imposing a fee on the sale of mercury-added products in the state, with an evaluation of options for the use of the revenues from the fee in reducing mercury releases;
- (d) Methods of reducing volume and toxicity of mercury-added products and equipment in municipal waste combustors and medical waste incinerators;
- (e) Prohibiting the non-essential use of mercury in consumer and commercial products;
- (f) Encouraging the use of mercury-free alternative products and the proper management of mercury-containing wastes;
- (g) Requiring all generators of mercury-containing medical waste to introduce mercury source reduction and source separation programs;

(h) Establishing collection and recycling programs for waste dental amalgam containing mercury.

II. Investigating other potential sources of mercury and recommending appropriate methods to reduce or eliminate contamination from those sources.

1999-0482h

Amendment to HB 345-FN

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

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

AN ACT relative to harassment via the computer.

Amend the bill by replacing section 1 with the following:

1 Harassment. Amend RSA 644:4, II to read as follows:

II. As used in paragraph I, "communicates" means to impart a message by any method of transmission, including but not limited to telephoning or personally delivering or sending or having delivered any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, *including electronic transmissions generated or communicated via a computer. For purposes of this section, "computer" means a programmable, electronic device capable of accepting and processing data.*

AMENDED ANALYSIS

This bill makes harassment via a computer a class A misdemeanor.

1999-0533h

Amendment to HB 383

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

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

1 Definitions; Shutdown Emissions Credits. Amend RSA 125-J:1, XXIII to read as follows:

XXIII. "[Public] **Shutdown** emissions credit" means emissions reduction credits acquired by the state ~~[either through certifying emissions reductions on state devices, area sources, mobile sources, and sources, transfer,] through shutdown of devices and sources[, or from emissions reductions achieved by implementation of applicable state law more stringent than the federal minimum requirements under the Clean Air Act].~~

2 New Section; Emissions Reduction Credits Trading Program; Allocation of Emissions Reduction Mechanisms. Amend RSA 125-J by inserting after section 4-a the following new section:

125-J:4-b Allocation of Emissions Reduction Mechanisms. The department may also establish and administer a process for the allocation of NOx budget allowances, emissions reduction credits, discrete emission reductions, and other emissions reduction mechanisms which it is assigned by the federal government or interstate agreements or which it acquires in any other manner, except for shutdown of devices and sources. The department may allocate emissions reduction mechanisms without receiving payment in return.

3 Emissions Reduction Trading Program; Use of Emissions Reduction Credits. Amend RSA 125-J:5, VII, VIII and IX to read as follows:

VII. Emissions reduction credits which have been certified to, or emissions reductions which are eligible for certification to, a device or source which shuts down its production operations shall be [public] **shutdown** emissions credits and shall revert to the state for use consistent with this chapter, except where such ERCs are to be used at other devices and sources within the state by the person or persons who owned, operated or controlled the device or source that was shutdown.

VIII. ~~[Public]~~ **Shutdown** emissions credits obtained by the state pursuant to this chapter shall be used or held for use by the governor and council for meeting any requirement of the state implementation plan, any attainment demonstration under the Clean Air Act, or for transfer to new or existing devices and sources in the state which require offsets under the Clean Air Act. In determining the use or transfer of ~~[public]~~ **shutdown** credits, the governor and council shall consider the following criteria:

- (a) Whether the **shutdown** credits will result in job retention, which shall be the highest priority.
- (b) Whether the **shutdown** credits will be used for economic development in NewHampshire.
- (c) Whether a prospective company offers the best prospects for long-term growth and job creation.
- (d) Current New Hampshire businesses shall be given priority over businesses relocating to New Hampshire.
- (e) The market value of the **shutdown** credits.
- (f) No less than 75 percent of ~~[public]~~ **shutdown** emissions credits generated in serious nonattainment areas shall be applied to requirements applicable in serious nonattainment areas.

IX. Funds from the sale of ~~[public]~~ **shutdown** emissions credits be placed in a special account within the air resources permit fund to be used by governor and council for the acquisition and generation of ERCs for future economic development.

