

State of New Hampshire HOUSE RECORD

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

Web Site Address: www.state.nh.us

Vol. 21 Concord NH Friday, June 18, 1999 No. 64

Contains: Committee of Conference Listing, Public Hearings, Work Sessions, Notices, Reports and Amendments for Tuesday, June 22.

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet on Tuesday, June 22 at 10:00 a.m. Please reserve June 29, June 30, and July 1 for possible House sessions.

The budget briefing required by the rules will be held on Monday, June 21 at 1:00 p.m. in Representatives Hall. I hope you will attend to have your questions answered. In order to take up the budget on Tuesday, it will be necessary to suspend the rule that requires the budget briefing to occur two days prior to the vote. If the suspension motion is not adopted, we will consider the budget on Wednesday.

I want to extend my sincere thanks to the members of the Finance Committee who once again demonstrated exemplary commitment to their duties. We salute them for their dedication and endurance.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Tuesday, June 22 at 9:00 a.m. in Rooms 201-203, LOB

Rep. Gene G. Chandler, Majority Leader

NOTICE

There will be a Democratic Caucus on Tuesday, June 22 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

TUESDAY, JUNE 22

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Neal M. Kurk for the Majority of Finance: This bill is the state's budget for the next two fiscal years. It contains virtually no cuts in spending from last year's levels. As our rules require, it is a balanced budget that provides \$5.4 billion from all funds, including \$2.1 billion in general funds, to meet the state's responsibilities. Those responsibilities include general government, health and human services, justice and public protection, environmental services, transportation, and education. As those responsibilities have increased, the budget has increased. General fund spending for the next biennium is up 6.7% over current spending. In the first year, total general fund appropriations are \$1.037 billion, up 3.9% or about \$40 million over current spending levels.

This budget is a "live within your means" budget. It not only meets our traditional responsibilities but also fulfills our education obligations. It closes the so-called \$90 million Claremont gap, and it does so without new or additional taxes.

Some highlights of the budget: (1) Almost all agencies and programs are level-funded or receive increased funding. (2) Funding for the so-called 27th pay period and for step increases is provided for all state employees except unclassified employees and judges. (3) Provider payments for Medicaid-eligible individuals are funded at higher levels than in the governor's budget. (4) Health and Human Services (HHS) is required to make personnel reductions to recognize the significant investments in computers recently made by the state. (5) A \$7 million discretionary fund has been provided for the commissioner of the Department of Health and Human Services to use in meeting critical technology and direct service needs in excess of the levels funded in this budget. (5) The Berlin prison is fully funded to open as scheduled. (6) Transportation needs are fully funded. (7) The University System is level-funded. (8) The Youth Development Services budget reflects reductions designed to force down its \$300+ daily rate, of which counties pay 25%. (9) Cities and towns receive nearly \$40 million in additional aid. The local share of meals and rooms tax and revenue sharing are fully funded. (10) Retired state employees health insurance premiums are fully funded. (11) Funding is increased for settlement services, including foster care, residential and social and legal services. (12) The Children's Health Insurance Plan (CHIP) is funded from non-general funds. (13) Catastrophic aid for special education is fully funded. (14) Building aid is fully funded. (15) Unlike the governor's budget, over \$2 million in food stamp repayments to the federal government are recognized. (16) The general fund match is provided in those areas that have high federal match rates, such as domestic violence and juvenile justice.

There are increases contained in this budget, but they are not as large as those proposed in the governor's budget. They are, however, sufficient to provide essential services to the state's most vulnerable populations. They are also sufficient to fulfill our education funding requirements without imposing additional taxes on our citizens. The governor's budget does not do this. Consequently her budget is not a balanced budget; this budget is. Vote 15-10.

Rep. Mary Jane Wallner for the Minority of Finance: We believe that the enormous cuts from the governor's budget leave New Hampshire's most vulnerable populations with decreased essential services. The governor's budget was funded at a 3% increase, close to inflation despite the fact that many of the costs of programs for Health and Human Services have risen far above the inflation rate. The Finance budget includes massive cuts in most areas of the HHS budget and include but are not limited to the following:

- over \$400,000 cut to programs to test sexually transmitted diseases, including HIV/AIDS which will greatly increase the chance of these diseases being spread; equipment maintenance for labs machines which can lead to faulty diagnosis of communicable diseases and unreliable testing for DWI violations which can then be challenged in court

- \$36,000 eliminated from newborn screening for metabolic and genetic disorders for 990 infants. This testing detects preventable illnesses that if not treated could lead to a lifetime disability, which in addition to human costs, the state will be

paying for over the life of the individual.

-\$154,000 not funded which would improve dental access to seven community-based dental clinics for children's dental care.

-\$144,000 cut for 93 chronically ill children who will not be able to attend clinics for amputees, feeding or swallowing, and other essential education programs for some of the most vulnerable of NH's children who have no other access to care.

-cuts of \$131,000 cutting the purchase of cameras and recorders required by law to tape record all child abuse investigations including recording signs of physical trauma.

-in FY01, due to a cut of \$419, 000, 50 abused or neglected children will not receive counseling, foster care, or family support services. The budget does not allow for expected increases in children and youth needing services. In the same year, the budget cuts the rate increases for providers whose fixed costs cannot be met without increases for inflation. This has already created great difficulties in hiring and maintaining personnel.

-Drastic cuts would eliminate 24 child protective workers, resulting in 1600 children not being assessed for abuse or neglect in a timely way. 11 Juvenile service officers would also be cut, making caseloads of over 100 per staff. This eliminates any supervision and reduces monitoring of the delinquents, resulting in higher rates of recidivism and compromising community safety.

-\$11million has been cut from the Community Mental Health System. 3506 children will have their medicaid services limited. 1780 children at risk for serious emotional disturbance will be eliminated as eligible for services. This will increase admissions to NH Hospital, although its capacity has also been cut.

- \$6½ million reduction in Developmental Disabilities services will result in approximately 185 individuals on the Developmental Services Priority Wait List in FY 2000 and a projected 70 individuals in FY 2001 not receiving services. The priority wait list is composed of individuals whose need places them at imminent risk of substantial physical or emotional harm or significant regression.

This budget proposes eliminating rate increases for providers of home care, homemakers, adult group day care, respite care, home-delivered and congregate meals to frail elderly living in the community. The budget also eliminates home-delivered meals to 142 homebound elderly, causing many of them to be at risk of needing nursing home admission.

Nursing Services are reduced by \$6 million in FY 2000 and \$13.3 million in FY 2001. The legislature's mandate to develop home and community-based options for elders are undermined by this budget proposal. In addition to limiting choice for elders, the cuts reduce the overall dollars available. Every general fund dollar eliminated results in the loss of three other dollars that support New Hampshire citizens in their homes and communities.

The Finance Committee divides the operating budget into three parts and assigns each part to a permanent sub-committee called a division. When the division completes its review it recommends action to the full committee where the final budget document is produced.

Few cuts were made to the portion of the budget reviewed by Division I. However, when the full committee met it slashed the budgets of the major agencies across the board by 1% in '00 and 2% in '01. Included in the Division I budget scrutiny is the Liquor Commission, Department of Resources and Economic Development, Department of Environmental Services, and the Department of Corrections, among others. Division I budgets were reduced by a total of \$19,000,000 .

Division II is responsible for all levels of education from kindergarten through the University System.

In the year that New Hampshire labored to provide equal educational opportunities to all its children, the operating budget for education at all levels was decimated. In elementary and secondary education the following cuts to HB 1 took place:

- Reading Recovery in 65 school districts – eliminated;
- Regional vocational center tuition and transportation 77 school districts – reduced;
- Best Schools Initiative - eliminated;
- Assistance in using assessment results – eliminated;
- Adult Basic Education - 29 local programs denied growth opportunities.

In addition, receipt of \$66,000,000 in federal funds has been put in jeopardy by not funding Hearing Record production and reducing the line item for state testing.

Our Voc-Tech Community Colleges will be forced to raise tuition that is already the highest in the country and the quality and breadth of existing programs will be diminished.

For the last decade appropriations to the University System budget not only have failed to keep pace with the CPI, state support for the number of in-state students actually declined. No support at all was provided for the additional 2,446 New Hampshire students enrolled in that time period. Either tuition must be increased or the number of in-state students decreased, or both, to live within a level funded budget.

This list of cuts represents only a sample of the devastation wreaked on all segments of the budget. The minority feels it is not only cruel but also irresponsible to squeeze services to citizens of New Hampshire in order to fund the Claremont decision.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for the Majority of Finance: This is the companion or trailer bill to HB 1, the biennial budget. It contains necessary statutory changes to allow HB 1-A to be executed appropriately. Other provisions: (1) The 25c tobacco tax increase passed by the House but not by the Senate is re-adopted. (2) The state guarantee on Pease Development Authority bonds was reduced from \$60 to \$35 million at the PDA's suggestion. (3) An eighth House member is added to the Joint Committee on Employee relations to re-establish parity to the number of House and Senate members. (4) Several study committees are established. (5) Several salary classification changes were made. (6) Should HB 245, relative to fees and appropriations to the division of safety services, become law, boating-related fees would revert to their current status. (7) Prior approval by governor and council of out-of-state trips by state officials is repealed to make it easier for agencies to do their jobs. Vote 14-11.

