

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 Thursday, April 22

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, April 22 at 1:00 p.m.

I am sure you all join me in extending our warmest congratulations to our Sergeant-at-Arms, Rob Johnson, on the birth of his son, Eli Alexander, on April 2. We wish Rob and the rest of his family much joy and happiness. Special congratulations to the proud grandfather, Representative Bob Johnson.

The chairmen and vice-chairmen will meet Tuesday , April 20 at 9:00 a.m. in Room 201, LOB.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, April 22 at 11:15 a.m. in Rooms 201-203, LOB

Rep. Gene G. Chandler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, April 22 at 11:15 a.m. in Rooms 306-308, LOB. Rep. Peter H. Burling, Democratic Leader

THURSDAY, APRIL 22

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 438, relative to certain changes to the membership of the advisory committee on child care. OUGHT TO PASS WITH AMENDMENT

Rep. Anne C. Grassie for Children and Family Law: This bill re-names the Child Care Advisory Committee to the Child Care Advisory Council. It corrects the names of groups that participate and re-clifies the voting and non-voting membership. It also removes the necessity of having a co-chair person from the Department of Health and Human Services. We learned that was the only advisory board that has as a chair a member of the group it advises. The purpose of HB 438 is to allow the Child Care Advisory Council to become more effective and efficient in its operation. We have the support of the DHHS. No funding is required. Vote 16-0.

HB 717-FN-A, establishing a child care incentive program for training child care workers, and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Barbara Hull Richardson for Children and Family Law: This bill offers state-funded loans to individuals pursuing college level courses leading to a certificate or associate degree in early childhood education. The high turnover rate of child care workers is very difficult for young children who spend most of their waking hours in day care. This incentive program would be an inducement for retention of these important caregivers. The committee feels this bill needs further work and therefore voted to re-refer. Vote 12-0.

HB 726-FN, relative to the credentialing of personnel in early care and education programs. OUGHT TO PASS

Rep. Mary Stuart Gile for Children and Family Law: This bill enables the Department of Health and Human Services to accept applications and fees for the issuance of a certificate requested by individuals who have met the education and training requirements set forth by the department in the NH child care program licensing rules. The bill also establishes an early care and education personnel fund for the purpose of administering the credentialing process. Vote 11-1.

SB 65, establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families. OUGHT TO PASS

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill establishes a study committee to review and examine the policies and procedures now employed by the Department of Health and Human Services relative to field activities conducted in regards to children, youth, families. Issues such as privacy and confidentiality will also be examined. Vote 12-0.

SB 130, establishing a committee to study issues regarding procedures and standards for selection and supervision of court-appointed guardians ad litem. OUGHT TO PASS

Rep. Mary Stuart Gile for Children and Family Law: Guardians ad litem (GAL) are appointed by the court, in marital disputes to assess what is in the best interest of children involved and make recommendations accordingly. Testimony presently indicated that the current system is disconnected and there is no standard protocol for GALs to follow. Training, accountability and evaluation requirements vary greatly. The committee agreed that the GAL position and responsibilities are critical to ensuring the well-being of children experiencing serious family problems and recommend passage of this study bill. Vote 12-0.

COMMERCE

HB 287, relative to nursing home care services. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: This bill would require all health insurance companies to contract with any resident care facility for short-term nursing care. Since the demographics of those needing short-term nursing care are mostly Medicare eligible individuals, this bill would have little impact because Medicare rules and regulations are determined by the federal

government, not the state. An amendment was offered to require health plans to contract with facilities that meet certain credentialing standards. All facilities can now meet these standards if they choose, so this proposed amendment would also have limited impact. The sponsor agreed that the committee's actions are justified. Vote 15-1.

HB 322, relative to funds exchanged at real estate closings. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis P. Vachon for Commerce: The bill, as amended, sets the standard for what is required by lenders to qualify as "good funds" for funding loans secured by real estate at real estate closings. The original bill only provided a limited number of forms of funds, which were allowable. Vote 15-3.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 267-FN-L, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize the former county correctional facilities as state facilities. INEXPEDIENT TO LEGISLATE

Rep. David A. Welch for Criminal Justice and Public Safety: This bill would abolish the county houses of corrections which are used to house those convicted of crimes whose punishments are one year or less and the county jails where those awaiting trial are housed pending bail or release. There were no study results showing a savings nor were there any benefits stated that could be evaluated. The various county jails provide a service to their respective communities that would be difficult for the state to emulate. Currently the state prison houses some of its inmates at several county facilities and the county has its inmates at the state prison for a variety of reasons, most often because they may be a discipline problem or for the inmate's protection. All county jail/houses of corrections have local work programs and provide several programs to attempt to rehabilitate the inmates. The inmate work programs provide direct restitution to the communities and the work release programs ordered by the court allow families of incarcerated inmates to stay off the welfare rolls plus allowing restitution to the community through paying room and board to the county. Each county has programs unique to its demographic and geographic location. The county jail/houses of corrections have done a good job and the level of co-operation between the state prison and county system is very supportive of a small state's corrections system and the committee felt it should continue to be so. The committee could find no reason for this bill to be anything but inexpedient to legislate Vote 17-0.

HB 631-FN, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The original purpose of this bill was to establish a "Photo ID" system for all persons who are required by law to undergo a criminal record background check. According to the NH State Police, there are two different categories of criminal background checks. The first category is an inquiry of name and date of birth for the purpose of a criminal investigation of a criminal justice employee. This inquiry is made by a criminal justice agency and applies to sheriff's bailiffs pursuant to RSA 104:5, IV. The second category is an employee applicant fingerprint card submission to the FBI. The employee's fingerprints are sent to Washington. This second category applies to school employees pursuant to RSA 189:13-a, Health and Human Services staff who have regular contact with children pursuant to RSA 126-A:5 and persons who apply for permits to operate hazardous waste facilities pursuant to RSA 147-A:4. The department stated that there is no overlap between these two categories. On the Federal Level, the Brady check is an inquiry of name and date of birth. This entails review of National Instant Criminal Background Check System (NICS) records. If the sale of firearms is challenged, the person's fingerprints are sent to the FBI. It was determined that if such an ID card is desirable, it will require some extra time to determine how it should be obtained and how long the card would be in effect. Obviously if the holder of such a card committed an offense, the card would be revoked much like a driver license is revoked. The committee voted to further study this matter Vote 12-0

EDUCATION

HB 577, relative to the power of a school district to expend catastrophic special education funds. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. McKinley for Education: This bill authorizes a school district to borrow and spend funds that exceed the catastrophic aid costs that were anticipated prior to the adoption of the school districts budget. Under the existing municipal budget law, their unanticipated costs must come from other programs within the district, sometimes causing severe restrictions and hardships within the district. This bill corrects this problem. The amendment exempts certain unexpected catastrophic special education expenses from the municipal budget law. Vote 21-0.

ELECTION LAW

HB 293, relative to the definition of "party" for election purposes. INEXPEDIENT TO LEGISLATE

Rep. Paul A. Gibbons for Election Law: This bill expands the circumstances under which a political organization qualifies as a party for election purposes. As the definition of "party" was written last session and just went into effect 1/1/99, the Committee found no need to redefine or expand the definitions at this time Vote 16-0.

HB 389, relative to procedures for apportioning state representatives among counties and among legislative districts. INEXPEDIENT TO LEGISLATE

Rep. Raymond Buckley for Election Law: While the sponsor's bill has some merit, the Committee strongly feels that we must not tie the hands of the next legislature as they undertake the arduous process of redistricting. During the 2001-2002 term Congressional, Executive Council, State Senate and House, and County Commission districts must be redrawn. To successfully accomplish this task great skills and long negotiations must be utilized to create the fairest plan. We believe we should allow the next legislature the greatest latitude in accomplishing this task Vote 12-0.

HB 458, relative to voter qualifications. OUGHT TO PASS WITH AMENDMENT

Rep. Jane A. Clemons for Election Law: This bill removes the requirement that an inhabitant must establish a domicile in order to be able to vote. It also provides that a person may not be denied voting eligibility on the sole basis that a person has a non-traditional residence. This bill would allow the homeless, persons in homeless shelters or shelters for abused spouses, who for safety reasons may be incognito, access to the voting process, even if their place of abode is temporary. The Committee, trying to be inclusive regarding the electoral process felt this addressed a group of people often left out of the process due to temporary or unusual circumstances Vote 12-1.

ENVIRONMENT AND AGRICULTURE

HB 648-FN, relative to a sludge testing program. RE-REFER TO COMMITTEE

Rep. Derek Owen for Environment and Agriculture: There was a unanimous vote in favor to re-refer this bill to the Committee pending final action on SB 195, which deals with related subjects. Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 535, establishing a committee to study the creation of a department of natural resources. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration: This bill, as amended, sets up a legislative committee to study the Department of Resources and Economic Development (DRED) with attention given to the integrated functioning of the different entities within the Department of Resources and Economic Development. This department provides a balance between tourism, commerce, and economic development, and the natural, scenic, historic and recreational resources of the state. A study of this unique relationship has not been conducted since the "Sunset" program in the mid 1980's. Vote 13-0.

HB 646-FN, relative to the vesting period for New Hampshire retirement system benefits. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have reduced the present vesting period from 10 years to a period of 7 years. The committee heard very few reasons why this should be done. To make this change in the vesting period will cause a large increase in the employer contributions. The actuary has determined that this change will add \$ 1.3 million to the employer contributions. The committee felt that the cost outweighed the benefits and voted the bill inexpedient to legislate. Vote 17-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 736, ratifying the 1999 Allentown annual town meeting. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill ratifies all acts, votes, notices, and proceedings of the

first and second sessions of the 1999 Allenstown annual town meeting because the warrant was mistakenly posted one day later than required. Vote 16-0.

PUBLIC WORKS AND HIGHWAYS

HB 463-L, relative to local regulation of junk yards. OUGHT TO PASS WITH AMENDMENT

Rep. Charles W. Morse for Public Works and Highways: This bill gives towns jurisdiction to regulate junk yards within 1000 feet of certain national and state highways. The New Hampshire Municipal Association strongly supported the bill to extend communities' interest in regulating junk yards along the highway system. The committee worked with the sponsor to amend the bill to satisfy the concerns raised by the Department of Transportation regarding a technicality in terminology by changes in the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in road classification, i.e., creating a problem in enforcement of signage along the state's highways. The committee unanimously supported the bill as amended. Vote 19-0.

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

Rep. Candace White Bouchard: This amendment takes away the appropriation and allows the community to provide funding for the study of repairs required to restore the covered railroad bridge in Contoocook Village in the town of Hopkinton. This bill now allows the department of cultural resources to use state, federal and private grants and funds for the purpose of this study. Vote 12-2.

RESOURCES, RECREATION AND DEVELOPMENT

HB 421, relative to penalty provisions for the law regarding exotic aquatic weeds. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill is part of the Resources, Recreation & Development Committee's continued effort to prevent the spread of exotic aquatic weeds into our lakes and ponds. It provides penalties for violating provisions of HB 181 of 1998, which outlawed importation and sales of exotic aquatic weeds such as Milfoil and Fanwort. It is the intent of the Committee and the Department of Environmental Services to use education as the primary deterrent to the spreading of these weeds. The amendment removes the word "transport" from the definition of the violation. Intentionally or recklessly adding these plants to waterbodies of the state is a violation subject to a fine of up to \$2,000.00 Vote 11-1.

SCIENCE, TECHNOLOGY AND ENERGY

HB 325, prohibiting "cramming" in telecommunications billing. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: With the advent of competition, local exchange carriers may sign billing and collection contracts with other telecommunications service providers and issue bills to their local exchange customers based on charges submitted by these other providers. Unfortunately, there has been growing concern about a practice called "cramming" in which customers are charged, often as a monthly fee, for services that they have either not ordered or have been sold in a deceptive manner. This bill requires service providers who wish to bill through a local exchange carrier to register with the Public Utilities Commission and subjects any providers who engage in cramming to administrative fines and loss of ability to bill through a local exchange carrier. Vote 20-0.