4 Emissions Reduction Trading Program; Rulemaking Authority; Submission. Amend the introductory paragraph of RSA 125-J:12, I to read as follows:

I. Notwithstanding RSA 541-A, the commissioner shall adopt special temporary rules not subject to RSA 541-A as expeditiously as possible after July 1, 1996, except that the department shall hold a public hearing on the proposed special temporary rules and shall provide the public with notice of the hearing and an opportunity to testify and comment in writing, in accordance with the terms of the notice. The commissioner shall submit proposed rules pursuant to RSA 541-A ~~[no later than June 30, 1997]~~ **as expeditiously as possible after the issuance of Environmental Protection Agency guidance**. Such temporary and permanent rules shall include, but not be limited to, the following:

5 Emissions Reduction Trading Program; Rulemaking Authority; Submission. Amend RSA125-J:12, II to read as follows:

II. Any proposed special temporary rules to be adopted under paragraph I shall be submitted for review and recommendation to the air pollution advisory committee and the air resources council at least 30 days prior to adoption. Any proposed rules to be adopted pursuant to RSA 541-A shall be submitted to the air pollution advisory committee for review and recommendation at least 30 days prior to filing a notice of proposed rule with the director of legislative services under RSA 541-A:6. **Any proposed allocations of any emissions reduction mechanisms pursuant to RSA 125-J:4-b shall be submitted to the air pollution advisory committee for review and recommendation at least 30 days prior to the allocation.**

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

AMENDED ANALYSIS

This bill allows the department of environmental services to establish and administer a process for the allocation of NOx budget allowances, emissions reduction credits, and other emissions reduction mechanisms.

This bill also makes a definitional change.

1999-0319h

Amendment to HB 402

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

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

AN ACT establishing a committee to study methods to promote the use of renewable energy sources.

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

1 Committee Established. There is established a committee to study methods to promote the use of renewable energy sources.

2 Membership and Compensation.

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

(a) Five members of the science, technology and energy committee of the house of representatives, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study methods to promote the use of renewable energy sources. The committee shall seek input from representatives of the renewable energy industry and interested state agencies. As part of its study, the committee shall examine:

I. The system benefits charge established pursuant to RSA 374-F:4 and similar charges levied by other states that promote renewable energy sources.

II. Programs and initiatives instituted by other states to promote renewable energy.

III. Implementation issues specific to deregulated markets.

IV. Recommendations regarding the amount of the system benefits charge in light of program goals, market activity, and consumer concerns.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

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

AMENDED ANALYSIS

This bill establishes a committee to study methods to promote the use of renewable energy sources.

1999-0193h

Amendment to HB 417-FN-A

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Transportation; Rehabilitation of New Hampshire Hospital's Walker Building. The sum of \$340,000 is appropriated to the department of transportation for the fiscal year ending June 30, 1999 for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

1999-0417h

Amendment to HB 426

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

Amend RSA 10-B:1, II as inserted by section 2 of the bill by replacing it with the following:

II. "Office space" means an area within a building occupied for 4 or more hours each workday by one or more state employees whose primary functions include supervision, administration, clerical support, retail sales, or instruction. "Office space" shall

not include laboratories, vehicle repair facilities, machine shops, or medical treatment areas, and shall not include any other areas where the department of health and human services determines that the air quality contaminants created by the activity in the area are appropriately regulated by other state or federal authorities.

Amend RSA 10-B:1, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "Building renovation" means either the interior components of a building have been removed and replaced with new components, or the existing interior components have been reconstructed, where the total cost of alterations amounts to 50 percent or more of the replacement value of the building.