Rep. Mary Jane Wallner for the Minority of Finance: The minority disagrees with many of the provisions in HB 2 as amended. The amended version contains language which directs the Commissioner of Health and Human Services to reduce the department's personnel lines by 1% in FY 2000 and 2% in FY 2001. This is to reflect efficiencies in the department because of technology, but in the budget bill technology support was cut \$2½ million each year. Also in the budget bill the commissioner was required to cut \$4.5 million each year out of the personnel lines.

The bill also provides a mechanism for not paying unclassified state employees, judges and retired judges the 27th pay period. This will be done by taking their annual salary and dividing by 27 pay periods instead of 26 pay periods.

An additional \$8.4 million of surplus that would have gone by law to the Rainy Day Fund and the Health Care Transition Fund would go to the Education Trust Fund.

The minority was concerned that numerous other items in the bill bypass the usual legislative process.

TUESDAY, JUNE 22

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 200, relative to child care licensing procedures. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill was filed as the result of a legislative study committee on day care licensing procedures. The bill, as amended by the committee, addresses specific issues. As amended, SB 200 provides that child care facilities which are operated in public or private schools which have already met state and local standards for zoning, fire and safety, do not have to have additional inspections in order to provide day care services. The bill also requires that within 30 days of new members or individuals coming into a household who will have regular contact with children, these individuals must undergo the criminal background check currently required of other household and staff members under licensing and registration procedures. Failure of a provider to take corrective action(s) shall be grounds for loss or removal of license. Vote 17-0.

COMMERCE

SB 11-FN, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Commerce: This bill changes the method of charging filing fees only on each portfolio in a combined prospectus offered for sale in New Hampshire by a mutual fund. In the past, all funds listed in a prospectus were charged the \$1,000 filing fee whether the fund was offered for sale in New Hampshire or not. The change would make only those funds offered in New Hampshire subject to the filing fee.

The sponsors of the bill feel that many more funds will be offered in New Hampshire if this bill passes, therefore actually increasing income to the state rather than losing money.

The fiscal note on this bill ranges from a possible loss of \$690,000 to a gain of over \$300,000.

The amendment creates a review process by which the Secretary of State will file a report from the period of May 1999 to May 2001 on the fiscal impact of legislation so the Legislature can take action in the 2002 session to address any negative fiscal impact Vote 14-0.

SB 20, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill addresses a concern the New Hampshire International Speedway is having regarding individuals selling and replicating counterfeit tickets to speedway events. The bill would have prevented individuals from scalping tickets within 15 miles of the speedway. The committee found that prohibiting scalping could not prevent the problems of counterfeiting. Therefore, the committee worked with the sponsors to devise a solution which would make all parties happy. The amendment makes it a violation to stop or flag down any vehicle on a public way for the sole purpose of selling a ticket to an entertainment or sports event. Vote 13-1.

SB 27, relative to assessment fee schedules for trust companies and banks. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill has been proposed by the Banking Department to adjust the distribution of its overhead expense among financial institutions in a fair and equitable manner. Currently, the method for assessing individual financial institutions is in proportion to their size, with trust assets measured at 25% of their value. Even with the 25% valuation, this method allocates a disproportionate regulatory cost on financial institutions which manage billions of dollars of investment, pension and retirement funds. This bill adjusts the assessment to more closely correspond to the Banking Department's regulatory oversight functions by measuring trust assets under management in a graduated manner, such that the first \$5 billion in trust assets is included at 25%; the next \$5 billion at 20%; the next \$5 billion at 15%; the next \$5 billion at 10%; the next \$5 billion at 5%; the next \$25 billion at 2.5%; and any remaining amounts at 1%. No change will occur in the overhead expense of the Banking Department or in any other aspect of its calculation of the assessment. Vote 15-0.

SB 58, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill brings consistency to all classes of licensed mental health practitioners. Now, all licensed groups will receive third-party reimbursement from indemnity health plans in New Hampshire. The amendment removes a statutory reference in the licensing chapter, which does not exist for any other group. Vote 15-0.

SB 69-LOCAL, relative to health care charitable trusts and community benefits. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce: The amendment clarifies who the bill affects and has a phase-in of a year for smaller healthcare non-profits. These non-profits may also work together in generating their reports. Finally, the amendment also insures that this law will not change or affect a non-profit status as pertaining to property tax exemption. Vote 14-0.

SB 73, relative to eligibility for off-premise liquor licenses. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: This bill would have allowed people who hold a golf facility liquor license to also do off-site catering. Since there is no food requirement for a golf facility license, it would be inconsistent with all other off-site catering licenses. The Liquor Commission is in the process of re-codifying all of their license fees and will address the concerns of the sponsor during the process. Vote 13-1.

SB 78, relative to contract requirements between a paid solicitor and a charitable trust. OUGHT TO PASS WITH

AMENDMENT

Rep. John B. Hunt for Commerce: The amendment changes the order of the paragraphs and clarifies which section of the law the bill effects by adding the appropriate RSA and the phrase "political subdivision of the state of New Hampshire." Vote 14-1.

SB 90, establishing a committee to study and investigate the needs for small business loans to pay for technical improvements for persons working at home. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The concerns of home-based business owners having access to small loans for equipment and telecommunication hardware is a serious one, but the committee believes education about existing programs and funding sources is a more efficient and effective means of achieving the sponsor's goal. To ensure this happens, the Business Finance Authority has agreed to work with the sponsor to put together a promotional piece to be distributed through chambers of commerce. Vote 14-2.

SB 99, allowing the same interest rates and charges on small loans under \$1,500 as is allowed for small loans over \$1,500. OUGHT TO PASS

Rep. Sheila T. Francoeur for Commerce: This bill will allow the same interest rates and charges on small loans under \$1,500 as is allowed for small loans over \$1,500. This bill will allow in-state small loan lenders to compete with credit card companies and will assist the small loan borrower with availability of credit. The Banking Department has traditionally opposed usury limits and this bill removes usury limits on small loans under \$1,500. Vote 12-3.

SB 103, making certain changes in the insurance laws. OUGHT TO PASS

Rep. Kathleen N. Taylor for Commerce: This bill was requested by the Insurance Department. It defines institution in the statute and deletes required reporting to the department. It also clarifies procedures when an insurance company is undergoing examination. Vote 15-0.

SB 104, making a variety of changes in certain insurance laws. OUGHT TO PASS

Rep. Kathleen N. Taylor for Commerce: This bill was requested by the Department of Insurance and: 1.) deletes preferred provider organizations from the requirement of licensure to perform utilization review; 2.) clarifies the procedure to be followed if a group life insurance policy is terminated; and 3.) repeals the temporary licensure provisions relative to continuing care communities. Vote 15-0.

SB 107, relative to fees for examination of domestic societies and foreign societies. OUGHT TO PASS

Rep. Kathleen N. Taylor for Commerce: This bill extends the time limit for insurance department examinations of domestic and foreign bi-cultural and other societies from two to five years. It also deletes the requirement that fees for examination be capped at \$25 per day for each examiner. Vote 15-0.

SB 110, allowing for discharges of mortgages by affidavit of a New Hampshire attorney. OUGHT TO PASS

Rep. Stephen G. Avery for Commerce: This bill will allow any attorney licensed in New Hampshire to execute a discharge of mortgage when a mortgagee fails to make a discharge within 60 days after the receipt of payment of the mortgage in accordance with the payoff statement. The attorney must also file an affidavit stating the facts of the non-discharge and has given the mortgagee at least 15 days' notice in writing by certified mail. The bill also calls for a fine of not more than \$5,000 for filing false statements in the affidavit. Vote 14-1.

SB 114, relative to health care carrier disclosure of third party liability. OUGHT TO PASS

Rep. Keith R. Herman for Commerce: This bill simplifies the process the Department of Health and Human Services (HHS) goes through to ensure all commercial or third party insurance liability is paid prior to the state Medicaid system picking up those costs. The sharing of information between the Insurance Department and HHS will not violate any confidentiality rights. **There is a fiscal note increasing state revenues by over \$1,000,000.** Vote 14-0.

SB 118, relative to requirements for retail installment contracts for motor vehicle sales. sb OUGHT TO PASS

Rep. Tim S. McGough for Commerce: This bill simply adds one sentence to the requirements for retail installment contracts for motor vehicle sales. It requires that the amount actually paid by the seller, pursuant to an agreement with the buyer to discharge a security interest, be included in the language of the document. Vote 15-1.