HB 645-FN, relative to funding for the telecommunications assistance program. OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: The bill changes the Telecommunications Assistance Program to the Telecommunications Equipment Assistance Program and requires the Governor's Commission on Disability to establish a cost-sharing formula for persons whose income exceeds current eligibility criteria. It authorizes the Public Utilities Commission to transfer \$.01 per month per access line from the access line charge currently being collected to a fund for the equipment. There are no new access line charges. The inclusion of hearing or speech disability to the definition of a qualified person is a result of a problem that arose in rulemaking when the program was originally established. The bill also adds a representative to the enhanced 911 commission from the disabled community and requires telephone service providers or the telephone service provider's operator service to transfer emergency calls, including the caller's telephone number according to the National Emergency Numbering Association standard, to the enhanced 911 Public Safety Answering Point in a manner allowing retrieval

of the caller's location. 911 Director Bruce Cheney requested this amendment. The enhanced 911 aspects were addressed in a second public hearing. Vote 19-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 538, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites. OUGHT TO PASS

Rep. Dean Ouellette for State-Federal Relations and Veterans Affairs: This bill establishes a committee to study repair of NH Civil War monuments. The monuments were originally paid for and are the property of the State of NH. This bill forms a committee to decide on how to fund the repair of NH property Vote 13-0.

TRANSPORTATION

HB 477-FN, changing certain requirements for temporary plates on motor vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Larry J. Cossette for Transportation: This bill was introduced to allow manufacturers or dealers of motor vehicles the option of whether or not to attach temporary plates to a vehicle upon the sale or exchange of a vehicle. The Department of Safety uses these plates as a tracking device for vehicle transfers. This bill accomplishes the goal of the sponsor while maintaining the integrity of the tracking mechanism. The amendment negates the fiscal note and any fiscal impact the original bill may have had. Vote 19-0.

HB 698-FN-L, restricting fees for registration permits for certain vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Transportation: It was the feeling of the committee that we should define the categories of the different types of construction equipment. They were vague under the present RSAs. We also set a minimum fee for construction equipment plates at \$25.00. We also set a tier rate for rubber tire construction equipment that is driven on the highway according to weight of such equipment. As follows, equipment weighing up to 7,500 lbs. shall be \$25.00. Equipment 7,501 lbs. to 15,000 lbs., the fee shall be \$50.00. Equipment 15,001 lbs. to 50,000 lbs., the fee shall be \$100.00. Equipment 50,001 lbs. to 80,000 lbs., the fee shall be \$200.00. All equipment over 80,000 lbs. shall be \$300.00. The sponsors of the bill, also the representatives of the contractors and municipal association representatives were satisfied with the amendment. Vote 19-0.

THURSDAY, APRIL 22

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 224-FN-A, changing the name of the division of fire safety to the division of fire and building safety; adding members to the state advisory board of fire control; establishing a joint committee on code enforcement; and appropriating funds for hiring mechanical inspectors in the division of fire and building safety. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill establishes a joint committee on code enforcement, consisting of the chairman of those agencies directly involved in code enforcement: the board of fire control, the electricians board, the plumbers' board, the water well board, the board of architects, the board of engineers, the architectural barrier-free design committee, and the New Hampshire Building Officials Association. They will meet once a year to discuss matters of mutual interest in code enforcement administration, inspection, licensing and certification. It also provides for the addition of two fire investigators in the state fire marshal's office. Vote 15-1.

EDUCATION

HB 265, relative to the student trustees on the university system of New Hampshire board of trustees. OUGHT TO PASS

Rep. Brien Ward for Education: The committee believes that students would be an asset on the university system Board of Trustees. The student-elected trustees play an important role in effectuating productive communication between the system's students and the appointed trustees. The committee supports the rotation of the two student trustees between the UNH, Keene

State and Plymouth State campuses. This legislation will assist the university system students in obtaining appropriate and effective representation on the Board of Trustees and also educating the other trustees on campus issues. Vote 12-3.

HB 341, relative to the process for nonrenewal of teacher contracts. OUGHT TO PASS

Rep. Jane O'Hearn for Education: This bill clearly defines the review and appeal procedures relative to nonrenewal of teacher contracts. Currently, teachers are in a special position, unlike any other employee in the state, because they have multiple avenues of appeal for nonrenewal decisions. This multiple review process is time consuming and expensive for local school boards and has the effect of deterring nonrenewal decisions. School boards are required to hire attorneys and expend teacher and administrator time (otherwise spent in the schools) in lengthy and multiple hearings challenging their decisions. Teacher tenure reform has been before this legislature for the past four years. Last year, both the House and Senate passed a reform package that was vetoed by the Governor. This bill is the product of a group representing all sides of the issue that met last summer and fall to come to a consensus to solve the problem. The committee believes this bill establishes a fair and reasonable approach to the nonrenewal issue and that it provides protections to both sides. The bill continues to provide the full due process rights of the teacher. The bill requires that superintendents demonstrate at a local school board hearing, by a preponderance of the evidence, that a teacher had received written notice, that the teacher's unsatisfactory performance may lead to nonrenewal, that the teacher had an opportunity to correct such performance and that the teacher had failed to correct the unsatisfactory performance. The bill also provides that a request for review of a local nonrenewal decision by the State Board of Education shall be the exclusive remedy available to a teacher on nonrenewal decisions and shall be a review limited to the record of the local school board hearing. This does not remove a request for review by the New Hampshire Supreme Court. All decisions of local school boards shall be upheld unless they are clearly erroneous. The intent is that this is a very high standard of review so that the decision of the local school board is given great weight. The bill further provides that the nonrenewal of a teacher shall not be subject to binding arbitration. This only impacts binding arbitration as it relates to nonrenewal decisions. Provisions for binding arbitration are in many current teacher contracts and local school boards have testified that they are extremely costly to local taxpayers and that they "cannot buy binding arbitration provisions out of their contracts." This bill is supported by the New Hampshire School Boards Association, the New Hampshire School Administrators Association, the New Hampshire Principals Association and the State Board of Education. It is a consensus bill and it provides clear recognition that teacher performance has a major impact on the education of New Hampshire pupils and that reform of teacher tenure laws is crucial to the future of education in this state. Vote 15-6.

HB 483-FN-L, relative to restricting the authority of the state board of education to adopt minimum standards for public school approval. INEXPEDIENT TO LEGISLATE

Rep. Iris Estabrook for Education: This bill removes the rulemaking authority of the State Board of Education in establishing minimum standards for school approval in the areas of school facilities, class size, staffing and staff qualifications. The committee believes the standards, last revised in 1993, form the framework for delivery of educational services and include sufficient alternative compliance provisions, which give local schools flexibility. Vote 12-4.

HB 498-FN, establishing a special education catastrophic aid fund. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: The committee believes that a state funded emergency relief fund for school districts, which incur unanticipated catastrophic special education costs, be appropriately funded. This legislation will amend a previously established program which authorized the State Board of Education to designate up to \$250,000 of unexpended catastrophic aid for emergency aid to school districts. This program has never been funded. The State Department of Education documented for the committee that in fiscal school year 1996-1997, 39 school districts incurred \$2.7 million in unanticipated expenditures which qualified for state catastrophic aid. The amendment appropriates \$2,000,000 each fiscal year to a non-lapsing special education catastrophic aid fund for special education emergency assistance costs. This legislation also authorizes the State Board of Education to promulgate rules to determine which school districts may qualify for emergency assistance under this fund. In addition, any school districts, which receive aid from this emergency fund, shall not be reimbursed for the same catastrophic special education expenses. Vote 20-0.

HB 514-L, establishing open enrollment provisions in the school districts of the state. RE-REFER TO COMMITTEE

Rep. Susan B. Durham for Education: The committee wants to look at open enrollment in public schools and how it could work after education funding reform is settled. Therefore, we will use this bill for such a study. Vote 16-4.

HB 529, requiring all postsecondary institutions to report all assaults to local police departments. INEXPEDIENT TO LEGISLATE

Rep. David Larrabee for Education: The intent of this bill is to require post-secondary institutions to report all assaults on campus to the local police. In essence, this would be a law to enforce a law. Federal laws require reporting of assaults on college campuses to the police departments. Presently, college administrators, campus security and local police departments are aware of the laws requiring reporting and are working cooperatively in developing working relationships and reporting procedures. Vote 13-1.

ENVIRONMENT AND AGRICULTURE

HB 225, relative to the definitions of the terms "farm," "agriculture," and "farming." OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The bill is introduced to make fine-tuned alterations that the Senate found necessary to this bill that passed the House last year. Vote 15-0.

SPECIAL ORDER

HB 239-FN-A, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: The committee feels that the work towards creating legislation in order to promote industrial hemp has merit. There has been considerable effort to arrive at a viable solution that has addressed virtually all outstanding issues, in particular public safety and routine management by the Department of Agriculture. Consequently, to resolve the few remaining questions it is felt that additional time is required. Vote 7-6.

HB 379, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district. OUGHT TO PASS

Rep. John S. Cobb for Environment and Agriculture: This act authorizes a study committee, consisting of three members from the House and Senate each, to address issues of longstanding concern regarding the Sullivan County regional refuse disposal district ("the district"). Encouraging the formation of waste districts through enabling legislation, specifically RSA 53-B, and as a result of subsequent amendments tailored for and peculiar to "the district" in question, careful scrutiny is required in light of the fact that "the district" is considering privatization and expansion of its ash landfill. The fact that waste disposal sites are a diminishing resource, it is particularly important to consider the ramifications of this proposal. Such a disposition may have a long term, adverse economic effect on the operation or viability of the incinerator and may be contrary to policy objectives established in statute. Arguably, the landfill may be "the district's" most important asset other than the incinerator. Concerns and questions regarding the present organizational structure of "the district" notwithstanding, undue expansion of the ash landfill or change in use from an ash fill to a solid waste facility not only may not be in the best interests of "the district" and its owners (twenty-nine towns in Vermont and New Hampshire) financially but also may have undesirable environmental and economic impact on the region. Inconsistent and irregular district meetings and arbitrary application of policy, moreover, indicate a review. Vote 10-4.

HB 410, relative to enforcement authority of the department of environmental services. OUGHT TO PASS

Rep. Suzan L. R. Franks for Environment and Agriculture: This act further clarifies the laws pertaining to civil penalties under the hazardous waste clean-up fund, enforcement authority of the Department of Environmental Services relative to waste pollution and waste disposal. The Committee unanimously supports this act. Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 412-FN, relative to the state treasurer and increasing the limit on state indebtedness. OUGHT TO PASS WITH AMENDMENT

Rep. David G. Poulin for Executive Departments and Administration: The majority believes that increasing the bonded indebtedness of the state from \$150,000,000 to \$200,000,000 as requested by the state treasurer is reasonable and prudent. The bill also provides authority for the Business Finance Authority to guarantee bonds to economically distressed regions, which will serve as a tool to aid these regions in attracting and retaining jobs. The bill further clarifies the power of the state treasurer when it comes to appointments of the two deputies. Vote 12-2.

HB 553-FN-A, establishing a commission on the status of men, and making an appropriation therefor. OUGHT TO PASS

Rep. William R. Zolla for Executive Departments and Administration: This bill is similar to HB 1377, which passed the House last spring. The current proposal includes a purpose clause recognizing men as an important resource for their families and points out that certain social, economic and health problems are unique to men. As the Commission on Women has served us well for the past 30 years, we feel strongly that the same consideration and understanding should be granted to men, particularly in light of the fact that the Commission on Men will be required to report annually to the House and Senate. Its usefulness will be re-examined in five years. Vote 16-1.

HB 650-FN-A, relative to alcohol and drug abuse prevention and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: The sponsor provided an amendment that replaced the entire bill when it became apparent that the original bill would be defeated. The amendment establishes a study committee to study prevention services for alcohol and drug abuse. It appears that this is the first time these issues have been studied by the legislature in quite awhile. The study may answer the following questions: (1) how are preventive services currently being provided? And (2) should New Hampshire establish a council on drug/alcohol abuse prevention? Currently prevention services and funding appear in the department of education, attorney general's office, department of health and human services, etc., and perhaps now is the time to review the appropriateness of all services provided to this sensitive area. Vote 15-1.