1999-0544h

Amendment to HB 494-FN-A

Proposed by the Committee on Finance - R

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Cultural Resources; Celebrate New Hampshire Culture, Inc. The sum of \$150,000 is hereby appropriated to the department of cultural resources for the fiscal year ending June 30, 2000, for payment to the nonprofit organization Celebrate New Hampshire Culture, Inc. for the purpose of funding the state of New Hampshire's participation in the Smithsonian Festival of American Folklife to be held on the National Mall in Washington, D.C. in 1999. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

1999-0549h

Amendment to HB 495-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 9:

5 Funding for Release Prevention Authorized. Amend RSA 146-E:1 to read as follows:

146-E:1 Purpose. The general court finds that discharges of fuel oil represent a potential serious health and safety problem to the citizens of New Hampshire and a threat to the quality of the groundwaters and surface waters of the state. In addition, the cost of cleanup of fuel oil discharges is a significant economic burden for which economic assistance is otherwise not available. The purpose of this chapter is to establish a fund to be used in addressing the costs incurred in the ***prevention and*** cleanup of fuel oil discharges.

6 Funding for Release Prevention Authorized. Amend RSA 146-E:3, I to read as follows:

I. There is established a fuel oil discharge cleanup fund, which shall be administered by the oil fund disbursement board established under RSA 146-D:4. This fund shall be used to reimburse costs incurred in the ***prevention and*** cleanup of fuel oil discharges in the waters and soils of the state, including administrative, technical and legal support required by the oil fund disbursement board in administering the fund, and in paying third party damages.

7 On-Premise-Use Facilities; Reimbursement for Replacement Authorized. Amend RSA 146-E:6, II to read as follows:

II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of fuel oil discharges in amounts not to exceed a total of \$500,000, incurred on or after October 1, 1992. ***Owners of on-premise-use facilities or land eligible under this chapter who have demonstrated financial need, may apply for reimbursement of costs to meet the requirements of RSA 146-E:4, I and II in amounts not to exceed a total of \$1,000, incurred on or after July 1, 1999.***

8 Funding for Release Prevention Limited. Amend RSA 146-E:6, VI to read as follows:

VI. Costs of new ~~[tanks and associated piping]~~ **bulk storage facilities or new on-premise-use facilities subject to regulation under RSA 146-C**, or repairs to **such** existing ~~[tanks and associated piping]~~ **facilities**, shall not be considered eligible costs under this chapter.

AMENDED ANALYSIS

This bill:

- I. Extends the date of the repeal of the motor oil discharge cleanup fund and the transfer of money in the fund to the oil pollution control fund.
- II. Increases the fuel oil discharge cleanup fee and requires the transfer of \$1,000,000 from the oil pollution control fund to the fuel oil discharge cleanup fund.
- III. Allows coverage for on-premise-use facilities release prevention.
- IV. Allows limited reimbursement to tank owners for the costs of replacing or upgrading substandard tanks.

1999-0512h

Amendment to HB 552

Proposed by the Committee on Wildlife and Marine Resources - C

Amend RSA 207:10-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding the provisions of RSA 207:10, a crossbow permit may be issued to a person ~~[so physically impaired by the permanent loss of the shoulder, arm, elbow, forearm, wrist or hand or the permanent loss of functions of same, such that]~~ **who has a permanent physical disability and as a result of that disability** the person cannot operate a conventional longbow or compound bow safely. Such permit shall allow that person to take ~~[one]~~ deer during bow and arrow hunting season, ~~[one]~~ bear during the specified season, wild turkey, and carp from Mascoma lake pursuant to RSA 211:2, provided that the necessary licenses under RSA 208, RSA 209, and RSA 214 have been acquired each year. The permit applicant may be required to appear before the executive director, the director's designee or designated medical consultant or consultants to substantiate the presence of the disability and demonstrate the ability to safely use a crossbow. The applicant shall be responsible for submitting medical documentation as required by the executive director. The executive director may require a second medical opinion from a medical consultant or physician designated by the executive director to verify the disability. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second medical opinion, upon recommendation of the medical consultant or consultants, are the responsibility of the applicant. The executive director shall determine the eligibility of the applicant, and the executive director's decision shall be final.

AMENDED ANALYSIS

This bill clarifies the issuance of crossbow permits to persons with a permanent physical disability.