SB 147, relative to self-referrals for chiropractic care under managed care organizations. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: This bill came to the House late in the legislative process. While significant issues were raised during a well-attended public hearing, there is inadequate time to give the bill the committee's full consideration. There is broad agreement that something has to be done to address the concerns raised during the hearing; therefore, the committee will work with the Department of Insurance, chiropractors, their patients, and the managed care plans to seek a resolution. Vote 14-0.

SB 162, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: Healthcare purchasing alliances are one tool available to small employers to help control health insurance cost and provide choice in health plans to employees. The New Hampshire Insurance Department believes that alliances can be formed under current law. This bill would create a structure in which alliances could form, thus giving "state approval" to alliances. This committee worked last summer on a study committee, which recommended the creation of alliances. SB 162 includes some elements not recommended by the study committee. One of these is not allowing "for profit" entities to manage an alliance. There are other changes, which need to be made, and the committee will work seriously over the summer to report out next session a bill that everyone can support. Vote 15-1.

SB 166, establishing a committee to study insurance coverage for certain physical, occupational, and speech therapies. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The bill created a study committee to look at an issue already being considered by many groups, including the Department of Health and Human Services and, with the encouragement of the Commerce Committee, the Insurance Department. The data collection necessary can occur without the formality of a study committee. Vote 12-2.

SB 167, relative to off-label prescription drugs. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill will provide that any insurer providing coverage for prescription drugs will not exclude coverage for a drug for a particular indication on the basis that the drug has not been approved by the Food and Drug Administration for that indication. Also, drugs that are recognized for an indication in the standard reference compendia recognized by the American Medical Association, are on the formulary of the health plan and are not experimental or investigational, may not be excluded. Vote 12-1.

SB 174, relative to the regulation of telemarketers. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have enacted a large list of restrictions on telemarketers that would have effectively eliminated many valid forms of legitimate marketing including efforts by charitable organizations to legally solicit contributions from supporters. The Attorney General already has provisions in place to regulate these practices and issues a regular report disclosing all such activity. The committee felt that consumers always have the ability to hang up or not answer the phone or use any of the line-blocking or caller-identification features widely available to enable effective call screening. The committee further recognized that this type of legislation will have no effect on the most common offensive telemarketing that originates outside of the United States. The proposed legislation would also be virtually impossible to enforce and would most certainly not, in and of itself, prevent any such activity. The committee believes that ongoing educational efforts by a variety of organizations including the American Association of Retired Persons are effective and should be applauded and continued. Vote 11-2.

SB 177, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill brings consistency to all classes of licensed mental health practitioners. Now, all licensed groups will receive third-party reimbursement from indemnity health plans in New Hampshire. The amendment removes a statutory reference in the licensing chapter, which does not exist for any other group. Vote 13-0.

SB 183-FN-A, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: The original bill had four distinct sections. The first section created a Health Access Corporation (Healthy Adults) to devise methods of providing and subsidizing insurance coverage for uninsured, underinsured and transitional medicaid individuals. The second section required any surpluses from the Department of Health and Human Services to be deposited into the health care transition fund to bring that fund back up to original levels. The third section allowed municipalities to pay for medicaid pharmaceutical payments at the same rate as the state does. The fourth section required the Department of Health and Human Services to undertake a biannual report of the health condition of state residents. The amendment retains the original sections 3 and 4, eliminates the second section and completely changes the Health Access Corporation. The new provision creates a subcommittee of the existing Healthy Kids Corporation to accomplish the goals of the sponsor and also allows the Insurance Department and Department of Health and Human Services to cooperate on finding mechanisms to address problems for those with chronic illnesses and disabilities. The amendment also requires this committee to report to the Legislature by November 1, 2000 any recommendations for legislation prior to taking any actions. Hopefully, this mechanism will allow Health and Human Services to raise money through donations and grants to accomplish their goals Vote 13-0.

SB 191, relative to the New Hampshire higher educational and health facilities authority. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: The most important part of SB 191 is the expansion of the Authority borrowers to include a wider range of not-for-profit health care and educational institutions eligible for the Authority's funds. The bill changes the name of the Authority to reflect the Authority's expanded powers with respect to its borrowers. Finally, the bill makes changes in the requirements for conducting business by permitting members of the board to participate in meetings by telephone as long as at least two members of the board are physically present at a location available to the public. The majority of the members constituting a quorum present and voting is now necessary for any action taken by the corporation. Present shall mean by phone as well as in person. Vote 13-0.

SB 212-FN, requiring the insurance department to develop a plan to address the needs of persons with chronic illnesses and disabilities. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The bill would have required the Insurance Department to study and report on the unique problems individuals with chronic illnesses and disabilities have with traditional commercial insurance. The committee recognizes these problems, but acknowledges the Insurance Department's reluctance to undertake the study without the \$150,000 they estimate is needed to complete the study. The bill has no funding mechanism in it. Instead of simply ignoring the issue, the committee will include language under another bill which allows the Department of Health and Human Services to study methods of providing transitional insurance to individuals leaving medicaid and going to work. The committee feels there is enough similarity in the goals of both pieces of legislation to allow this committee report to pass. Vote 12-1.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 746, relative to emergency police assistance. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: In New Hampshire today there are 9 special reaction teams. Only the State Police team has jurisdiction throughout the entire state. Because of recent history, we felt it was important to provide a vehicle so the other 8 teams could respond to a community in need. HB 746 does just that by including special reaction teams under the provisions of RSA 106-C, Emergency Police Assistance. This statute covers how the call for assistance is made, where the liability for loss, damage or expenses rests and all other contingencies. Presently all these team leaders are meeting with the Attorney General to coordinate training, communication and other related issues. Vote 17-0.

SB 201-FN, reclassifying non-support as a felony under certain circumstances. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill elevates the penalty for non support from a misdemeanor to a class B felony in cases where the arrearage has remained unpaid for a cumulative period of more than one year, or the amount of the arrearage is more than \$10,000 or the obligor has been previously convicted of non support under this section, or a similar criminal non support offense in another state and the arrearage of support in this state has remained unpaid for a cumulative period of more than one year. In all other cases of non support, it shall be a class A misdemeanor. Vote 18-0.

EDUCATION

SB 230, relative to interstate school districts. OUGHT TO PASS

Rep. Charles Yeaton for Education: This bill establishes procedures for settlement of matters involving teacher certification, high school approval and assessment, so that these several towns in New Hampshire and Vermont may establish an interstate school district for grades kindergarten through 12th grade for their communities. Vote 15-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 28, relative to food production and distribution and food service licensure. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: The intent of this bill is to tighten up the procedure to reissuing of a provisional license after revocation. At the present time, beverage manufacturing, food service and retail food store establishments upon losing their license for a violation may reapply immediately for a provisional license and continue to operate for 90 days. This bill as amended requires that a corrective plan and proof of passing a certified food safety course must first be submitted and approved by the Commissioner of Health and Human Services before the new license can be issued. Vote 12-0.

SB 83, relative to the regulation of the practice of veterinary medicine. OUGHT TO PASS WITH AMENDMENT

Rep. Carolyn A. Virtue for Executive Departments and Administration: The amendment clarifies the administrative procedures of the board, licensure by reciprocity, and exempts animal owners and their agents acting as prescribed by a veterinarian from the definition of practice. Vote 14-0.

SB 131-FN-A, updating the name of the office of vacation travel to the office of travel and tourism in nonconforming RSA section. OUGHT TO PASS WITH AMENDMENT

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill changes the name of the Office of Vacation Travel to the Office of Travel and Tourism Development. Vote 14-0.

FINANCE

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

Rep. Jeffrey C. MacGillivray for Finance: This bill would have required a one-year mandatory prison sentence for a third driving while intoxicated conviction. The committee heard testimony that currently many offenders are already tried more than once as a "first offense," and sometimes more than one as a "second offense." The committee amendment replaces the entire bill with a study committee to look at the penalties for driving under the influence of intoxicating liquor or controlled drugs. Vote 23-0.

HB 537, relative to background checks for firearms purchases. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: This bill authorizes the Department of Safety to perform background checks for firearm purchases with costs of checks being funded by federal funds or from the Department's existing budget. This bill also stresses the need of confidentiality when any checks are completed. If federal funds do not become available, in the next session gun owners may be asked to pay a fee to cover the cost of background check. Vote 23-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 197-FN-A, establishing a pilot program for opioid agonist therapy of addiction and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Andre Martel for Health, Human Services and Elderly Affairs: The general court desires to respond to the needs of its citizens who are addicted to heroin and who require access to effective and appropriate treatment. A state substance abuse treatment delivery study committee was established in 1998, RSA 246:5, to study the needs of New Hampshire citizens who were addicted to heroin. This committee has been ongoing since 1998. The Health & Human Services and Elderly Affairs Committee amended SB 197-FN-A to add to this study committee the possibility of the establishment and the potential funding mechanisms for such a pilot program. Vote 16-1.