HB 669-FN, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: Under the present statute a member injured on the job may return to work in the hopes that they will be able to return to the position held prior to the injury. If the member then retires with a disability pension, the outside earning capacity is based upon the position last held. Under this bill, the outside earnings capacity will be based upon the position held when the injury occurred. This change will apply to members in group I and group II of the New Hampshire Retirement System. The cost of the program will be a one time cost upon the retirement system and will not affect the employers or employees contributions to the system. Vote 16-0.

JUDICIARY

SPECIAL ORDER

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.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 578, relative to a recovery against a third party related to a workers' compensation claim. INEXPEDIENT TO LEGISLATE

Rep. Nancy W. Wall for Labor, Industrial and Rehabilitative Services: The present law has worked effectively. The employee is compensated for lost earnings no matter the circumstances, since workers' compensation is a no-fault system. The court recognized double recovery by providing reimbursement to the carrier. The existing statute strikes a delicate balance between the rights of the worker who will receive workers' compensation benefits regardless of who may be at fault. The new provision would allow too much discretion to the court or the Department of Labor. Vote 13-6.

PUBLIC WORKS AND HIGHWAYS

HB 627-FN-A, relative to establishing a differential between special fuel and gasoline taxes. INEXPEDIENT TO LEGISLATE

Rep. Gerald P. Merrill for Public Works and Highways: This bill would tax fuel based on the energy content of a gallon of fuel and change the rate of taxation from \$0.18 per gallon for all fuels to \$0.178 per gallon for gasoline, and \$0.197 per gallon on

special (or diesel) fuel. The committee recognizes the sponsors' theory that diesel fuel has 11% more energy content, but the committee considered that there are other factors that affect the efficiency of fuel use. Such an increase in diesel fuel tax (about 10%) is not appropriate at this time, considering the state made a significant change a few years ago by taxing at the pump, which increased revenue from diesel operators. Vote 13-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 625-FN-A, relative to a mercury emissions reduction and control program. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill creates a Mercury Emissions Reduction and Control Program, which is part of a New England wide effort. Mercury is a very potent and toxic pollutant that leads to human health and environmental problems. New Hampshire and 36 other states currently have a fresh water fish consumption advisory. Most air pollution is measured on a per ton basis. Mercury, due to its toxicity, is measured by the pound. The committee heard testimony from many individuals in numerous work sessions that even small amounts of mercury are hazardous. The evidence supporting this finding is not in doubt. The Department of Environmental Services (DES) mercury reduction plan lists numerous scientific studies about mercury's harmful effects.

This bill establishes mercury emission limits for the two waste to energy trash combustors in Concord and Claremont. These two facilities represent 35% of the man-made mercury emissions in New Hampshire. The Concord facility produces 402 pounds and the Claremont facility 155 pounds. Other significant sources are small waste combustors, medical waste incinerators, and coal-fired power plants. Common products such as button batteries, fluorescent lights, older thermometers, switches, and household medical waste may all contain mercury, which is released into the environment when incinerated.

The bill establishes a state standard for mercury emissions from incinerators. These standards are somewhat tighter than federal standards. When implemented it is expected by DES that the pollution control equipment will remove 95% of mercury emissions from incinerators. Current federal standards apply to incinerators burning 250 tons of rubbish per day, which includes the Concord facility. The Claremont facility incinerates 240 tons per day. Federal standards for smaller facilities such as Claremont have been proposed by the Environmental Protection Agency and are currently at the Office of Management and Budget for review. It is expected by the operator of the Claremont facility and DES that these proposed federal standards will become effective early next year and implemented perhaps two years later. The committee received testimony that meeting the more stringent standard for the Concord facility added little additional cost to the pollution control technology.

However, regarding the Claremont facility, the committee received extensive testimony from New Hampshire/Vermont Solid Waste Project, a 29 town multi-state trash disposal district that has a reservation agreement for rubbish disposal with the private company which owns the incinerator. The Project outlined the cost of the mercury control equipment and stated that the cost to the 15 New Hampshire communities to meet the federal standard is \$561,816 and the additional cost to meet the state standard is \$304,317. The committee heard testimony from the Attorney General's Office that because the incinerator is privately operated and then contracts for trash incineration capacity with 15 New Hampshire communities, Article 28-A does not apply. The majority of the committee; however, felt that with the absence of a clear federal standard (though fully expecting one in the near future) the appropriate course of action is to fully fund the New Hampshire share of the pollution control equipment or \$866,133. If this amount is agreed to, it is expected to be paid in installments of \$173,227 for five years. It is expected that installment payments would begin in the next budget cycle, as the emission limit compliance is effective on July 1, 2001.

The committee heard testimony that raised concerns about additional mercury in the ash landfills. Due to this concern the amendment instructs DES to conduct a study in order to maximize protection from ash contaminants. DES testified that despite ash concerns, on-going monitoring of the ash landfills indicates that the landfill liners have never been breached, that testing of monitoring wells has not shown contamination, and that landfill leachate has been tested and has not indicated any mercury contamination. The amendment also requires DES to continue its current groundwater testing program. DES testified that when moisture is added to the ash and transferred to the landfill in closed containers, the ash coalesces into a relatively hard and stable product. DES also testified that while landfilling incinerator ash is not a perfect environmental solution, it is far preferable to carefully control and monitor ash than it is to allow for uncontrolled emissions of mercury into the air.

Other concerns were expressed about the bill. One concern is that a magic bullet technology may exist which would remove other pollutants. DES testified that unfortunately no such technology exists. Questions were raised as to why hospital incinerators and coal-fired power plants were not included in this legislation. DES testified that as of the end of this year 27 out of 38 hospital incinerators will have closed and that DES is actively examining emissions limits on the remaining hospital

plants. DES indicated that while technology is being developed to retrofit coal plants it is not yet available. The bill calls for study of control options for coal plants, hospital incinerators, and smaller municipal incinerators. Lastly, there was concern expressed that the pollution control equipment was designed for larger facilities. DES and the plant operator both testified that equipment that had been installed on other incinerators functioned as expected and met mercury reduction expectations. While no plant the exact size of the Claremont facility had been retrofitted, both DES and the plant operator were completely confident that the control technology would work as designed and remove 95% of mercury emissions.

The majority of the committee recommended six additional months for implementation of the controls, or until July 1, 2001, for the Claremont facility so that the ash landfill study could be completed and so that residents of the area who want to pursue a buy out of the reservation agreement for trash disposal may have ample time to do so. The majority of the committee rejected efforts to remove that facility from pollution control requirements because it is the third largest source of mercury emissions in New Hampshire and the majority of the committee believes uncontrolled mercury emissions are indeed a public health and environmental threat. Vote 16-4.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: For quite different reasons the minority oppose the current version of this legislation. One expressed concern is the lack of scientific studies documenting the adverse effect of mercury that warrant such public expenditures be it on the state or local level. Another concern is the uncertainty regarding the formation of the "Claremont" Solid Waste District and the financial obligations, which this bill could obligate those communities to absorb. A further concern is the inclusion of the Claremont Wheelabrator facility at a time in which there are no federal regulations for the emission of mercury for a facility the size of Claremont and the safeguards as outlined in this legislation are untested for a facility of this size.

HB 694-FN, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee held a seven hour hearing and several work sessions on this bill. As proposed the bill would have created a maximum contaminant level for methyl tertiary butyl ether (MTBE) of 14 parts per billion (ppb) in all waters of the state and 5 ppb in drinking water. The bill would have also banned delivery of any gasoline containing MTBE. Even conventional gas has contained 2% MTBE for a number of years. A complete MTBE ban is unworkable if a state wants to have adequate supplies of gas.

MTBE is a gasoline additive, which adds oxygen to the fuel in order to increase combustion. MTBE has been widely used in so-called reformulated gasoline for several years in the Northeast as a way of combating ozone air pollution. Currently as part of New Hampshire's air quality plan, reformulated gas is required to be sold in Hillsborough, Merrimack, Strafford, and Rockingham counties but not in the remaining 6 New Hampshire counties where conventional gas is sold. Supposed clean air benefits of reformulated gas have been a component of New Hampshire's ability to demonstrate compliance with the federal air standards. Reformulated gasoline also has a reduced concentration of benzene, a known carcinogen.

Unfortunately, MTBE is very water-soluble and if spilled can easily enter drinking water supplies. MTBE has been detected in 135 New Hampshire public drinking water supplies, although 108 of those supplies have been tested with levels below 5 ppb. Much literature was distributed to the committee, which concluded in the purpose statement of the amendment that MTBE is not a known carcinogen but that initial research indicates it may be found to be a carcinogen.

Based upon all of the many competing interests the committee amendment recommends a cautious and realistic approach to the problem of MTBE in drinking water. The Department of Environmental Services (DES) is requested to seek all necessary waivers from the Environmental Protection Agency (EPA) so that conventional gasoline may be used in the entire state. Supplies of conventional gas are readily available and if EPA acts quickly to grant the needed waivers, further MTBE water pollution problems can be averted.

The Commissioner of Department of Environmental Services is given authority with approval of Governor and Council to limit the concentration of MTBE in gasoline provided that other reasonably priced gasoline is available in New Hampshire, that alternative gasolines are less hazardous to humans and the environment, and that the necessary waivers are obtained from the EPA such that further air pollution reductions are not required.

The amendment directs public drinking water systems to notify customers if water contains MTBE in amounts greater than 5 ppb. It also requires that any drinking water standards adopted by DES for MTBE be no greater than 35 ppb. The amendment reduces the groundwater remediation standard from the federal 70 ppb to 35 ppb. Remediation is funded through the Oil Discharge and Disposal Cleanup Fund. As introduced, the bill had a fiscal note of \$1,055,000 per year in increased state costs. The committee requested a revised fiscal note, which indicated a lower fiscal impact of \$440,000 annually. The fiscal impact is

far less due to the change in the groundwater remediation standard from 14 ppb to 35 ppb. The committee considered the bill and voted ought to pass 16-3. After the lower revised fiscal note, the bill was reconsidered by the committee and the vote was 19-1 ought to pass. The committee believes the bill, as amended, represents a realistic approach (along with a previously approved study bill HB 592) to a problem that hopefully will be solved in the long run through alternative additives in gasoline on a nationwide basis. Other states, most notably California, are applying this sort of pressure on EPA and gasoline manufacturers. The committee is very aware that before an MTBE ban can occur alternative supplies at reasonable prices must exist that present less environmental risks. Vote 19-1.

LAID ON TABLE

CACR 12, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years. (Pending question is on ought to pass.)

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.)

HB 550-LOCAL, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting. (Pending question is on inexpedient to legislate.)

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

HOUSE BILLS AMENDED BY THE SENATE

HB 109-FN-A-L, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (House Nonconcurrent 3/30/99)

HB 112-FN-A, relative to state taxes and other sources of revenue for funding an adequate education; authorizing electronic games of chance at racetracks, grand hotels, and resort hotels; relative to establishing the cost of an adequate education, and relative to creating a commission to study the methodology used in establishing the cost of an adequate education, and making an appropriation therefor. (House Nonconcurrent 4/1/99)

HB 207-FN-A, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. (SJ 9)

HB 249, relative to the membership of the rivers management advisory committee. (House Concurred 4/14/99)

COMMITTEE MEETINGS

MONDAY, APRIL 19

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

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 302, LOB (Please note room change.)

1:00 p.m. Regular meeting.

TUESDAY, APRIL 20

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Continuation of Juvenile Justice organizational audit performance report.

COMMERCE, Room 302, LOB

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

10:15 a.m. Subcommittee work session on **HB 333**, relative to contracts between participating providers and managed care entities.

10:30 a.m. Subcommittee work session on **HB 640-FN**, relative to grievance procedures of managed care organizations.

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

3:00 p.m. Subcommittee work session on **HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on **HB 722-FN**, revising the law relative to protection of persons from domestic violence.

EDUCATION, Room 207, LOB

10:00 a.m. **SB 77**, relative to authorized regional enrollment area schools.