1999-0412h

Amendment to HB 558-FN

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing section 1 with the following:

- 1 New Paragraph; Public Health; Solid Waste Management; Responsibilities; Recording of Orders. Amend RSA 149-M:6 by inserting after paragraph XIII the following new paragraph:
- XIII-a. Record orders issued by the department pursuant to this chapter in the registry of deeds for the county in which the subject facility is situated. A recorded order shall run with the land; provided that an appropriate description of the land involved including the accurate name of the owner thereof shall be included in the order. No fee shall be charged for recording an order; however, a fee may be charged by the registry of deeds for recording the discharge of an order.

AMENDED ANALYSIS

This bill:

- I. Gives the department of environmental services the responsibility and authority to record solid waste management orders in the registry of deeds.
- II. Allows the department of environmental services additional time to issue a final decision on solid waste permit applications when there is a public benefit hearing.
- III. Establishes certain requirements for manufacturers seeking "no feasible alternative" exemptions from the toxics in packaging laws.
- IV. Establishes a new exemption from the toxics in packaging laws for certain glass or ceramic packaging.
- V. Extends certain exemptions from the toxics in packaging laws.
- VI. Clarifies and makes technical changes to certain provisions of the toxics reduction law.

This bill is a request of the department of environmental services.

1999-0514h

Amendment to HB 576-FN-A

Proposed by the Committee on Children and Family Law - C

Amend the bill by replacing sections 2-3 with the following:

2 Child Impact Seminars; Positions Created. There are hereby created 3 full-time court assistant III positions and one-part-time court assistant III position within the child impact program for the purpose of managing the child impact seminars pursuant to RSA 458-D.

3 Appropriation. The sum of \$111,794 for the fiscal year ending June 30, 2000, and the sum of \$111,794 for the fiscal year ending June 30, 2001, are hereby appropriated to the judicial branch for the purpose of establishing additional positions to manage the child impact seminars. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill authorizes and appropriates funds for the establishment of additional positions within the child impact program for the purpose of managing the child impact seminars.

1999-0440h

Amendment to HB 583

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Reporting Date Extended. Amend 1998, 62:6 to read as follows:

62:6 Report. The committee shall report its findings and any recommendations for legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~1998~~] **2000**.

1999-0455h

Amendment to HB 619-FN

Proposed by the Committee on Finance - C

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

AN ACT requiring the commissioner of health and human services to produce certain annual reports.

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

- 1 Statement of Purpose. The general court declares that to give the general court, the public, and the department of health and human services a more accurate picture of the financial condition of the department, an annual report of certain payables is necessary. This will increase the accuracy and effectiveness of budgeting, policy-making, program evaluation, and financial control for the department of health and human services.
- 2 New Paragraph; Certain Reports on Payables Required. Amend RSA126-A:5 by inserting after paragraph II the following new paragraph:
- II-a. Sixty days after the end of each fiscal year, the commissioner shall produce an annual report which shall consist of an aggregate schedule of payables for class 90 grant lines, which are greater than \$1,000,000, for such fiscal year. Payables shall start with the date the bill for goods or services is received by the department without regard to whether the bill is subsequently adjusted or paid. All payables with a receipt date within the report period shall be included. The report shall be submitted to the legislative budget assistant, the house and senate finance committees, the house speaker, senate president, and the governor.
- 3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to produce certain annual reports.

1999-0424h

Amendment to HB 704-FN-A

Proposed by the Committee on Wildlife and Marine Resources - R

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

AN ACT establishing a wildlife damage control program and making an appropriation therefor.