SB 223-FN-A, establishing a wellness and primary prevention council and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara French for Health, Human Services and Elderly Affairs: This bill establishes a wellness and primary prevention council for the purpose of encouraging, promoting and coordinating wellness and primary prevention services statewide. The appropriation has been removed. The goal of this bill is to coordinate all of the services now existing separately to serve families, to help them learn from each other, to have all state agencies and departments involved with children and families working together and to help identify funding for these purposes. Vote 18-0.

JUDICIARY

SB 189-FN, relative to the establishment of a civil rights act. OUGHT TO PASS WITH AMENDMENT

Rep. James W. Craig for Judiciary: This bill provides the state's attorney general with a civil remedy to combat acts of actual or threatened physical force or violence or actual or threatened damage to, or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, gender, or disability. When the attorney general proves a violation by clear and convincing evidence, the highest civil burden of proof, injunctive relief is available including a civil penalty of up to \$5,000 per violation. The bill applies to minors but provides them with confidentiality. The bill provides for criminal penalties for violations of injunctions issued. The amendment addressed (1) the confidentiality of minors charged under this statute, (2) it raised the burden of proof necessary to prove a violation of this statute, (3) lowered the civil penalty from \$10,000 to \$5,000, and (4) capped the length of any injunction granted to 3 years, unless extended by the courts. Vote 17-0.

SB 209-FN-L, establishing a study committee on certain matters concerning superior court justices. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary: The committee unanimously supported the idea of studying the possibility of establishing an appellate division of the courts utilizing superior court justices. The amendment required the three members of the Senate and the three members of the House to be members of the Judiciary Committees, respectively. The amendment further set the reporting date of the study to Feb. 15, 2000. Vote 16-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 32, relative to an employer exemption under the unemployment compensation laws. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The committee heard conflicting testimony on the application of tests used to determine whether or not someone is an independent contractor. It was the desire of the majority to support the bill as passed by the Senate but also to amend the bill by adding a joint study committee of House and Senate members. It is our intent that the study committee reviews not only the definitions and treatment of independent contractor under Department of Employment Security (DES) statutes but any other aspect of DES law as well. Vote 15-2.

RESOURCES, RECREATION AND DEVELOPMENT

SB 135-FN, relative to water supply land protection grants. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: This bill would establish a state grant program authorizing certain non-profit corporations, municipalities and public water supply corporations to utilize state dollars to acquire lands and/or easements around sources of public drinking water. **The cost to the general fund for this program would be \$3 million for the biennium.** While the committee strongly agrees with the intent of the bill, the strong 17-4 majority believes that re-referral of SB 135-FN at this time will best serve the interests of protecting New Hampshire's valuable water resources. During 5 subcommittee meetings many areas of concern were uncovered in the details of what was initially assumed to be a simple piece of legislation. One item of contention was the level of the state's 50% share of acquisition/easement costs relative to the applicant's share. Another contentious item was the question of who would be responsible for the stewardship of the lands acquired and where the funds for this would come from. If re-referred, a hard-working subcommittee will be formed to address all of the issues and will present an amended version in January, 2000, which will resolve the many

areas of concern uncovered in SB 135-FN. Vote 17-4.

Rep. MaryAnn N. Blanchard for the Minority of Resources, Recreation and Development: This bill creates a matching grant program of up to 50% from the Department of Environmental Services (DES) to assist in the acquisition of land or easements for the purpose of protecting drinking water resources. This bill resulted from a study by DES and Society for Protection of New Hampshire Forests (SPNHF) which documented the unprotected state of the majority of the lands surrounding New Hampshire's public water supplies and increasing the possibility of protecting them. This bill is supported by the NH Municipal Association, the Farm Bureau, BIA, regional planning commissions, towns municipal water suppliers, Society for Protection of New Hampshire Forests and DES. The Minority thinks that this bill is sound water resource management, sound municipal planning, sound economic development and is especially critical now for many New Hampshire communities experiencing soaring development on lands around their public water supplies.

TUESDAY, JUNE 22

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SPECIAL ORDER

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Children and Family Law: The overall intent of this legislation is to encourage and enable the establishment of community-based regional youth centers for the provision of residential and non-residential services for juveniles involved in the juvenile justice system. HB 703 enables a pilot regional youth center in Nashua. It encourages an existing local interdisciplinary group made up of residents of the Nashua community to establish a board which will pursue the design and construction of a facility using federal funds where services can be provided to juveniles by local providers and local schools. The facility will be staff-secure and will only serve non-violent offenders. Violent offenders will continue to be housed at the Youth Development Center. The local district court judge will be able to sentence juveniles to the facility for up to 90 days. The local board will establish rules and regulations for the youth center which will include criteria for admission and dismissal. Facility site and other details will also be determined by the local board. The legislation requires that an outcome based evaluation plan for the facility is established which shall provide for the collection of appropriate data and the identification of specific measures so that the success of the facility can be evaluated. It is contemplated that the Department of Youth Development Services will provide the personnel for the bed supervision. However, there is no appropriation in this bill because operation of the facility will not begin before July 1, 2001. It is estimated that the design and construction of a facility will take the next two years. The committee supports the concept of regional youth centers with the overall goal of doing a better job of serving young people in their local communities so that we may prevent them from going to YDC or the state prison in the future. Vote 13-4.

COMMERCE

SB 52, requiring insurance coverage for infertility treatments. RE-REFER TO COMMITTEE

Rep. Joseph D. Kenney for Commerce: The committee felt this legislation needed further study to address male infertility treatment procedures, which the bill left out. Additionally, to determine the types of infertility medical procedures that should be covered under current technology. Lastly, to review the April 27, 1999 Equal Employment Opportunity Commission Ruling which determined infertility as a disability based on the provisions of the American with Disabilities Act of 1990 and Title VII of the 1964 Civil Rights Act, as amended by the Pregnancy Discrimination Act and how this might affect health insurance coverage under current New Hampshire law. Vote 14-0.

SB 93, relative to self-service storage facility liens. OUGHT TO PASS WITH AMENDMENT

Rep. Tim S. McGough for Commerce: This bill, as amended, establishes a process by which an operator of a self-storage facility can recover past due rent and fees and prevent delinquent tenants from removing their belongings without first satisfying their debt. The new process also protects the consumer by prohibiting the operator from opening a locked unit and removing any items before a period of 30 days has passed. After 30 days past due, the operator may remove the items from the unit, but must

notify the renter and keep the property for a minimum of an additional 28 days, longer if the property has a lien on it, before they may be auctioned to satisfy the debt. The amendment also defines under what criteria property stored in this type of facility can be deemed abandoned similar to current landlord-tenant abandoned property statutes. Vote 10-3.

SB 175-FN, requiring insurance coverage for prescription contraceptive drugs and devices and for contraceptive services. OUGHT TO PASS WITH AMENDMENT

Rep. Toni M. Crosby for Commerce: The Commerce Committee agrees with the Senate that insurance coverage for prescription contraceptive drugs, devices and services should be required. The amendment removes the somewhat controversial word "procedures" and clearly states that the coverage shall be subject to the terms and condition of the policy. This timely bill addresses the goal of preventing unwanted pregnancies in a cost effective manner. Vote 15-2.

SB 222-FN-A-L, relative to guarantee of loans to local development organizations. OUGHT TO PASS

Rep. Keith R. Herman for Commerce: This bill establishes additional bonding authority for the Business Finance Authority to guarantee loans to local development corporations. **This is important economic development legislation and the committee hopes it will survive the Finance Committee since it requires an appropriation of \$3,000,000.** Vote 13-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 122, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence. INEXPEDIENT TO LEGISLATE

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill as introduced is essentially the same bill as SB 181, which was introduced in 1997. The committee felt that passage of SB 122 would undermine New Hampshire Truth in Sentencing laws. An inmate could receive a reduction of their minimum sentence under SB 122 for offenses such as all felony drug offenses under RSA Chapter 318-B; felony stalking, RSA 633:3(a)VI(a) and felony interference with custody, RSA 633:4,I. The committee felt that it is important for the victims to know that the accused will serve the sentence imposed by the judge. Also, if SB 122 passed judges would make sure their sentences reflected available good time credits. For example instead of sentencing 2-4 years as they would in current law, they would sentence 3 ½ to 7 if there were good time credits available. This way they would be sure that the accused would serve a specific amount of time. Another concern for the committee was that if SB 122 became law, word would travel fast that New Hampshire sentences were more lenient and this would attract a criminal element from another state to New Hampshire. SB 122 is a step backwards for Truth in Sentencing, which has been partially responsible for the declining rate of crime in New Hampshire. Vote 15-3.