11:00 a.m. **SB 119**, relative to the withdrawal of a pupil from school.

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

ELECTION LAW, Room 308, LOB

9:30 a.m. Subcommittee work session on **HB 547-LOCAL**, changing the state primary election day to the first Saturday after Labor Day.

9:45 a.m. Subcommittee work session on **HB 390-LOCAL**, relative to lengthening the polling hours in towns.

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

11:00 a.m. **SB 38**, relative to the optional term for election of a cooperative school district moderator.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. **SB 113**, establishing a division of travel and tourism development within the department of resources and economic development.

11:00 a.m. **SB 115**, relative to participation by certain judges in the state employee group health and dental insurance programs.

1:00 p.m. **SB 60**, establishing a committee to study the licensure of radiographers and radiologic technicians.

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

3:15 p.m. Subcommittee work session on **HB 720-FN**, relative to the practice of midwifery.

FINANCE, Rooms 210-211, LOB

1:00 p.m. **HB 740-FN-A-L**, increasing the amount of district foundation aid.

Executive session on pending legislation to follow.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive session on the following bills:

9:30 a.m. **HB 704-FN-A**, establishing a wildlife damage control program and making an appropriation therefor.

10:30 a.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.

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

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive session on the following bills:

HB 709-FN-A-L, relative to the railroad tax.

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

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

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

Work and executive session on the budget and other pending legislation to follow.

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

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

FINANCE – (DIVISION IV), Rooms 210-211, LOB

Work and executive session on pending legislation to follow full committee public hearing.

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

10:00 a.m. **SB 19**, extending the reporting date of the state substance abuse treatment delivery system committee.

11:00 a.m. **SB 22**, relative to the pilot program relative to the administration of medication in residential care facilities.

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

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee work session on **HB 707-FN**, relative to the family division of the courts.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. Public hearing on proposed amendment to **HB 606-FN**, relative to compensation for law

enforcement officers who are injured in the line of duty. (The proposed amendment is relative to managed care programs under workers' compensation and relative to certain members of the compensation appeals board. Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.)

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Continued public hearing on **HB 727-FN**, establishing an outdoor lighting code.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Public hearing on proposed amendment to **HB 464**, relative to economic development and retention rates and special contracts. (Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.)

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

11:30 a.m. Subcommittee work session on **HB 314**, relative to universal service, **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.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:30 a.m. **SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission.

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

WEDNESDAY, APRIL 21

COMMERCE, Room 302, LOB

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

10:30 a.m. Subcommittee work session on **HB 640-FN**, relative to grievance procedures of managed care organizations.

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

10:00 a.m. **HB 739**, eliminating the restrictions on the number of days bingo volunteers may serve.

11:00 a.m. ***SB 121***, requiring reports to the department of justice following certain DWI arrests and refusals to take alcohol concentration tests.

11:30 a.m. ***SB 125***, placing restrictions on name changes for certain felons.

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

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 204***, establishing the New Hampshire excellence in higher education endowment trust fund.

11:00 a.m. ***SB 117***, relative to the duties of the board of trustees 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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. ***SB 53-FN***, relative to licensure of physicians providing teleradiology services in this state.

11:00 a.m. ***SB 164***, relative to persons exempted from the registration of ophthalmic dispensers.

1:00 p.m. ***SB 28***, relative to food production and distribution and food service licensure.

1:45 p.m. ***SB 173-FN***, relative to optional allowances for beneficiaries of New Hampshire retirement system members.

2:15 p.m. ***SB 182-FN***, relative to eligibility for ordinary death benefits under the New Hampshire retirement system.

2:45 p.m. ***SB 224***, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards.

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

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

Work sessions on the budget, as follows:

9:00 a.m. Postsecondary Education Commission

10:00 a.m. Sweepstakes Commission

11:00 a.m. Christa McAuliffe Planetarium

11:30 a.m. Police Standards and Training Council

Work and executive session on the budget and other pending legislation to follow.

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

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

FINANCE – (DIVISION IV), Rooms 210-211, LOB

1:00 p.m. Executive session.

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.

JUDICIARY, Room 208, LOB

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

11:00 a.m. **HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems.

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

LEGISLATIVE ADMINISTRATION, Room 205, LOB

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

2:30 p.m. Subcommittee on mileage.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology, **HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline and **HB 649-FN**, relative to air pollution emissions from small, high-polluting electricity generators.

1:00 p.m. Subcommittee work session on **HB 581-LOCAL**, relative to deposits on water meters.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:30 a.m. Subcommittee work session on **HB 280-FN**, establishing a point system for the annual moose permit lottery.

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

THURSDAY, APRIL 22

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

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

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

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

FINANCE – (DIVISION IV), Rooms 210-211, LOB

9:00 a.m. Executive session.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

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

FRIDAY, APRIL 23

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

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

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

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

FINANCE – (DIVISION IV), Rooms 210-211, LOB

10:00 a.m. Executive session.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 26

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

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

9:00 a.m. Hearing and regular meeting.

TUESDAY, APRIL 27

CHILDREN AND FAMILY LAW, Room 206, LOB

10:15 a.m. ***HB 200-FN-LOCAL***, relative to restructuring the juvenile justice system in New Hampshire.

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

1:30 p.m. Subcommittee work session on ***HB 703-FN-A-LOCAL***, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor.

COMMERCE

10:00 a.m. Tour of the Liquor Commission.

TUESDAY, MAY 4

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Rescheduled public hearing on **HB 733**, relative to a state master plan for the deployment of personal wireless service facilities.

1:00 p.m. Public hearing on proposed amendment to **HB 457**, extending the committee to study electric rate reduction financing. (Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.)

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on April 26th at 7:30 p.m. at the County Complex to discuss the Gunstock budget. (Please note time change.)

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

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

COUNTY DELEGATION NOTICE

Cheshire County Executive Committee will meet at 7:00 p.m. in the basement of the Administration Building on Monday, April 26 to review the first quarter budget figures.

Rep. Stephen G. Avery, Chairman

Cheshire County Executive Committee

The Office of Legislative Services has a number of extra copies of softbound volumes of the 1997 Session Laws. They will be available for distribution to House and Senate members on a first come, first served basis in Room 109 of the State House.

Carol J. Holahan, Deputy Director

Office of Legislative Services

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, May 3 at 5:30 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 108, 109, 116, 118, 119, 120, 124, 237, 245, 274, 453, 494, 495, 522, 549, 565, 579, 641, 655, 676, 692, 693, 694, 695, 696, 715, 719, 733, 734 and 738.

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

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.

The Ranking Democrats will be meeting each Wednesday in Room 101 of the LOB at 9:00 a.m.

Rep. Marion L. Copenhaver

The two hour sludge meeting held in Andover on April 14th is available on tape to anyone interested in presenting it to their local officials interested in the problem and advantages. The debate was among many well informed speakers from all over NH.

Rep. Richard P. Brewster

Legislators interested in the issues associated with sprawl are invited to attend the remaining lectures offered by Frontiers of Knowledge at the Franklin Pierce Law School on Sunday, April 18 and Sunday, April 25 at 4:00 p.m. in the Rich Room.

Rep. George W. Chase

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

Reps Cynthia J. Dokmo and Richard C. Leone

The Legislative Caucus for Young Children will meet on Wednesday, April 21 from noon to 1:30 p.m. at the Upham Walker House.

Rep. Mary Stuart Gile

Legislators for Limited Spending will meet on Tuesday, April 27th at noon in the Upham Walker House. Coffee will be served.

Rep. Sylvia A. Holley

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on Wednesday, April 28.

Rep. Paul M. Mirski

Legislators for Limited Spending Breakfast will be held on Thursday, April 29th at 8:00 a.m. at the Eagle's Nest, Concord. Guest speaker will be Dr. John Berthoud, President, National Taxpayers' Union. For tickets contact Reps. Donald White (886-8267) or Sylvia Holley (882-1891).

Rep. Sylvia A. Holley

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 April, 1999. These listings replace individual notifications in an effort to reduce paper usage and to ensure that 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>
4/19	12:30	Jennie D. Blake Elem. – Hill	4/26
4/19	10:00 & 11:15	Bedford Memorial	4/60
4/20	10:00 & 12:00	Garrison Elem. – Dover	4/100
4/20	1:30	Milford Christian Academy	4/14
4/21	9:30	Danville Elem.	4/60
4/21	12:30	Marston Elem. – Hampton	4/45
4/21	12:30	Calvary Christian School – Plymouth	3 & 4/8
4/22	10:00 & 12:00	New Searles Elem. – Nashua	4 & 5/75
4/23	9:30	Northwood Elem.	4/48
4/23	10:00 & 11:15	Bedford Memorial	4/50
4/23	1:00	Berlin Middle School	8/40
4/26	11:00	Mason Elem.	4/7
4/26	11:00	Southeast NH Christian Aca. – Somersworth	4/12
4/26	10:30	Marlborough School	4/25

4/26	11:00	Homeschoolers – Center Ossipee	4 & 5/ 3
4/26	12:30	Bluff Elem. – Claremont	4/50
4/27	10:00 & 11:15	Disnard Elem. – Claremont	4/50
4/27	12:30	Seminary Hill Elem. – West Lebanon	4/40
4/27	2:30	Penacook Community Ctr.	1-5/27
4/28	10:00 & 11:15	Hanover Street Elem. – Lebanon	4/76
4/28	12:00	Groveton Elem.	4/33
4/28	1:30	Bethlehem Elem.	4/36
4/29	10:00 & 11:15	Lancaster Elem.	4/52
4/30	10:00 & 11:15	Ray School – Hanover	3 & 4/90
4/30	12:30	Pine Tree Elem. – Center Conway	4/44

The Department of Transportation will hold the following meetings:

- Apr 19 – Ossipee Town Hall, 6:30 p.m. Pilot study wrap-up, Ossipee, pilot study.
- 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.
- Apr 21 – Dover High School Auditorium, Durham Road, NH Route 108, Dover, 6:30 p.m. to 8:30 p.m. Technical Advisory Task Force meeting #12, Dover-Rochester-Somersworth, Exit 10 interchange study.
- Apr 27 – Hampstead Town Hall, Meeting Room, 11 Main Street, Hampstead, 7:00 p.m. Combined public officials/public informational meeting, Hampstead, park and ride at NH 111/NH 121A.
- Apr 29 – UNH, Thompson School, Cole Hall Room 219, 291 Mast Road, Durham, 7:00 p.m. Public informational meeting, Durham, widening of US 4, rehab of bridge over Johnson Creek.
- May 4 – Griffin Memorial School, Litchfield, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.
- May 4 – Gilsum Town Library Basement, 652 Route 10, Gilsum, 7:00 p.m. Public informational/officials meeting, Gilsum, NH Route 10 over Ashuelot River
- May 4 – Holderness Town Hall, Route 3, Holderness, 7:00 p.m. Combined public officials/public informational meeting, Holderness, realignment of NH 113.
- May 5 – Hooksett Memorial School Gymnasium, Memorial Drive, Hooksett, 7:00 p.m. Public hearing (Commission) Hooksett, US Route 3/NH Route 28.
- May 6 – Town Hall Courtroom, Merrimack, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.
- May 10 – Ossipee Town Hall, 6:30 p.m. Pilot study wrap-up, Ossipee pilot study.
- May 11 – Alvrine High School, Hudson, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

May 12 – Weston School Gymnasium, 1066 Hanover Street, Manchester, 7:00 p.m. Public hearing (Commission), Manchester, Candia Road.

May 12 – Hinsdale Town Hall, 11 Main Street, Hinsdale, 7:00 p.m. Public informational/officials meeting, Hinsdale, Route 63/Kilburn Brook.

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

May 17 – Ossipee Town Hall, 6:30 p.m. Land use regulation workshop, Ossipee pilot study.

May 24 - Ossipee Town Hall, 6:30 p.m. Land use regulation workshop, visitor center workshop.

May 27 – Sheraton Wayfarer Inn, Bedford, 8:00 a.m. Statewide bike/pedestrian meeting, bicycle/pedestrian conference.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

THURSDAY, APRIL 22

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1999-0541h

Amendment to HB 224-FN-A

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

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

AN ACT establishing a joint committee on code enforcement and appropriating funds for hiring fire investigators in the division of fire safety.