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

- 1 Legislative Findings and Purpose. The general court finds that wild animals are a valuable ecological, recreational, and economic resource enjoyed by NewHampshire citizens and by visitors to the state, however, the general court notes that damage to agricultural and horticultural products by game and other wild animals often creates conflicts and economic losses. The general court further finds that as a consequence of continued growth in New Hampshire's human population and development patterns that result in frequent contacts between people and wildlife, as well as increases in some wildlife populations, demands to address conflicts may be expected to increase in the future. Therefore, a wildlife damage control program is hereby formally established to minimize the effects of wild animals on agriculture, human health and safety, property, and natural resources by providing educational and technical advice and recommendations to all citizens while conserving the wildlife resources of the state.
- 2 Subdivision Heading Changed. The subdivision heading preceding RSA207:22 is repealed and reenacted to read as follows:
- Wildlife Damage Control
- 3 Limitations for Persons Posting Property. RSA 207:22-a is repealed and reenacted to read as follows:
- 207:22-a Limitations for Persons Posting Property. Any person whose land is posted pursuant to RSA 635:4 to prohibit hunting shall forfeit the right to participate in the wildlife damage control program established pursuant to RSA207:22-c, or to receive payment pursuant to RSA 207:23-a, except that this limitation shall not apply in the following circumstances:
- I. To a person who posts only the person's land lying within 100 yards of a dwelling or other farm or outbuildings contiguous to the person's dwelling and used regularly by the person, or the person's family or tenant.
- II. To any person whose land is posted for the protection of crops only during the closed season for the type of game birds or animals for which the person seeks assistance from the wildlife damage control program.
- III. To any person who posts such person's land "Hunting by Permission Only", provided that the names and addresses of the

hunters who have received permission to hunt that land in that year shall be furnished when requested by the executive director, and that in the judgment of the executive director, the history of hunter access and hunter density represents a good-faith effort by the landowner to allow hunting.

4 New Sections; Wildlife Damage Control Program; Advisory Board Established. Amend RSA207 by inserting after section 22-a the following new sections:

207:22-b Wildlife Damage Control Advisory Board.

I. There is established a wildlife damage control advisory board which shall consist of the following members:

- (a) The executive director of the fish and game department, or designee, who shall act as chairperson.
- (b) The commissioner, department of agriculture, markets, and food, or designee.
- (c) The director for New Hampshire of the United States Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services, or designee.
- (d) A fish and game commissioner appointed each fiscal year by the chairperson of the commission.
- (e) The executive director of the New Hampshire Farm Bureau Federation.

II. The board shall have responsibility for the duties designated to the board under RSA207:22-c, II.

III. The chairperson of the board shall submit an annual report by October 1 of each year, beginning in 1999, to the governor, the senate president, the speaker of the house, and the chairpersons of each of the senate and house standing committees having jurisdiction over wildlife and agriculture matters, relative to all receipts and disbursements of the wildlife damage control program established in RSA 207:22-c.

207:22-c Wildlife Damage Control Program; Administration. There is established a wildlife damage control program which shall be administered by the executive director in cooperation with the United States Department of Agriculture and the New Hampshire department of agriculture, markets, and food. The program shall emphasize a comprehensive approach that integrates wildlife management and wildlife control methods and strategies and shall respond to conflicts between wildlife and human populations by stressing the importance of prevention of damage by initiating one or more of the following courses of action:

I. A general wildlife damage mitigation program:

- (a) The general wildlife damage mitigation program shall address conflicts between wildlife and human populations by disseminating educational and technical information, and providing assistance. The program may make available various repellents, institute the loan of direct control device and materials including electric fences and frightening devices, and make referrals to nuisance wildlife cooperators.
- (b) Actions under this paragraph shall be of a temporary nature and may include any other nuisance control methods available, as determined by the executive director, or designee.

II. A cooperative fencing program:

- (a) Commercial growers may participate in a cost-share-fencing program on a 75 percent state to 25 percent commercial grower cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wildlife damage control advisory board.
- (b) Commercial growers desiring to participate in the 75/25 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before May 1 of each year.
- (c) Maintenance costs of installed fences shall be the responsibility of the applicant.
- (d) The wildlife damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall

be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wildlife damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute the cooperative fencing program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least \$2500.

III. A depredation permit program:

(a) The executive director shall adopt rules, pursuant to RSA 541-A, regulating the issuance of depredation permits to kill animals causing damage to commercial crops. Such rules shall address the method and manner of taking animals, the disposition of animals taken under such permits, as well as the qualifications necessary to participate in the program. Such qualifications shall include, but not be limited to, the provision of information concerning the history of damage, the record of preventative methods used in the past, and the public hunting access history.