SB 227-FN, establishing a gambling business felony. OUGHT TO PASS

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill establishes a gambling business felony. It makes it a misdemeanor for a person to knowingly and unlawfully permit gambling on the premises of a business conducted, financed, supervised, directed, or owned by such person. It makes it a felony for a person to knowingly and unlawfully conduct, finance, manage, supervise or direct any gambling activity of a certain magnitude or duration. It also requires persons convicted of illegal gambling operations to forfeit any implements, equipment, and apparatus, including money or proceeds wagered or gained by such gambling operations. Vote 10-7.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 599-FN-A, relative to initiating a centralized voter checklist and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill as introduced established a new Assistant Secretary of State at \$32,000 and appropriated \$100,000 to hire consultants to work on the development of a centralized voter checklist. This amendment replaces the bill completely and expands the duties of the committee established by SB 124 studying the integration of technology at the state, county and municipal levels to include integration of technology necessary to develop a statewide voter registration database. A member of the House Election Law Committee will serve on this committee. Vote 14-4.

SB 53-FN, relative to licensure of physicians providing teleradiology services in this state. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill, as amended, establishes the first step in statute of telemedicine in New Hampshire. It deals only with the teleimaging of x-rays. It provides that an x-ray be read by a physician licensed in New Hampshire. It does, however, allow a New Hampshire radiologist to teleimage an x-ray to a consultant radiologist in another jurisdiction. The New Hampshire physician still has the responsibility for the patients' diagnosis and treatment. Vote 18-0.

SB 115, relative to participation by certain judges in the state employee group health and dental insurance programs. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would allow participation by certain judges at their own expense in the state employees group health and dental insurance program. Members of the judiciary agreed that the interest level in such a plan was insufficient to warrant implementation. Vote 11-6.

SB 186-FN, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: This bill increases the minimum service retirement allowance from Group II, Police and Firemen, from \$5,200 to \$7,500. This will provide to any Group II member, on a service retirement, an allowance of \$7,500. The beneficiaries shall receive a 50% benefit allowance if the retiree selected a beneficiary before retirement. It also includes a requirement that a spouse must acknowledge any election or change in the benefit chosen by the retired member. As of this date, the spouse did not have to be informed as to any arrangements made by the retiree regarding optional retirement allowance. **The total actuarial cost of this additional allowance shall be terminally funded from the special account at a cost of approximately 8 million.** The amendment also repeals the social security benefit reduction. Vote 15-0.

SB 198-FN, relative to certification of persons installing and servicing propane gas and heating oil equipment. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Executive Departments and Administration: After many attempts to enact legislation to license persons installing and servicing residential and commercial propane gas and heating oil equipment this bill enables the State Fire Marshall to establish a voluntary certification program. There will be an eleven member advisory committee established to assist the State Fire Marshall in developing rules and implementing the program. This bill provides for sunset repeal in three years so that the effectiveness of voluntary certification can be evaluated. Vote 15-3.

SB 224, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill, as amended, clarifies a process for an adjudicative hearing for an occupational licensee. It provides that if a licensee is ordered to appear before a disciplinary board, the notice must contain the following: (a) the licensee has the right to have an attorney to represent himself/herself (at the party's expense), and (b) that the licensee has the right to request, at their expense, a certified court stenographer to record the hearing. If the licensee does request a certified court reporter, said request must be submitted to the hearing board in writing at least 10 days prior to the proceeding. In the case of a contested decision that might be appealed to a higher jurisdiction, the licensee has at least 60 days to request the transcription of the entire proceeding (at the requesting party's expense). This bill helps to strengthen the disciplinary hearing by both parties. Vote 14-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 108, relative to the co-management of patients with primary open-angle glaucoma and establishing a glaucoma co-management committee. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Francine Wendelboe for the Majority of Health, Human Services and Elderly Affairs: This bill, as amended by the Senate, was requested by the prime sponsor to be found ITL. The optometrists also strongly objected to the amended Senate version. The Medical Society supported co-management and mandatory referral to an ophthalmologist when glaucoma was even "suspected". The optometrists strongly asked we vote ITL as well. Vote 14-5.

Rep. James Pilliod for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee supported "ought to pass" because this bill requires patients of optometrists who are suspected of having glaucoma (the #1 cause of

blindness) to be seen and evaluated by an ophthalmologist within 30 days. This bill provides for the optional co-management of patients with primary open-angle glaucoma by optometrists and ophthalmologists. It also creates a two-year study of the co-management of glaucoma patients, which was modeled after a law in Maine. The study follows a standard "medical model" whereby optometrists would be able to demonstrate their skills at diagnosing and recommending appropriate treatment for the glaucoma patients being co-managed. Every two years, legislators are placed in the awkward position of trying to decide how far to expand the optometric scope of practice based on anecdotal evidence. The study will create factual data about optometrists' skill level, upon which any future legislation can be based.

SB 214-FN, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill lowered the dollar threshold at which hospitals or surgery centers would have to go through the Certificate Of Need process for outpatient surgery to \$250,000. Several hospitals expressed strong concerns about a figure this low negatively impacting their operation. The current threshold is \$1.5 million for hospital outpatient surgery and \$1 million (plus inflation index) for ambulatory surgery centers. The House position, as passed under HB 657, leveled the playing field and made the threshold equal for both at \$1.25 million. The committee voted to amend SB 214 to the same language of HB 657 to hopefully get to a committee of conference. Although the two bills are far apart on the threshold figure, the committee saw several positive areas in the bill as it came from the Senate and hopes to include them in the committee of conference. Vote 15-6.

JUDICIARY

SB 85-FN, including the judiciary as a public employer under the public employees labor relations act. **RE-REFER TO COMMITTEE**

Rep. John M. Pratt for Judiciary: This is a bill which would give 575 non-judicial employees of the court system the right to collective bargaining. In spite of a proposed amendment which could have addressed some of the committee's concerns, the committee believes there were too many issues, including constitutional ones, to pass this bill at this time. **The \$36,000 fiscal impact on the budget of the judicial system was of major concern to some members of the committee.** The idea is of sufficient importance to justify a more detailed study. Vote 15-3.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 82, relative to the termination of employees. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy W. Wall for Labor, Industrial and Rehabilitative Services: This bill requires employers to provide terminated employees, who have been employed 6 months or more, with a written reason for termination upon the request of the terminated employee (within 30 days after the termination). The majority of the committee feels that the current "at will" status in NH works well; that the additional burdens of expense, work and court costs are not warranted; that records are open and available at the Department of Employment Security; that there are many "unintended consequences". Vote 12-5.

SCIENCE, TECHNOLOGY AND ENERGY

HB 457, extending the committee to study electric rate reduction financing. **RE-REFER TO COMMITTEE**

Rep. John H. Thomas for Science, Technology and Energy: There has been a Memorandum of Understanding between the Governor of the State of New Hampshire and Public Service Company of New Hampshire that includes a number of components, one of which is legislative review and approval of securitization. There are two bills currently before the Senate, one being HB 464, which deals with securitization. Therefore, the committee preferred to re-refer this bill for study. Vote 15-0.

NOTICE OF RECONSIDERATION

This day, Thursday, the 17th of June, 1999, at 9:10 a.m., Representative Pierre Bruno, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it passed **HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers.

Karen O. Wadsworth, Clerk of the House

LAI D 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.)

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral. (Pending question is on inexpedient to legislate.)

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 536, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (Pending question is the adoption of the committee report.)

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.)

HB 612-FN, relative to compensation paid to jurors. (Pending question is on the adoption of the committee report.)

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income. (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 56, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years. (House Concurred 6/16/99)

HB 67, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (House Nonconcurrent; C-of-C 5/13/99)

HB 69, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees. (SJ 22)

HB 82, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies. (House Concurred 6/16/99)

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 117-FN-A-L, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor. (House Nonconcurrent; C-of-C 4/22/99)

HB 204-FN, relative to driving after license revocation or suspension. (House Concurred 6/9/99)

HB 206, relative to restrooms in restaurants. (House Concurred 5/20/99)

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. (House Concurred 4/22/99)

HB 210, reinstating the corporate charter of C. A. B. Real Estate Inc. (House Concurred 4/29/99)

HB 215, placing restrictions on name changes for certain felons. (House Concurred 6/9/99)

HB 240, prohibiting the reintroduction of wolf populations to the state of New Hampshire. (House Concurred 5/13/99)

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

HB 313-FN, relative to the regulation of the practice of optometry. (House Concurred 6/9/99)

HB 325, prohibiting "cramming" in telecommunications billing. (House Concurred 6/9/99)

HB 345-FN, relative to harassment via the computer. (House Concurred 6/9/99)

HB 358, relative to the term of office for members of the state board of education. (House Concurred 4/29/99)

HB 374, relative to the order of names on presidential primary election ballots. (House Concurred 6/9/99)

HB 428, relative to school administrative units. (House Nonconcurrent; C-of-C 6/9/99)

HB 431, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land. (House Concurred 6/9/99)

HB 442, relative to charitable gift annuities. (House Concurred 5/13/99)

HB 444, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine. (House Concurred 6/9/99)