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

1 New Section; Joint Committee on Code Enforcement. Amend RSA 153 by inserting after section 4-a the following new section:

153:4-b Joint Committee on Code Enforcement. There shall be a joint committee on code enforcement, consisting of each of the chairpersons of the following: the board of fire control, the electricians' board, the plumbers' board, the water well board, the board of architects, the board of engineers, the architectural barrier-free design committee, and the New Hampshire Building Officials Association. The chairperson of the board of fire control shall serve as chairperson of the joint committee. The joint committee shall meet at least annually to carry out its duties established under this chapter. The committee shall discuss matters of mutual interest in the areas of code administration, inspections, licensing and certification.

2 Appropriation; Department of Safety. The sum of \$272,576 is hereby appropriated to the department of safety for the biennium ending June 30, 2001, for the purposes of hiring 2 fire investigators in the division of fire safety. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a joint committee on code enforcement. The bill also appropriates funds to the division of fire safety to hire fire investigators.

1999-0473h

Amendment to HB 225

Proposed by the Committee on Environment and Agriculture - R

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

1 Statement of Intent. The purpose of this act is to modernize the definition of "farming" and "agriculture" to more accurately reflect the scope of agriculture as practiced today in NewHampshire. This definition shall not be construed as a regulation, or as an exemption from any regulation or statute.

2 Definitions; "Farm," "Agriculture," and "Farming." RSA 21:34-a is repealed and reenacted to read as follows:

21:34-a Farm, Agriculture, Farming.

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:

- (a)(1) The cultivation, conservation, and tillage of the soil.
- (2) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
- (3) The use of and application of agricultural chemicals.
- (4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (cervus elephus canadensis), fallow deer (dama dama), red deer (cervus elephus), and reindeer (Rangifer tarandus).
- (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
- (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
- (7) The raising, breeding, or sale of poultry or game birds.
- (8) The raising of bees.
- (9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
- (10) The production of greenhouse crops.
- (11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.
- (b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:
 - (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
 - (2) The transportation to the farm of supplies and materials.
 - (3) The transportation of farm workers.
 - (4) Forestry or lumbering operations.
 - (5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

3 Motor Vehicles; Definitions; "Agriculture" and "Farming." RSA 259:3 is repealed and reenacted to read as follows:

259:3 Agriculture and Farming. The words "agriculture" and "farming" mean all operations of a farm, including:

I.(a) The cultivation, conservation, and tillage of the soil.

(b) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(c) The use and application of agricultural chemicals.

(d) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*cervus elephus canadensis*), fallow deer (*dama dama*), red deer (*cervus elephus*), and reindeer (*Rangifer tarandus*).

(e) The breeding, boarding, raising, training, riding instruction, and selling of equines.

(f) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

(g) The raising, breeding, or sale of poultry or game birds.

(h) The raising of bees.

(i) The raising, breeding, or sale of domesticated strains of fur-bearing animals.

(j) The production of greenhouse crops.

(k) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

II. Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(a) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(b) The transportation to the farm of supplies and materials.

(c) The transportation of farm workers.

(d) Forestry or lumbering operations.

(e) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(f) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

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

1999-0744h

Amendment to HB 322

Proposed by the Committee on Commerce - C

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

AN ACT relative to funds provided by a mortgagee at real estate closings.

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

1 New Section; First Mortgage Home Loans; Compliance With Provisions Regarding Funding of Loans at Real Estate Closings. Amend RSA 397-A by inserting after section 14-a the following new section:

397-A:14-b Compliance With Requirements for Funding of Loans at Real Estate Closings. A licensee shall comply with the provisions of RSA 477:52 relative to requirements for the funding of loans at real estate closings.

2 New Section; Second Mortgage Home Loans; Compliance With Provisions Regarding Funding of Loans at Real Estate Closings. Amend RSA 398-A by inserting after section 9 the following new section:

398-A:9-a Compliance With Requirements for Funding of Loans at Real Estate Closings. A licensee shall comply with the provisions of RSA 477:52 relative to requirements for the funding of loans at real estate closings.

3 New Subdivision; Funding of Loans at Real Estate Closings. Amend RSA477 by inserting after section 51 the following new subdivision:

Funding of Loans at Real Estate Closings

477:52 Funding of Loans at Real Estate Closings. The funds provided by a mortgagee to fund a loan secured by real estate at a real estate closing shall be in the form of:

- I. Cash;
- II. Wired funds or electronic transfer;
- III. Certified check;
- IV. Checks issued by a governmental entity or instrumentality;
- V. Any transfer of funds by check or otherwise that are finally collected and unconditionally available to the settlement agent;
- VI. Checks or other drafts drawn by a state-chartered or federally-chartered financial institution;
- VII. Checks or other drafts drawn by a state-chartered or federally-chartered credit union;
- VIII. Checks issued by an insurance company licensed and regulated by the department of insurance; or
- IX. Cashier's check, teller's check, or treasurer's check.

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

AMENDED ANALYSIS

This bill requires funds provided by a mortgagee to fund a loan secured by real estate at a real estate closing to be in certain forms.

1999-0771h

Amendment to HB 325

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

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

1 New Subdivision; Billing by Local Exchange Carriers. Amend RSA 378 by inserting after section 42 the following new subdivision:

Billing by Local Exchange Carriers

378:43 Definitions. In this subdivision:

I. "Commission" means the public utilities commission.

II. "Cramming" means the submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a customer's local telephone bill. Cramming shall not include charges for collect calls, charges for customer dialed telecommunications services, or charges required by law.

III. "Customer" means the party identified in the account records of the local exchange carrier, a person contractually or otherwise lawfully authorized to represent such party, or a person identified in such records as authorized to change the services subscribed to or to charge services to the account.

IV. "Local exchange carrier" means the company that provides local telephone exchange service and renders the telephone bill to the customer.

V. "Service provider" means a person that offers a product or service to a customer and directly or indirectly sends the billable charges or credits to the local exchange carrier for billing to the customer.

378:44 Registration Required. Service providers that are not public utilities, or affiliates or subsidiaries of public utilities, shall register with the commission. If a service provider is not so registered, it may not submit charges to the local exchange carrier. The commission may revoke a registration for cause.

378:45 Cramming Prohibited. No person shall engage in cramming. Any person that engages in cramming shall be subject to an administrative fine in an amount to be determined by the commission, not to exceed \$1,000 per offense. The commission may consider intent as a factor when assessing administrative fines. The commission may prohibit a service provider that engages in cramming from billing through the local exchange carrier.

378:46 Charges by Service Providers.

I. Upon determining that it is technically and economically feasible, the commission shall require local exchange carriers to permit a customer to place a block on an account that prevents any non-telecommunications-related charges that do not originate from the customer's local exchange or long distance carrier from appearing on the customer's local exchange carrier bill.

II. A local exchange carrier is prohibited from terminating the essential voice local exchange service of any customer for failure to pay charges from a service provider that are disputed by the customer.

378:47 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, and consistent with rules adopted by the Federal Communications Commission regarding telecommunications cramming, to enforce the provisions of this subdivision.

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

1999-0652h

Amendment to HB 412-FN

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee.

Amend the bill by replacing all after section 2 with the following:

3 Treasurer and Accounts; Appointments and Removal. Amend RSA 6:21 to read as follows:

6:21 Appointments; Removal; **Duties.**

I. The state treasurer shall appoint 2 deputies who shall hold office while the treasurer remains in office unless sooner removed. ~~[The treasurer shall designate one deputy as chief deputy.]~~ The treasurer may remove either ~~[of them]~~ **deputy** at pleasure, and the governor and council may remove either of the deputies for cause as they may remove the treasurer. A commissioner shall appoint deputies to hold office in like manner.

II. The treasurer shall designate one deputy as chief deputy who shall perform such duties as may be assigned by the treasurer. During the absence or disability of the treasurer, the chief deputy shall perform all duties of the office of treasurer. The other deputy shall perform such duties as may be assigned by the treasurer.

4 State Bonds; Cost of Debt Issuance. Amend RSA 6-A:13 to read as follows:

6-A:13 Cost of Debt Issuance; **Application of Premium.** The state treasurer may incur bond issuance costs and bond discounts, if applicable, which shall be offset with any bond premiums, if applicable, for bonds sold under this chapter. **Any remaining premium shall be credited to the general fund.** In order to provide funds to pay the cost of issuing bonds or the bond discount or to establish estimated revenue for the bond premium, the governor, upon request of the state treasurer, shall draw ~~[his]~~ **a** warrant for such payments out of any money in the treasury not otherwise appropriated from each fund as appropriate.

5 New Paragraph; Business Finance Authority; State Guarantees. Amend RSA 162-I:9-b by inserting after paragraph III the following new paragraph:

III-a.(a) Bonds awarded a state guarantee shall be awarded by giving priority to financing eligible facilities in all economically distressed communities of the state. The authority shall establish appropriate guidelines to ensure that state guarantees benefit only economically distressed areas.

(b) Priority for the funds awarded under RSA 162-I:9-b, III-a(a) shall be for the economically distressed areas of the northern portion of the state, particularly the White Mountain region, the northern portions of the Dartmouth-Lake Sunapee region, and the Lakes region.

6 Repeal. RSA 162-I:9-b, III-a, relative to use of bond proceeds awarded under a state guarantee, is repealed.

7 Applicability of Prospective Repeal. Any bonds awarded under the provisions of RSA 162-I:9-b, III-a shall not be affected by the prospective repeal in section 6 of this act.

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 2002.

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

1999-0760h

Amendment to HB 421

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

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

AN ACT relative to penalty provisions for the law regarding control of marine pollution, exotic aquatic weeds, and other aquatic growth.

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

1 Control of Marine Pollution and Aquatic Growth; Administrative Fines. Amend the introductory paragraph of RSA 487:7, II to read as follows:

II. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense, upon any person who violates any provision of this chapter, **any lawful rule of the**

department adopted under this chapter, or any lawful order issued by the department pursuant to this chapter.

Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

2 New Paragraphs; Control of Marine Pollution and Aquatic Growth; Civil Penalty; Injunction. Amend RSA 487:7 by inserting after paragraph II the following new paragraphs:

III. Any person who shall violate any provisions of this chapter, or any lawful rule of the department adopted under this chapter, or who shall fail, neglect or refuse to obey any order lawfully issued pursuant to this chapter, shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

IV. The department shall issue a written cease and desist order against any act in violation of this chapter or lawful rule of the department adopted under this chapter, and any such act may be enjoined by the superior court upon application of the attorney general.

3 New Section; Exotic Aquatic Weed Penalties. Amend RSA 487 by inserting after section 16-a the following new section:

487:16-b Exotic Aquatic Weed Penalties. It shall be unlawful to knowingly, recklessly, or purposely offer for sale, distribute, sell, import, purchase, propagate, or introduce exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person engaging in such an activity shall be guilty of a violation.

4 New Hampshire Clean Lakes Program; Rulemaking. Amend RSA 487:24, VII-a to read as follows:

VII-a. Administration and enforcement of, and exemptions to, the exotic aquatic weed prohibition under RSA 487:16-a. [~~Such rules shall not include the imposition of fines or penalties not otherwise authorized by statute.~~]

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

AMENDED ANALYSIS

This bill:

- I. Makes it a violation to intentionally or recklessly introduce exotic aquatic weeds into waterbodies of the state.
- II. Adds a civil penalty and injunction relief to the penalties for violation of the chapter regarding control of marine pollution and aquatic growth.

1999-0689h

Amendment to HB 438

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to certain changes to the membership of the advisory committee on child care.

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

1 Advisory Committee on Child Care; Membership and Duties Amended. RSA 126-A:17 is repealed and reenacted to read as follows:

126-A:17 Advisory Council on Child Care.

- I. There is established an advisory council on child care in New Hampshire consisting of voting and nonvoting members listed in paragraphs II and III.
- II. The advisory council shall consist of the following voting members:
 - (a) One member of the house of representatives, appointed by the speaker of the house.