(b) The depredation permit program shall include the issuance of 2 pre-damage deer kill permits to commercial growers as defined in RSA 207:22-c, II(h) upon request to the director. Issuance of pre-damage deer kill permits will facilitate protection of qualifying crops at the onset of deer visitation to said crops. Any deer taken under this provision shall be subject to investigation by the local conservation officer to determine whether or not the potential existed at the time of taking for damage to have occurred. Any additional depredation permits shall be issued following the procedures in this paragraph.

5 Application of Section Limited; Appeal to Superior Court. Amend RSA207:24 to read as follows:

207:24 Appeal from Executive Director. If the person sustaining the damage ***pursuant to RSA207:23-a*** is dissatisfied with the finding of the executive director, either as to the cause of the damage or the amount thereof, ~~he~~ ***the person*** may appeal therefrom within 30 days ~~[of the receipt by him of notice thereof, by filing a statement to that effect with the executive director, and his damages shall thereupon be determined as to the cause and the amount by an impartial board of 3 men designated by the governor]~~ ***to the superior court in the county where the damage was sustained.***

6 Depredation Permit Required. Amend RSA 207:26 to read as follows:

207:26 Killing by Land Owner of Bird or Animal Inflicting Damage. A person may pursue, wound or kill, on land owned or occupied by ~~him~~ ***such person***, any ~~wild~~ ***unprotected*** bird or wild animal which ~~he~~ ***the person*** finds in the act of doing actual and substantial damage to poultry, ***crops, domestic animals***, or ~~his~~ ***the person's*** property, and ~~he~~ may authorize a ***family*** member ~~[of his family or a person employed by him]~~, ***employee, or other person requested*** to do so under the provision of ~~[written authority or direction from]~~ ***a depredation permit issued by*** the executive director ***pursuant to RSA 207:22-c, III.***

7 Discretion of Executive Director. Amend RSA 207:29 to read as follows:

207:29 Disposition of Game, etc., Killed. Any game or fur-bearing animal killed or wounded as provided in this subdivision shall, in the discretion of the executive director, be returned to the person who killed the same ~~or~~, be given to some charitable institution, ***or otherwise disposed of.***

8 Reference Amended. Amend RSA 541-B:9, II to read as follows:

II. The board shall have original and exclusive jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards on all claims under this chapter not exceeding \$5,000 against any agency, except those claims arising under workers' compensation, unemployment compensation, eminent domain proceedings, RSA 110-B:73, RSA ~~[207:22-25]~~ ***207:23-a***, RSA 228:29, and RSA 491:8.

9 Appropriation; Funding.

I. There is hereby appropriated the sum of \$100,000 for the fiscal year ending June 30, 2000 and \$100,000 for the fiscal year ending June 30, 2001 from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program, established in RSA 207:22-c.

II. There is hereby further appropriated the sums of \$100,000 for the fiscal year ending June 30, 2002, \$75,000 for the fiscal year ending June 30, 2003, and \$50,000 for each fiscal year ending June 30, 2004 to 2010. Such sums shall be appropriated from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program established in RSA 207:22-c.

III. The executive director may accept and expend federal funds and funds from any other source that may be designated for wildlife damage control programs.

IV. The sums appropriated by this section shall not be used for any other purpose and shall be non-lapsing.

10 Repeal. The following are repealed:

I. RSA 207:22, relative to damage by game birds.

II. RSA 207:23, relative to damage by game.

III. RSA 207:23-b, relative to preventative measures to alleviate damage.

11 Prospective Repeal. The following are repealed:

I. RSA 207:22-a, relative to limitations for person posting property.

II. RSA 207:22-b, relative to the wildlife damage control advisory board.

III. RSA 207:22-c, relative to the wildlife damage control program.

12 Effective Date.

I. Section 11 of this act shall take effect December 31, 2010.

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

AMENDED ANALYSIS

This bill establishes a wildlife damage control program and the wildlife damage control advisory board. This bill also repeals certain provisions relating to damage by game birds and game, and prospectively repeals the wildlife damage control program on December 31, 2010.