HB 456, establishing a committee to study issues relating to the deaf community in NewHampshire. (House Concurred 6/9/99)

HB 463, 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. (SJ 22)

HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. (House Nonconcurrent; C-of-C 6/9/99)

HB 492-FN-A-L, reducing the state bond guarantee limit for wastewater projects. (SJ 21)

HB 513, relative to approved permissible fireworks. (House Concurred 5/13/99)

HB 519, requiring law enforcement agencies to adopt written policies regarding emergency responses and vehicular pursuits. (House Concurred 6/16/99)

HB 527, relative to the duties of the public utilities commission. (House Concurred 6/9/99)

HB 532, establishing a commission to study early childhood education. (House Concurred 6/16/99)

HB 541, establishing a committee to study the upgrade of Routes 11 and 140. (House Concurred 6/9/99)

HB 566, relative to the supervision of the driver education program. (House Concurred 6/9/99)

HB 604, relative to filling a vacancy in the office of county commissioner. (House Concurred 6/16/99)

HB 664, establishing a study committee on rights of ownership to cemetery plots. (House Nonconcurrent; C-of-C 6/9/99)

HB 667, relative to the quorum required for sessions of the supreme court. (House Concurred 6/16/99)

HB 689-FN, establishing a committee to study campaign contributions and expenditures. (House Nonconcurrent; C-of-C 6/9/99)

HB 714-FN, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. (House Concurred 6/9/99)

1999 House Committee of Conference Procedures

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will concur, non-concur, or request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Speaker generally will appoint members from those committees which have heard the bill. Chairmen will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees. Chairmen should recommend only those members from their policy committees. In the case of a bill which has gone to a policy committee and Finance, one slot is generally reserved on the four member Committee of Conference for a member from the Finance Committee.
- For House bills in Committee of Conference, the House Committee of Conference Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.(House Rule 43(c))
- The House and Senate Committees of Conference on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments to the bill which are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill.(House Rule 49 (b))
- The sponsor of a bill which is in Committee of Conference shall, upon request, be provided an opportunity to be heard.
- A unanimous vote of both the House and Senate Committees of Conference voting separately is necessary for an agreed upon report to be sent to the House and Senate.
- Reports of all Committees of Conference must be filed with the Office of Legislative Services by the deadline adopted by the House in Rule 64. All Committee of Conference members must sign all Committee of Conference reports in the Office of Legislative Services.
- The first-named House member on all bills in Committee of Conference must prepare an analysis of the report for printing in the House Calendar. This statement should contain a complete explanation of all changes made to the bill since it was passed by the House. This will be submitted to the House Clerk's Office for printing in the calendar.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. (House Rule 49 (a)).
- A Committee of Conference report on either a House or Senate bill may be placed on the Consent Calendar only upon a unanimous vote of all House conferees.(House Rule 49 (d)).

COMMITTEES OF CONFERENCE

HB 428, relative to school administrative units. (Reps. McKinley, Ward, Larrabee and C. Jean)

HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. (Reps. Packard, Letourneau, LaPorte and Gleason)

HB 664, establishing a study committee on rights of ownership to cemetery plots. (Reps. Patten, Griffin, Zerba and Rice)

HB 689-FN, establishing a committee to study campaign contributions and expenditures. (Reps. Horton, F. Davis, Splaine and Clegg)

SB 30, relative to the cruelty to animals law. (Sens. Wheeler, Trombly and Disnard; Reps. Weare, Mikowski, Fesh and Welch)

SB 101, relative to landlord-tenant obligations. (Sens. Trombly, Disnard and Russman; Reps. Bergin, P. Woods, J. Wall and Craig)

SB 124, establishing a committee to study the integration of technology at the state and municipal level. (Sens. D'Allesandro, McCarley and Klemm; Reps. Lynde, Guay, Maxfield and Bergeron)

SB 204, establishing the New Hampshire excellence in higher endowment trust fund. (Sens. Larsen, Gordon and Cohen; Reps. Hoadley, Alger, P. Davis and Snyder)

COMMITTEE MEETINGS

MONDAY, JUNE 21

FINANCE, Rooms 210-211, LOB

9:30 a.m. *SB 102*, relative to payment of the premium tax.

10:15 a.m. *SB 153-FN-A*, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

11:00 a.m. *SB 176-FN-A*, relative to technology support for individuals and making an appropriation therefor.

Executive sessions may be held throughout the day on any pending legislation.

REPRESENTATIVES HALL

1:00 p.m. Budget briefing for House members.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive sessions on pending legislation may be held throughout the day.

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

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

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a), Room 207, LOB

Noon Regular meeting. Committee will be taking input from legislators as to their concerns with public higher education in New Hampshire.

TUESDAY, JUNE 22

COMMERCE, Room 302, LOB

Executive session on pending legislation, immediately following the House session.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive sessions on pending legislation may be held throughout the day.

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

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

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

WEDNESDAY, JUNE 23

COMMERCE, Room 302, LOB

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 202-204, LOB

10:30 a.m. Fatal Reality Forum by the Highway Safety Agency in collaboration with the Department of Safety.

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

1:00 p.m. Rescheduled public hearing on **SB 158**, relative to indecent exposure.

FINANCE, Rooms 210-211, LOB

9:00 a.m. **SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. (A)

9:30 a.m. **SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. (A)

10:15 a.m. **SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system.

11:00 a.m. **SB 187-FN-**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. (A)

1:00 p.m. Rescheduled public hearing on **SB 195-FN-A**, appropriating funds for sludge testing.

1:45 p.m. Rescheduled public hearing on **CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed.

Executive session on pending legislation may be held throughout the day on any pending legislation.

FINANCE - (DIVISION I), Room 212, LOB

Work and executive sessions on pending legislation at the conclusion of full committee public hearings.

FINANCE - (DIVISION II), ROOM 209, LOB

Work and executive sessions on pending legislation at the conclusion of full committee public hearings.

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

Work and executive sessions on pending legislation at the conclusion of full committee public hearings.

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

Work and executive sessions on pending legislation at the conclusion of full committee public hearings.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

10:00 a.m. Organizational meeting.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session. Presentation on PSNH settlement proposal.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Subcommittee work session on ***HB 280-FN***, establishing a point system for the annual moose permit lottery.

THURSDAY, JUNE 24

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Subcommittee work session on ***HB 571***, relative to joint legal and physical custody of children AND ***HB 628***, relative to the relocation of the principal residence of a child.

COMMERCE, Room 302, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:30 a.m. ***SB 228-FN***, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system.

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

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

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

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

9:00 a.m. Work and executive sessions on pending legislation.

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

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

FRIDAY, JUNE 25

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

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

9:00 a.m. Work and executive sessions on pending legislation.

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 28

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE, (RSA 171-A:1-b), Room 205, LOB

10:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION I), Room 212, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on pending legislation may be held throughout the day.

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

9:00 a.m. Work and executive sessions on pending legislation.

HERITAGE COLLECTIONS COMMITTEE (RSA 227-C:18), Room 208, LOB

1:00 p.m. Regular meeting.

HISTORICAL COMMITTEE (RSA 17-I) JOINT WITH HERITAGE COLLECTIONS COMMITTEE (RSA 227-C:18), Room 208, LOB

1:30 p.m. Joint meeting.

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

9:30 a.m. Regular meeting.

MONDAY, JULY 12

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

9:00 a.m. Regular meeting.

WEDNESDAY, JULY 14

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 Department of Education Special Education Catastrophic Aid Program Performance Audit report July 1999.

FRIDAY, JULY 16

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

9:00 a.m. Regular meeting.

MONDAY, JULY 19

NEW PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW HAMPSHIRE'S NATURAL, CULTURAL, AND HISTORICAL RESOURCES FEASIBILITY STUDY COMMISSION (SB 493, Chapter 161:2, Laws of 1998), Room 308, LOB

1:00 p.m. Regular meeting.

FRIDAY, JULY 30

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Rescheduled regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Carroll County Delegation will meet on Tuesday, June 22 at 8:30 a.m. in Room 206, LOB

Rep L. Randy Lyman, Chairman

Coos Carroll County Delegation

COUNTY DELEGATION NOTICE

The Hillsborough County Executive Committee will hold a public hearing on Tuesday, June 22 at 7:00 p.m. at the Hillsborough County Superior Courthouse, Manchester. The Executive Committee will also meet on Wednesday, June 23 at 9:00 a.m. at the County Nursing Home, Goffstown and on Friday, July 16 at 9:30 a.m. at the Hillsborough County Complex, Goffstown

Rep. Robert S. Mercer, Chairman

Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

The Hillsborough County Delegation will meet on Thursday, June 24 at 7:00 p.m. at the Hillsborough County Superior Courthouse, Manchester.

Rep. Robert S. Mercer, Chairman

Hillsborough County Executive Committee

The Sergeant-at-Arms Office can reuse the large manila 10"x13" clasp envelopes that the House Calendars are mailed out in. Any that are brought in will be put to good use.