- (b) One member of the senate, appointed by the president of the senate.
- (c) The president of the New Hampshire Child Care Association, or designee.
- (d) The president of the New Hampshire Family Child Care Association, or designee.
- (e) One individual representing the interests of school age child care, appointed by Plus Time NH.
- (f) The president of the New Hampshire Child Care Resource and Referral Network, or designee.
- (g) The president of the New Hampshire Association for the Education of Young Children, or designee.
- (h) The president of the New Hampshire American Academy of Pediatrics, or designee.
- (i) The chair of the New Hampshire Head Start Directors Association, or designee.
- (j) One individual representing the concerns of the business community relative to child care services, appointed by the Business and Industry Association.
- (k) Three individuals who are consumers of child care services, appointed by the governor. To the extent possible, economic, cultural, and geographical diversity shall be maintained among these at-large appointees, with one residing in a city, one residing in a town with a population in excess of 5,000 persons, and one residing in a town with fewer than 5,000 persons. One consumer appointee shall have a child with a disability who attends a child care program.
- (l) One representative of New Hampshire early childhood education programs, appointed by the commissioner of the New Hampshire regional community-technical college system.
- (m) One representative of the university system of New Hampshire whose area of expertise is early childhood education, appointed by the chancellor of the university system of New Hampshire.
- (n) One representative of the department of education, appointed by the commissioner of education. The representative shall have nonvoting status for votes pertaining to the department of education matters.

III. The advisory council shall consist of the following nonvoting members:

- (a) Representatives from the department of health and human services, appointed by the commissioner of health and human services. One of the representatives shall be the administrator of the child development bureau. Additional representatives from the child development bureau shall be included. Other representatives from the department shall include, but not be limited to individuals with expertise in child care licensing, maternal and child health, behavioral health, developmental disability services, child care subsidies, Head Start, and Temporary Assistance for Needy Families.
- (b) Any number of additional non-voting members appointed by a majority vote of the voting members. The purpose of this provision is to permit the council to seek out and recognize persons with expertise and experience in the field of child care who may make significant contributions to the work of the council in specific policy areas.

IV.(a) The term of office for each member appointed under subparagraphs II(j) through (n) shall be 3 years, or until a successor is appointed and qualified in the case of a vacancy. The term of office for all other members shall be coterminous with the term of office for the position that qualifies that member to serve on the advisory council. A vacancy shall be filled in the same manner, but only for the unexpired term.

(b) The advisory council shall meet at least quarterly, and may meet more often at the call of the chair, or at the request of a majority of the members directed to the chair. The council may, by majority vote of the voting members, adopt additional bylaws as deemed necessary by the council.

(c) The council shall, at its annual meeting, elect one voting member to serve as chair for a one year term, or until a successor is elected and qualified.

(d) No member shall receive any compensation for serving on the council, provided that the legislative members shall receive legislative mileage when in performance of their duties and the consumer members may receive compensation dependent upon the availability of funds, other than from the general fund.

V. The duties of the council shall include, but not be limited to:

- (a) Developing a 5-year state plan of recommended improvements of child care services in the state of New Hampshire, copies to be sent to the speaker of the house, the president of the senate, and the governor.
- (b) Submitting an annual progress report of the council's 5-year state plan to the speaker of the house, the president of the senate, and the governor.
- (c) Reviewing and making recommendations regarding federal plan submissions and proposed legislative changes to facilitate the development and provision of quality child care services in the state of New Hampshire.
- (d) Acting as a forum to receive information from child care professionals, educators, providers, consumers, government agencies, and the business community relating to the provision of child care services in the state of New Hampshire.
- (e) Advising the commissioner of health and human services on any issue related to child care in New Hampshire.
- (f) Informing and communicating with the commissioner of education on any issue related to child care in New Hampshire.
- (g) Informing and communicating with the governor on any issue related to child care in New Hampshire.

VI. The duties of the department of health and human services shall include, but not be limited to:

- (a) Informing the advisory council, in a timely manner, any proposed legislation and any proposed changes to administrative rules relating to the provision of quality child care.
- (b) Informing the advisory council, at least twice annually, on matters regarding:
 - (1) Federal and child care revenues and expenditures.
 - (2) Financial reporting and statistics related to child care subsidies.
 - (3) The status of other federal and state child care grants.
 - (4) Information on consumer and provider utilization and availability.

VII. The department of health and human services shall continue to provide administrative support to the advisory council.

VIII. The council is the advisory body for the federally-funded Child Care Development Fund. The advisory council may serve as an advisory body when required for state participation in or may coordinate with other federally-funded child care programs granted to the state of New Hampshire.

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

1999-0431h

Amendment to HB 458

Proposed by the Committee on Election Law - C

Amend RSA 654:1, I as inserted by section 2 of the bill by replacing it with the following:

I. Every inhabitant of the state, having **a place of abode or** a fixed and permanent established domicile, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he **or she** is **resident** ~~[domiciled]~~. **"Inhabitant" shall include a person who elects to live in a nontraditional residence, including but not limited to a shelter. A person's residency is not subject to challenge on the sole basis that the person has a nontraditional residence.** The determinant of one's ~~[domicile]~~ **residence** is a question of factual physical presence incorporating an intention to reside for an indefinite period. This ~~[domicile]~~ **residence** is the voter's ~~[residence]~~ **place of abode or domicile** to which, upon temporary absence, he **or she** has the intention of returning. This ~~[domicile]~~ **residence** is that place in which ~~[he]~~ **the person** dwells on a continuing basis for a significant portion of each year.

Amend RSA 654:12, I(c) as inserted by section 5 of the bill by replacing it with the following:

(c) ***Place of Abode or*** Domicile. Any reasonable documentation which indicates that the applicant ***has a place of abode or*** has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he ***or she*** desires to vote, or an affidavit declaring that the applicant ***has a place of abode or*** has a domicile and intends to maintain a domicile for an indefinite period in the town, city, or ward in which he ***or she*** desires to vote.

1999-0553h

Amendment to HB 463-LOCAL

Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highway regulations, protection and control regulations.

Amend the bill by replacing all after section 1 with the following:

2 Junk Yards; Local Control. Amend RSA 236:111 to read as follows:

236:111 Purposes. This subdivision is adopted under the police power of the state to conserve and safeguard the public safety, health, morals, and welfare, and to further the economic growth and stability of the people of the state through encouragement to the development of the tourist industry within the state. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion. In addition, such an environment is considered essential to the maintenance and continued development of the tourist and recreational industry which is hereby declared to be of significant and proven importance to the economy of the state and the general welfare of its citizens. At the same time, it is recognized that the maintenance of junk yards as defined in this subdivision, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this subdivision. ~~[The junk yards in this subdivision include all junk yards which are not established, used or maintained adjacent to the interstate, federal aid primary or turnpike systems]~~ ***All junk yards shall be subject to this subdivision, including those adjacent to the interstate, federal aid primary, or turnpike systems, which are also subject to RSA 236:90-110.***

3 Federal Aid Primary System; What Highways are Included. Amend RSA 236:70, V to read as follows:

V. The words "federal aid primary system" shall mean all highways which are a part of the federal aid system described in subsection (b) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided by subsection (f) of section 103 of Title 23, United States Code ***that were in existence on June 1, 1991, and any highway which was not on the system but was included in the National Highway System as defined in section 1046(c) of the Intermodal Surface Transportation Efficiency Act of 1991.***

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

AMENDED ANALYSIS

This bill gives towns jurisdiction to regulate junk yards within 1,000 feet of certain federal and state highways.

This bill also alters the definition of federal aid primary system to include any highway included in the national highway system for purposes of the laws regarding highway regulations, protection and control regulations.

1999-0785h

Amendment to HB 477-FN

Proposed by the Committee on Transportation - C

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

1 Temporary Plates. Amend RSA 261:109, I to read as follows:

I. A manufacturer or dealer, except those manufacturers or dealers that may be relieved of such requirements by the director,

shall, upon the sale or exchange of a vehicle, ~~[attach]~~ **issue** to such vehicle a temporary plate, and the purchaser of such vehicle may drive the same for a period not to exceed 20 consecutive days thereafter without payment of a registration fee.

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

AMENDED ANALYSIS

This bill requires manufacturers or dealers of motor vehicles to issue temporary plates upon the sale or exchange of a vehicle.

1999-0758h

Amendment to HB 498-FN

Proposed by the Committee on Education - R

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

AN ACT establishing a special education catastrophic aid fund and relative to exempting certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.

Amend RSA 186-C:18, III (a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. ~~[The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs.]~~ ***The state shall appropriate no less than \$2,000,000 each fiscal year to the nonlapsing special education catastrophic aid fund established in RSA 186-C:18-a to assist those school districts which, under rules adopted by the state board of education, may qualify for emergency assistance for special education costs.*** Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not ~~[receive]~~ ***be reimbursed for those same*** catastrophic special education ~~[aid]~~ ***expenses*** for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used ~~[to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph]~~ ***in accordance with RSA 186-C:18-a.***

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as sections 4-5 respectively:

3 New Paragraph; Special Education; Catastrophic Aid Expenses. Amend RSA 186-C:18 by inserting after paragraph IX the following new paragraph:

X. Unexpected catastrophic special education costs incurred by a school district that could not be identified prior to the adoption of the local district budget shall be exempt from the provisions of RSA 32:8, 32:9, 32:10, and 32:11, III.

AMENDED ANALYSIS

This bill establishes a nonlapsing special education catastrophic aid fund to be used to provide school districts with emergency assistance for special education costs. The bill also exempts from the provisions of the municipal budget law any catastrophic special education expenses incurred by a school district which could not be identified or anticipated prior to the adoption of the local district's budget.

1999-0799h

Amendment to HB 501-FN-A

Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton.

Amend the bill by replacing section 3 with the following:

3 Funding. The commissioner of the department of cultural resources, with the oversight of the department of transportation and the capital budget overview committee, may solicit, expend and disburse state and federal funds, as well as private grants and funds, for the purpose of section 2 of this act.

AMENDED ANALYSIS

This bill requires the department of cultural resources to conduct a study of the repairs required to restore the covered railroad bridge in Contoocook village in the town of Hopkinton.

1999-0794h

Amendment to HB 535

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a committee to study the department of resources and economic development.

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

1 Purpose. The general court acknowledges its responsibility for the conservation, stewardship, and management of the state's natural, scenic, historic, and recreational resources and for ensuring that these responsibilities are carried out appropriately and efficiently within the department of resources and economic development. In addition, the general court wishes to further the integrated functioning of those different entities within the department of resources and economic development which provide a balance between tourism, commerce, and economic development and the natural, scenic, historic, and recreational resources of the state.

2 Committee Established. There is established a committee to study the organization and function of the department of resources and economic development.

3 Membership and Mileage.

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

(a) Three members of the house of representatives, appointed by the speaker of the house. The representatives who are appointed shall include one member of the executive departments and administration committee, one member of the resources, recreation, and development committee, and one member of the commerce committee.

(b) Three members of the senate, appointed by the president of the senate. The senators who are appointed shall include one member of the energy and economic development committee, one member of the environment committee, and one member of the executive departments and administration committee.

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

4 Duties. The committee shall:

I. Review all current functions of the department of resources and economic development. The committee may utilize the assistance of the legislative budget assistant and may ask the fiscal committee to request a performance audit of the department of resources and economic development and any divisions or bureaus thereof. All state agencies shall assist the study committee upon request. This assistance shall include economic, budget, and spending information as it relates to the different functions of the department of resources and economic development. The committee shall also be encouraged to utilize the assistance and expertise of state business, conservation, preservation, environmental, and tourism groups as part of this

study.

II. Study ways to ease the development pressures facing state recreational facilities.

III Explore possibilities for the adoption of a new revenue source to fund the state park system and tourism activities.

IV. Make recommendations indicating ways to further the integrated functioning of those different entities within the department of resources and economic development which provide a balance between tourism, commerce, and economic development and the natural, scenic, historic, and recreational resources of the state.