Rob Johnson, Sergeant-at-Arms

A reminder to Representatives to please keep personal belongings, briefcases, carrying bags etc. under their seats during House sessions. This is in order to keep the floor unobstructed for your row mates moving to and from their seats. Thank you.

Rob Johnson, Sergeant-at-Arms

Softbound volumes of the 1998 Session Laws are now available for those who signed up for them in the Office of Legislative Services, Room 109, State House. There are a number of extra volumes available to House and Senate members on a first come, first serve basis.

Richard E. Amidon, Director

Office of Legislative Services

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 66, 67, 69, 108, 109, 116, 118, 119, 120, 124, 224, 237, 245, 272, 274, 297, 311, 325, 395, 424, 417, 443, 453, 464, 477, 486, 494, 495, 501, 522, 537, 546, 549, 565, 574, 576, 579, 596, 601, 602, 605, 606, 608, 612, 615, 616, 620, 624, 625, 626, 639, 641, 645, 649, 650, 652, 655, 658, 672, 676, 685, 689, 692, 693, 694, 695, 696, 698, 699, 707, 715, 719, 722, 726, 727, 728, 733, 734, 735 and 738.

Leo J. Callahan, Assistant Clerk

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

Paul A. Golden, PO Box 26, Center Barnstead, New Hampstead 03225-0026

Philip J. McColgan, Jr., 162 Old Gage Road, Pelham, New Hampshire 03076-2635

Robert H. Milligan, 42 Patten Road, Merrimack, New Hampshire 03054-3064

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

Karen O. Wadsworth, Clerk of the House
--

MEMBERS' NOTICES

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

Members who would like more information on media and violence can check out the web site produced by the National Institute on Media and the Family, www.mediafamily.org. The Institute put on an all day conference for school administrators in NH this winter and they have a free brochure called "12 Tips for Taming the Tube and Safety Tips for Surfing the Net." Their toll free phone number is 888-672-5437.

Rep. Susan B. Durham

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

Rep. Marion L. Copenhaver

Strafford County Republicans will meet on Saturday, June 19 at 10:00 a.m. at the Gateway II Restaurant, Somersworth. Presidential candidate Kasich will be there. All are welcome.

Rep. Robert E. McKinley

NH Pride has again invited legislators to march in the annual parade. It will again be held in Manchester on Saturday, June 19 at 11:00 a.m. beginning at Victory Park with a rally and festivities at Singer Park. Admission is \$15 at the Park: arts, crafts, entertainment, music and more. For information contact: Reps. Raymond Buckley, Marlene DeChane, McKim Mitchell and James R. Splaine.

Reps. Marlene DeChane and Raymond Buckley

The opening ceremony of the Armed Forces Reserve Center in Londonderry will take place on Saturday, June 19 with a start time of 9:00 a.m. The opening performance will begin with the 2nd Division Marine Corps Band. For further information on the events scheduled and directions, call Public Affairs Officer, Major John Fisher, USMCR at 883-8346 (ext. 283) or Rep. Joseph D. Kenney at 522-6305. All VIPS are requested to call first in order to be officially recognized at the event.

Rep. Joseph D. Kenney

Perinatal Alcohol, Tobacco and other Drug Use Task Force invites all legislators to attend a special informational forum on the treatment of substance use during pregnancy. Presentations will include an overview of the scope and effects of alcohol, tobacco and other drug (ATOD) problems during pregnancy and approaches necessary to assist women to avoid, reduce and recover from substance dependence. Members of the Task Force will lead a discussion with policy makers around New Hampshire's current perinatal substance use problem. The forum will take place on Monday, June 21 at the Odyssey Family Center in Canterbury (a residential substance abuse treatment program for pregnant and parenting women and their children) from 10:00 a.m. to noon. Refreshments will be served, followed by tours of the Odyssey Family Center. Come learn about this important issue. For further information, reservations and directions, please call 1-800-852-3345, ext. 6108 or 783-9104. Reservations requested by Wednesday, June 16.

Reps William E. Leber and Barbara Hull Richardson

All members of the New Hampshire Order of Women Legislators will be meeting on Tuesday, June 22, or the next session day, during the lunch break or noon in Room 208, LOB (please note change of location). We will discuss a summary of the installation banquet and share details for the annual NOWL Conference. Bring a brown bag lunch.

Rep. Janet G. Wall

The Manchester City Delegation will meet Tuesday, June 22 at the lunch break, directly behind Section I.

Rep. Marc Pappas

The Comfort Inn invites all legislators and staff to a nearing the end of session party on Tuesday, June 22 immediately following the House session.

Rep. Lynn C. Horton

Legislators for Limited Spending will meet at noon at the Upham Walker House on Tuesday, June 22nd. Bring your lunch. 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, June 23. Refreshments will be served.

Rep. Paul M. Mirski

fatal reality: " *Deadly Choices*"

On Wednesday, June 23 the Highway Safety Agency in collaboration with the Department of Safety is sponsoring a program, "Deadly Choices" at 10:30 a.m. in Rooms 202-204, LOB. The program showcases a real New Hampshire alcohol-related fatal crash and the consequences of one man's deadly choices. The program is approximately one hour in length. This past school season, over 15,000 New Hampshire high school students witnessed the program. All representatives are encouraged to attend and bring their high school-age children.

Rep. David A. Welch

The Legislative Caucus for Young Children will meet on Thursday, June 24 at noon in Room 208, LOB.

Rep. Sandra B. Keans

The McCain for President Campaign invites all members of the General Court to an Ice Cream Social and Reception for Senator John McCain at the home of Rep. Kathy Flora on Saturday, June 26th at 5:00-6:00 p.m. Location: 95 Hitching Post Lane, Bedford. Family members are welcome. See Rep. Kathy Flora or call the McCain offices at 626-0800 for directions. Hope to see you there.

Rep. Kathleen M. Flora

The Belknap County Republican Committee will hold its Annual Chicken Barbecue on Saturday, June 26th at the Belknap County Fairgrounds (Belmont). Tickets are \$15 and may be purchased from Reps. Rosen or Rice.

Rep. Ralph J. Rosen

The New Hampshire Center for Constitutional Studies will hold a breakfast forum on constitutional principles on June 26 at 8:00 a.m. at Maddens Tavern, 583 Daniel Webster Highway in Merrimack.

Rep. Tony F. Soltani

A good-bye party for **Lois Spearman**, our State House nurse for the past 21 years, is being sponsored by her friends in the House and Senate. The party is planned for Tuesday, June 29th at the Cat 'n Fiddle Restaurant on Manchester Street, Concord at 4:45 p.m. (or 15 minutes after adjournment if we are in session). All are welcome!

Rep. Howard C. Dickinson

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 June, 1999. These listings replace individual notifications in an effort to reduce paper usage and to ensure all members are notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
6/22	10:30 & 11:45	Maple Avenue School – Claremont	4/75
6/23	12:00	Sandwich Central School	4/14

The Department of Transportation will hold the following meetings:

June 22 – East Concord Community Center, Eastman Street, East Concord, 7:00 p.m. Public informational meeting re: construction schedule and landscaping, Concord, I-93/Exit 16.

June 22 – Belmont Middle School, 38 School Street, Belmont, 7:00 p.m. Public informational meeting, Belmont, reconstructing/signalizing Union Road/US3/NH11.

June 23 – Meredith Police Department, Conference Room, 347 Daniel Webster Highway, Meredith, 7:00 p.m. Public officials, Meredith, US3/Parade Road.

June 24 – Whitney Hall, Main Street, Enfield, 7:00 p.m. Public hearing (Commission), Enfield, Main Street.

June 29 – Plymouth Regional Senior Center, 8 Depot Street, Plymouth, 7:00 p.m. Public hearing (Commission), Holderness-Plymouth, bridge replacement NH 175A over Pemigewasett River.

July 1 – UNH, Elliot Alumni Center, The 1925 Room, Edgewood Road, 7:00 p.m. Combined public officials/public informational meeting, Durham, rail platform at railroad tracks near UNH Dairy Bar.

July 13 – Northfield Town Hall, 21 Summer Street, Northfield, 7:00 p.m. Public informational meeting, Northfield-Tilton, bridge rehabilitation.

July 26 – Exeter Office Building, Nowak Room, 10 Front Street, Exeter, 7:00 p.m. Public hearing (Selectmen), Exeter, Lincoln Street railroad platform and parking area.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

TUESDAY, JUNE 22

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1999-1655h

Amendment to HB 2-FN-A

Proposed by the Majority of the Committee on Finance - R

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

1 Intent. The purpose of this bill is to make those changes to the general laws necessary to effectuate the intent of the operating budget, but which are prohibited from being included in the operating budget by Part II, Article 18-a of the New Hampshire Constitution.

2 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$28,400,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$28,400,000 shall be transferred according to RSA 9:13-e.