V. Consider factors including, but not limited to, economic and environmental concerns, biodiversity, tourism, and the probable fiscal impact resulting if its recommendations are put into effect.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall make an interim report of its findings relative to the duties set forth in this act 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. The committee shall make a final report of its recommendations to the speaker of the house of representative, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

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

AMENDED ANALYSIS

This bill establishes a committee to study the organization and function of the department of resources and economic development and make recommendations toward improving the integrated functioning of the various entities within the department.

1999-0759h

Amendment to HB 577

Proposed by the Committee on Education - C

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

AN ACT relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.

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

3 New Paragraph; Special Education; Catastrophic Aid Expenses. Amend RSA 186-C:18 by inserting after paragraph IX the following new paragraph:

X. Unexpected catastrophic special education costs incurred by a school district that could not be identified prior to the adoption of the local district budget shall be exempt from the provisions of RSA 32:8, 32:9, 32:10, and 32:11, III.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 2 of this act shall take effect at 12:01 a.m. on July 1, 1999.

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

AMENDED ANALYSIS

This bill authorizes a school district to expend funds reflecting the total catastrophic special education costs for pupils in the district and provides that certain unexpected catastrophic special education expenses which could not be identified or

anticipated prior to the adoption of the school district budget shall be exempt from the provisions of the municipal budget law.
1999-0788h

Amendment to HB 625-FN-A

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

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

AN ACT relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.

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

1 New Chapter; Mercury Emissions Reduction and Control Program. Amend RSA by inserting after chapter 125-K the following new chapter:

CHAPTER 125-L

MERCURY EMISSIONS REDUCTION AND CONTROL PROGRAM

125-L:1 Findings and Purpose.

I. The general court finds that mercury is a persistent, toxic pollutant that accumulates in the food chain and poses a significant adverse threat to the state's public health and welfare and to the natural environment, including fish and wildlife. As a potent neurotoxin, mercury exposure in humans can lead to birth defects, brain damage, elevated blood pressure, abnormal heart rhythms, low grade intermittent fevers, gastrointestinal irritation, muscle degeneration, and even death. The effects of mercury exposure on plants include decreased chlorophyll production, inhibited growth, root and leaf damage, accelerated aging, and death. Reproductive problems are the primary concern for birds. In response to the human health risk posed by mercury, the state of New Hampshire has issued a statewide advisory on the consumption of fresh water fish. This fish consumption advisory applies to all freshwater fish species collected from all inland waters. It advises women of childbearing age and young children to limit their consumption of freshwater fish to no more than one meal per month; all other people are advised to limit their consumption to no more than four meals per month. The Department of the Interior and the Department of Commerce have estimated that fishing expenditures in the state equal approximately \$320 million annually, while the American Sportfishing Association has estimated that these expenditures support about 7,700 jobs in New Hampshire. Consequently, mercury deposition may have an impact on New Hampshire's recreational economy.

II. The general court further finds that deposition of mercury and mercury compounds is occurring in the state of New Hampshire. While the majority of emissions originate from sources outside of New Hampshire, sources within the state also contribute to mercury deposition in New Hampshire and in the northeast region. Therefore, it is incumbent upon the state of New Hampshire to undertake prudent action to reduce its contribution to mercury deposition. Approximately 98 percent of the mercury emitted by anthropogenic (man-made) sources in New Hampshire comes from the incineration of municipal solid waste and medical waste, and from the combustion of fossil fuels, such as coal and oil.

III. The general court acknowledges that in June of 1998, the New England states and the eastern Canadian provinces jointly endorsed the implementation of a Regional Mercury Action Plan calling for the virtual elimination of anthropogenic mercury emissions, with an interim goal of reducing mercury emissions 50 percent by the year 2003.

IV. The general court recognizes the importance of additional research into the human health and ecological impacts of mercury contamination, the development of technologies to reduce and measures to avoid mercury emissions to the ambient air from sources such as coal-burning electricity generation plants, and the assessment of the relative cost-effectiveness of such technologies and measures. The general court finds, however, that reducing the substantial mercury emissions from municipal waste combustors and hospital medical and infectious waste incinerators through the use of existing technology where it can be applied cost effectively is prudent environmental policy for the state of New Hampshire.

V. Ash landfills which serve municipal waste combustors may experience increased mercury levels in the ash disposed at such landfills as a result of efforts to lower mercury emissions from such municipal waste combustors. Therefore, the general court finds that it is appropriate to implement mercury controls on municipal waste combustors after the department of environmental services conducts a detailed study and review of the ash landfills in the state to make certain that all necessary safeguards are in place to protect against environmental degradation from such sources and ensure the protection of drinking

water supplies.

125-L:2 Definitions.

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Control efficiency" means the percentage of mercury removed by the pollution control system expressed as a percentage of the total mercury that is introduced into the pollution control system.

III. "Department" means the department of environmental services.

IV. "Design capacity" means the maximum design 24-hour charging rate of a municipal waste combustor capable of continuously burning municipal solid waste.

V. "Eligible costs" means that percentage of the cost incurred by any municipality legally obligated to pay for pollution control equipment required as a result of the enactment of this chapter, including the cost of engineering services, installation, and related services, as well as the actual capital cost for the pollution control equipment. Eligible costs shall exclude any administrative, legal, operational, and fiscal costs related to the pollution control equipment.

VI. "Governor" means the governor of the state of New Hampshire.

VII. "Hospital, medical and infectious waste incinerator" means any device that combusts any amount of hospital waste or medical/infectious waste.

VIII. "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. Hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

IX. "Medical/infectious waste" means "medical/infectious waste" as defined in 40 CFR 60.51c.

X. "Municipal solid waste" means solid waste generated at residences, commercial or industrial establishments, and institutions, but excluding construction and demolition debris, automobile scrap and other motor vehicle waste, infectious waste, asbestos waste, contaminated soil and other absorbent media and ash other than ash from household stoves.

XI. "Municipal waste combustor" or "combustor" means a device that combusts solid, liquid, or gaseous municipal solid waste for the primary purpose of volume reduction or disposal. Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

XII. "Solid waste" means "solid waste" as defined by RSA 149-M:4, XXII.

125-L:3 Mercury Reduction and Control Program. The department shall develop a mercury reduction and control program. The program shall include, but is not limited to, the following:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 milligrams per dry standard cubic meter (mg/dscm) corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

II. The department shall evaluate the technical and economic feasibility of establishing a mercury emission limit of 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis for:

(a) Municipal waste combustors with a design capacity to burn less than 100 tons per day of municipal solid waste; and

(b) Hospital, medical and infectious waste incinerators.

III. The department shall evaluate the technical and economic feasibility of establishing a mercury emission limit for coal-burning electricity generation plants.

125-L:4 Rulemaking Authority. The commissioner shall adopt rules, under RSA 541-A relative to:

I. Procedures and frequency for stack testing, testing protocols, measurement methods, and other such actions as may be necessary to verify compliance with this chapter.

II. Fees for implementing and enforcing the terms and conditions relating to reduction of mercury emissions of a permit issued

in accordance with RSA 125-C.

III. Establishment and administration of the grant program in accordance with RSA125-L:8.

125-L:5 Compliance.

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter. Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter. Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day shall submit such plan and application by January 1, 2001 in order to comply by July 1, 2001 with the emission limits established by this chapter.

II. Until 6 months prior to the date set under paragraph I for complying with an emission limit, the owner of a combustor may request a single extension of time of not more than 6 months, for compliance with this chapter. The commissioner shall grant the extension if, based on the information presented, compliance with the applicable emission limit is not achievable by the compliance date due to, but not limited to, engineering constraints, availability of equipment, or other justifiable technical reasons. The commissioner shall not consider issues of cost or economic hardship in granting the extension.

125-L:6 Enforcement.

I. All of the enforcement provisions of RSA 125-C:15 shall apply to violations of this chapter.

II. Each day of a continuing violation shall constitute a separate violation.

125-L:7 Variances. Any variance granted under this chapter shall be granted by the commissioner upon application and after a hearing, in accordance with RSA 125-C:16.

125-L:8 Financial Assistance to Communities.

I. The department shall establish a grant program to reimburse eligible costs to those NewHampshire municipalities served by municipal waste combustors affected by the emission limits established by this chapter. The state, through this grant program, shall reimburse 100 percent of eligible costs, including amortization charges, meaning principle and interest, resulting from the installation of the pollution control equipment required as a result of the enactment of this chapter. The department shall reimburse those eligible costs over the same period as any such municipality has amortized such costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine the eligible costs of each municipality served by a municipal waste combustor subject to this chapter and reimburse such eligible costs and, with prior approval of the joint legislative fiscal committee and the governor and council, reimburse each municipality subject to the funds as appropriated by the legislature for this purpose.

2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by February 1, 2000 to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

3 Groundwater Monitoring. The department of environmental services shall continue to require, under its current permitting authority, groundwater testing around the ash landfills in the state and shall closely monitor the results for any contamination caused by leakage from the ash landfills.

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

AMENDED ANALYSIS

This bill establishes a mercury emissions reduction and control program.

This bill also requires the department of environmental services to conduct a study of the implications of increased mercury levels in the state's ash landfills in order to ensure maximum protection measures from ash contaminants.

1999-0786h

Amendment to HB 645-FN

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

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

AN ACT relative to telecommunications equipment assistance and the enhanced 911 system.

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

1 Sheriffs, Constables, and Police Officers; Enhanced 911 System; Commission and Bureau Established; Member of Commission Added. Amend the introductory paragraph of RSA 106-H:3, I(a) to read as follows:

(a) There is hereby established an enhanced 911 commission consisting of ~~[13]~~ **14** members, including the chief of the bureau of emergency medical service or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer and firefighter both experienced in responding to emergency calls, **a representative of the disabled community**, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

2 Sheriffs, Constables, and Police Officers; Enhanced 911 System; Coordination by Provider of Telephone Services; Transfer to Public Safety Answering Point. Amend RSA 106-H:8 to read as follows:

106-H:8 Coordination by Provider of Telephone Service. Every telephone utility authorized to do business in the state pursuant to RSA 374:22, **I** and every entity which provides commercial mobile radio service, as defined in 47 C.F.R. 20.3, and required by the Federal Communications Commission to provide 911 service, shall make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, and other related safety agencies through a single public safety answering point~~[, for the purpose of implementing this chapter]~~. **Each telephone service provider shall assure that all requests for police, fire, medical, or other emergency services received by the provider or the provider's operator services shall be transferred to the public safety answering point. Such transfer shall include the calling party's telephone number in American Standard Code for Information Interchange (ASCII) in a format recommended for data exchange by the National Emergency Number Association (NENA). For purposes of implementing this chapter,** any provider of commercial mobile radio service shall be entitled to reimbursement from the bureau of the reasonable expenses incurred to accomplish the provision of enhanced 911 service to the extent authorized by the Federal Communications Commission and approved by the enhanced 911 commission. The bureau may utilize the services of any other state agency or a consultant to assist in reviewing the requested reimbursement to insure that it is reasonable and may seek recovery of the expense of that review from the provider.

3 Public Utilities; Telecommunications Equipment Assistance Program. Amend the chapter heading of RSA 362-E to read as follows:

TELECOMMUNICATIONS **EQUIPMENT** ASSISTANCE PROGRAM

4 Public Utilities; Telecommunications Equipment Assistance Program; Definitions; Telecommunications Equipment Assistance and Telecommunications Relay Service. Amend RSA362-E:1, II-IV to read as follows:

II. "Telecommunications **equipment** assistance" means a teletypewriter or other telecommunications equipment used by a qualified person to conduct telephone communications.

III. "Telecommunications relay service" means a service transmitting messages and information between a person using standard telephone equipment for spoken communications and a qualified person using telecommunications **equipment** assistance.

IV. "Qualified person" means a person who is deaf, hard of hearing, speech impaired, or unable to reasonably use standard telephone equipment due to a *hearing or speech* disability.

5 Public Utilities; Telecommunications Equipment Assistance Program; Administration. Amend RSA 362-E:2 to read as follows:

362-E:2 Administration. The commission shall administer the telecommunications *equipment* assistance program and shall implement the program by contract with one or more entities.

6 Public Utilities; Telecommunications Equipment Assistance Program; Duties; Establishment of Program. Amend RSA 362-E:3, I(a) to read as follows:

(a) A program that will enable qualified persons in New Hampshire to access telephone service through the use of telecommunications *equipment* assistance.

7 Public Utilities; Telecommunications Equipment Assistance Program; Duties; Eligibility Criteria; Cost-Sharing Added. Amend RSA 362-E:3, I(b) to read as follows:

(b) Eligibility criteria, including ability to pay, which shall be based on income levels which shall not exceed 200 percent of the federal poverty level guidelines published in the Federal Register, exclusive of disability-related expenses. *For persons whose income levels exceed 200 percent of the federal poverty level guidelines, exclusive of disability-related expenses, the commission shall create a cost-sharing formula based on ability to pay.*

8 Public Utilities; Telecommunications Equipment Assistance Program; Rulemaking; Eligibility Criteria; Ability to Pay Deleted. Amend RSA 362-E:5, I to read as follows:

I. Eligibility criteria~~[-excluding ability to pay]~~.

9 Public Utilities; Telecommunications Equipment Assistance Program; Budgeting; Line Charge. RSA362-E:6 is repealed and reenacted to read as follows:

362-E:6 Budgeting. The public utilities commission shall establish a telecommunications equipment assistance trust fund. The public utilities commission shall assess a \$.01 per month per access line charge, which shall be collected from telephone utilities and deposited into the telecommunications equipment assistance trust fund. The proceeds of this assessment shall be available to the governor's commission on disability for the purposes of funding the telecommunications equipment assistance program.

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

AMENDED ANALYSIS

This bill

- I. Changes the name of the telecommunications assistance program to the telecommunications equipment assistance program.
- II. Establishes a telephone line surcharge to fund the telecommunications equipment assistance program.
- III. Requires the governor's commission on disability to establish a cost-sharing formula for persons whose income exceeds current eligibility criteria for the program.
- IV. Adds a representative of the disabled community to the enhanced 911 commission.
- V. Specifies that a qualified person under the telecommunications equipment assistance program is a person with a hearing or speech disability.
- VI. Requires telephone service providers to transfer emergency calls, including the caller's telephone number, to the public safety answering point.

1999-0647h

Amendment to HB 650-FN-A

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT establishing a committee to study the structure of alcohol and drug abuse prevention services.

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

1 Committee Established. There is established a committee to study the structure of alcohol and drug abuse prevention services.

2 Membership and Compensation.

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

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

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

II. The committee shall solicit information from all appropriate department heads and any other relevant source.

III. 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 the structure and delivery of alcohol and drug abuse services. The committee's study shall include, but not be limited to:

I. The current organizational structure and delivery of alcohol and substance abuse services and the feasibility of establishing an office of substance abuse services within the office of the governor.

II. Establishing the New Hampshire council on drug abuse prevention to:

(a) Coordinate, collaborate, and consult on the approval of substance abuse prevention programs and the distribution of federal and state funds appropriated or granted for such purposes.

(b) Establish a statewide master plan for substance abuse prevention, including strategy and programs.

(c) Make recommendations for legislation.

(d) Devise methodology to measure results of all substance abuse prevention programs.

III. The methods of funding future prevention programs and whether the use of moneys from the tobacco settlement would be appropriate.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the structure of alcohol and drug abuse prevention.

1999-0667h

Amendment to HB 694-FN

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

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

1 Findings and Recommendations.

I. The general court finds that New Hampshire's participation in the federal reformulated gasoline program in Strafford, Merrimack, Hillsborough, and Rockingham counties, in order to comply with federal air pollution regulations, has had mixed results. The oxygenate methyl tertiary butyl ether (MTBE) is a major constituent of reformulated gasoline. Though MTBE's presence in gasoline has helped reduce harmful automobile tailpipe emissions and toxic constituents such as benzene, unintended contamination to the state's water resources has occurred. MTBE is extremely water-soluble and even the smallest spills of gasoline may allow MTBE to migrate into the ground water. While MTBE is not a known or probable carcinogen, initial research indicates that it may be found to be a carcinogen.

II. A recent preliminary study in Maine found detectable levels of MTBE in 15.8 percent of private wells and 16 percent of public water supplies. Levels of MTBE were below 5 parts per billion in 97 percent of Maine's tested private wells and 98.6 percent of Maine's tested public supplies. Due to similar soil and bedrock characteristics in New Hampshire, it is reasonable to assume that NewHampshire would find similar contamination levels in its water supplies if testing were done. Maine has adopted a 35 part per billion health standard.

III. The general court finds that alternatives to using MTBE in gasoline may have undesirable environmental effects, that restricting MTBE in gasoline may cause significant gasoline supply disruptions and price increases, and that regulation by the state of MTBE levels in gasoline may not be legal under federal law. The general court finds that the only realistic, near term means of lowering MTBE levels in gasoline, while avoiding supply disruptions and price increases, is reverting to the use of conventional gasoline as is currently allowed in the six New Hampshire counties that have demonstrated attainment of federal air quality standards. An Environmental Protection Agency waiver is necessary to use conventional rather than reformulated gasoline in Strafford, Merrimack, Hillsborough, and Rockingham counties.

IV. The general court finds that, based on available information, there is not an imminent threat to public health due to MTBE contamination. However, the general court believes that there is a sufficient threat of groundwater contamination to warrant preventive action in order to protect drinking water supplies and prevent costly remediation of MTBE contaminated groundwater.

V. Therefore, the general court recommends that:

- (a) The department of environmental services and the department of health and human services continue to monitor New Hampshire's public and private drinking water supplies.
- (b) Both departments continue to study MTBE alternatives.
- (c) The ambient groundwater quality standard for MTBE be reduced from 70 parts per billion to 35 parts per billion.
- (d) The commissioner of the department of environmental services seek all necessary waivers from the Environmental Protection Agency such that conventional gasoline (or some other substitute gasoline that is readily available and reasonably priced) may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties until January 1, 2002. As such waivers would be temporary, they shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan.
- (e) The commissioner of the department of environmental services be given the authority to require lower MTBE concentrations in gasoline upon determining that readily available and reasonably priced substitute gasoline supplies exist, that alternative gasoline formulations are less hazardous to humans and the environment, and that such gasoline alternatives are approved for use in New Hampshire by the Environmental Protection Agency.
- (f) The commissioner of the department of environmental services explore all mitigation alternatives, including but not limited to, the commissioner's authority to enforce the NewHampshire safe drinking water act under RSA 485.

2 New Subdivision; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485 by inserting after section 16 the following new subdivision:

Methyl Tertiary Butyl Ether (MTBE)

485:16-a Drinking Water Standards and Notification.

I. Drinking water rules adopted under RSA 485:3 for methyl tertiary butyl ether (MTBE) shall at a minimum comply with the ambient groundwater quality standard established for MTBE under RSA 485-C:6, IV.

II. Any public water system delivering water with greater than 5 parts per billion of MTBE shall notify each customer of the MTBE content.

485:16-b Authority to Limit MTBE in Gasoline; Penalties.

I. The commissioner, after consultation with the commissioner of health and human services, may limit, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

- (a) Readily available to New Hampshire consumers at a reasonable price;
- (b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and
- (c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions.

II. Nothing in this section shall prohibit the commissioner from phasing in any limitations approved under paragraph I.

III. Retail sellers of gasoline and the suppliers to such retail sellers shall comply with the provisions of paragraph I or be subject to the enforcement provisions of RSA 485:58.

IV. The limitations on MTBE concentrations established under the provisions of this section shall be exempt from the requirements of RSA 541-A, the administrative procedure act. The department shall file, however, in the office of legislative services a copy of all rules adopted, amended, or repealed under this section by the department.

3 New Paragraph; Water Management and Protection; Groundwater Protection Act; Ambient Groundwater Quality Standards; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The ambient groundwater quality standard for methyl tertiary butyl ether (MTBE) shall be 35 parts per billion.

4 New Subparagraph; Proceedings in Special Cases; Administrative Procedure Act; Exceptions; Limits on Methyl Tertiary Butyl Ether. Amend RSA 541-A:21, I by inserting after subparagraph (u) the following new subparagraph:

(v) RSA 485:16-b, I relative to limits on the concentration of methyl tertiary butyl ether in gasoline.

5 Effective Date.

I. RSA 485:16-a, I as inserted by section 2 of this act and section 3 of this act shall take effect July 1, 2000.

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

AMENDED ANALYSIS

This bill establishes an ambient groundwater quality standard for MTBE and permits the commissioner of the department of environmental services to set limits on the concentration of MTBE in gasoline.

1999-0783h

Amendment to HB 698-FN-LOCAL

Proposed by the Committee on Transportation - C

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

1 Exception for Certain Trailers. Amend RSA 261:153, I to read as follows:

I. The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: on each vehicle offered for registration a sum equal to 18 mills on each dollar of the maker's list price for a current model year vehicle, 15 mills on each dollar of the maker's list price for the first preceding model year vehicle, 12 mills on each dollar of the maker's list price for the second preceding model year vehicle, 9 mills on each dollar

of the maker's list price for the third preceding model year vehicle, 6 mills on each dollar of the maker's list price for the fourth preceding model year vehicle, and 3 mills on each dollar of the maker's list price for the fifth preceding model year vehicle and any model year prior thereto. In no event, however, shall the fee be less than \$5. **Registration permit fees for construction equipment, as defined in RSA 259:42, shall be governed by RSA 261:64.** The director shall make the final determination of any vehicle model year in any case in which a dispute arises. The fee collected hereunder for a vehicle used only in the manner and for the purposes specified in RSA 261:82 shall be \$5; and provided further, that the fee collected hereunder for a farm tractor shall be \$5. In cases of doubt, the director may investigate for the purpose of determining eligibility for limited purpose registrations.

2 Definition Changed. Amend RSA 259:42 to read as follows:

259:42 ~~[Highway Building]~~ **Construction** Equipment "~~[Highway building]~~ **Construction** equipment" shall mean all bulldozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, **backhoes**, wagons, concrete mixers, **generators, message boards, wood chippers**, bucket loaders, snow loaders, rooters, scarifiers and **construction** tractors, and such other items of equipment which in the opinion of the director ~~[have no usefulness upon the highways except for the building, repair or maintenance of highways, while being used in connection with the building, repair or maintenance of highways or while being]~~ **should be classified as construction equipment. Construction equipment that must be** transported or moved over the highways ~~[under a permit issued pursuant to RSA 265:7]~~ **that is overwidth or overweight shall comply with special permits as required by RSA 228:21 and RSA 265:7.** Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

3 Definition Changed. Amend RSA 261:64, I to read as follows:

261:64 ~~[Highway Building]~~ **Construction** Equipment and Implements of Husbandry.

I. A resident owner of ~~[highway building]~~ **construction** equipment, or a nonresident owner of such equipment who has a bona fide actual residence in a state granting like privileges to residents of this state shall not be required to register such equipment in this state **if used at worksites and trailered from location to location or to cross highways to access contiguous property. To register construction equipment, as defined under RSA 259:42, the fee shall be \$25 except for the following rubber tired equipment; excavators, front end loaders, backhoes, graders, or construction equipment towed on a permanent trailer, such as a generator, which shall be assessed based on weight utilizing the following scale: equipment that weighs up to 7,500 lbs. the fee shall be \$25, for equipment from 7,501 lbs. to 15,000 lbs. the fee shall be \$50, for equipment from 15,001 lbs. to 50,000 lbs. the fee shall be \$100, for equipment from 50,001 lbs. to 80,000 lbs. the fee shall be \$200, and for all equipment over 80,000 lbs. the fee shall be \$300.**

4 Farm Tractor Plate Registration Requirements. Amend RSA 261:83 to read as follows:

261:83 Farm Tractor Plates. A tractor shall qualify for farm tractor registration rates and shall be driven with such registration only when the tractor is used exclusively for agricultural purposes or to draw another vehicle in such a way that part of the load is carried on such towing vehicle~~[or if it qualifies under the definition of highway building equipment]~~.

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