3 Payments for Fiscal Year 2000; Unclassified Positions and Full-time and Retired Judges. Unclassified positions and persons who are full-time or retired judges shall receive their annual salary or retirement benefits in 27 biweekly installments during fiscal year 2000. For fiscal year 2000, the annual salary or retirement benefits shall be divided by 27 and the result shall be the gross wages or retirement benefits paid to said employees or judges for each biweekly installment. All persons employed in such unclassified positions or persons who are full-time or retired judges shall be notified of the provisions of this section pursuant to RSA 275:49, II.

4 Department of Health and Human Services. Reports of Productivity Gains from Investments in Information Technology; Positions.

I. The commissioner of health and human services shall develop criteria for measuring the productivity gains which the department of health and human services has realized from the state's investments in computers and other information technologies. The commissioner shall submit such criteria to the fiscal committee for approval.

II. Following approval of the criteria by the fiscal committee, the commissioner of health and human services shall submit a quarterly report on the department's productivity gains realized from the state's investments in computer and information technologies, based on such criteria, to the fiscal committee for its approval. The first quarterly report shall be issued on or before September 30, 1999.

III. After approval by the fiscal committee the department shall forward a copy of each quarterly report to the house finance committee, the senate finance committee, and the governor and council.

IV. In order to reflect the efficiencies of the recent, significant state investment in computers and other technologies, the commissioner of health and human services shall convert an amount of department of health and human services' funded positions to unfunded positions for which salaries and benefits total one percent of the department's total general fund appropriations for salaries and benefits in fiscal year 2000 and 2 percent of the department's total general fund appropriations for salaries and benefits in fiscal year 2001.

V. The provisions of this section shall not apply to boards which are administratively attached to the department of health and human services.

5 Pharmaceutical Formularies; Report Required. Notwithstanding the provisions of RSA 126-A:3, V, the commissioner of the department of health and human services shall develop formularies for pharmaceuticals, including all legend and non-legend drugs, paid for by provider payments. The commissioner shall, no later than September 1, 1999, submit a report to the fiscal committee containing all pharmaceutical formularies developed as of the date of the report, and the status and progress of any formularies not yet developed.

6 Personnel Groups. Amend RSA 94:1-a by:

- I. Deleting in group N: Labor commissioner
- II. Deleting in group K: Deputy labor commissioner
- III. Inserting in group R: Labor commissioner
- IV. Inserting in group P: Deputy labor commissioner

7 Applicability of Salary Classifications. The labor commissioner, on the effective date of section 6 of this act, shall be placed at the minimum salary in group R. The deputy labor commissioner, on the effective date of section 6 of this act, shall be placed at

the minimum salary in group P.

8 Allocation of Funds; Department of Health and Human Services.

I.(a) Notwithstanding the provisions of RSA 167:94-97, the sum of \$3,000,000 or the amount accumulated in the long term care assistance fund as of June 30, 1999, whichever is greater, shall be transferred to the department of health and human services for use in the fiscal biennium ending June 30, 2001.

(b) In addition to the sums appropriated to the department of health and human services by section 1 of 1999 HB 1-A, there is hereby further appropriated for the biennium ending June30,2001 the sum of \$4,000,000. The governor is authorized to draw a warrant for said sum from funds not otherwise appropriated.

II. The commissioner of the department of health and human services is authorized to allocate the funds transferred and appropriated in paragraph I to provide additional information technologies and direct services where case loads or costs have increased beyond the levels provided for in the commissioner's budget for reasons beyond the control of the department. In allocating these funds, the commissioner shall consider, among other things, maximization of matching funds and meeting maintenance of effort requirements. These funds shall not be used directly or indirectly, by substitution, transfer, or otherwise, for any other purpose.

III. The commissioner of the department of health and human services shall notify the fiscal committee of the general court of the planned allocation of the funds transferred in paragraph I. If the committee does not object to such allocation within 10 days of receipt of the plan, then the commissioner of the department of administrative services shall cause the funds to be so allocated.

9 Addition to Personnel Group. Amend RSA 94:1-a by inserting in group N:

Warden, lakes region facility, department of corrections

Warden, Northern New Hampshire Correctional Facility, department of corrections

10 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at step 4 in group N. The warden of the lakes region facility on the effective date of this act, shall be placed in the unclassified salary step 4 in group N.

11 Pease Development Authority Bonds; Comprehensive Development Plan Required; Bond Guarantee Amount Reduced. Amend RSA 12-G:27-b, I to read as follows:

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed [~~\$60,000,000~~] **\$35,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw [~~his~~] **a** warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

.....

State Treasurer

12 Repeal. The following are repealed:

I. RSA 12-G:27-b, II, relative to state guarantee of bank financing for Pease development plan.

II. RSA 167:64, I(c), relative to payments for the administration of the uncompensated care fund.

13 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2001, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

14 Transfer of Funds by Division of Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and the governor and council, transfer in each of the fiscal years 2000 and 2001 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services permanent in components 05, 01, 03, 02, 01 and 05, 01, 03, 03, 01 to class 91 training in component 05, 01, 03, 06, 00, to provide training for social workers and juvenile service officers.

15 Cigarette Tax. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[37]~~ **62** cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

16 Definition Expanded; Tobacco Products. RSA 78:1, XIV is repealed and reenacted to read as follows:

XII. "Tobacco products" means cigarettes; cigars; cheroots; stogies; periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

17 Applicability. Sections 15 and 16 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 1999, shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

18 Intent; Department of Health and Human Services; Use of Funds. It is the intent of the general court that the department of health and human services identify additional state expenditures which can be counted as temporary assistance to needy family funds for the purposes of maintaining the federally required maintenance of effort. Further, the general court intends that the department pursue whatever negotiations with and waivers from the federal government that are necessary to accomplish these uses and to obtain a reasonable maintenance of effort level.

19 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 1999, and June 30, 2001, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 1999, to June 30, 2001, to the director of the division of personnel within 10 days of the layoff.

20 Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Order of Members Changed; Member Added. RSA 273-A:9, V(a) is repealed and reenacted to read as follows:

(a) The joint committee on employee relations shall include the following members:

- (1) President of the senate.
- (2) Speaker of the house of representatives.
- (3) Majority leader of the senate.
- (4) Majority leader of the house of representatives.

- (5) Minority leader of the senate.
- (6) Minority leader of the house of representatives.
- (7) Senate finance committee chairperson.
- (8) House of representatives finance committee chairperson.
- (9) Senate capital budget committee chairperson.
- (10) House of representatives public works and highways committee chairperson.
- (11) Senate ways and means committee chairperson.
- (12) House of representatives finance committee vice chairperson.
- (13) House of representatives labor, industrial, and rehabilitative services committee chairperson.
- (14) House of representatives labor, industrial, and rehabilitative services committee ranking minority member.
- (15) Senate insurance committee chairperson.
- (16) Senate insurance committee vice chairperson.

21 Feasibility Study; Mutual Use of Coast Guard Facilities. The department of safety, division of safety services, the New Hampshire state port authority, and the fish and game department shall jointly prepare a study relative to the feasibility of an agreement for the mutual use of United States Coast Guard facilities. The division, the authority, and the department shall report their joint findings and any recommendations for executive or legislative action 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.

22 Navigation Project Obligations; Report by Port Authority. The New Hampshire state port authority shall prepare a report relative to justifications for the United States Army Corps of Engineers to release the state from its obligation to dredge the Hampton-Seabrook Harbor under the 1964 agreement relative to the Navigation Project for the Improvement of Hampton Harbor, NH. The authority shall report its findings and any recommendations for proposed executive or legislative action 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.

23 Committee to Study the Protection of Waterfront Properties from Erosion.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

- (1) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects.

IV. 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.

V. 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.

24 Route 93 Borrow-a-Lane Project; Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 2000, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 2001, to the department of transportation for the operation and maintenance of temporary southbound lanes on Route 93 in Concord and Bow which can be utilized on an as needed basis. This appropriation shall be a charge against the highway fund.

25 Taxation; Boat Fee; Collection by Department of Safety; Costs Appropriated to General Fund. RSA 72-A:4, III is repealed and reenacted to read as follows:

III. In addition to the fee set in RSA 72-A:3, \$1 shall be paid to cover the cost of collection. When the fee is collected by a clerk, tax collector, or authorized agent, he or she shall retain the \$1 as compensation. When the fee is collected by the department of safety, the department shall send the \$1 to the treasurer to be deposited in the general fund.

26 Taxation; Boat Fee; Town Treasurer; Collection by Department of Safety; Boat Fees Appropriated to General Fund. RSA 72-A:5, II is repealed and reenacted to read as follows:

II. When the boat fee is collected by the department of safety, the department shall at least weekly send all boat fees so collected to the state treasurer to be deposited in the general fund.

27 Supervision of Navigation; Administration and Enforcement; Auxiliary Marine Patrol; Powers. RSA 270:12-c, I-III is repealed and reenacted to read as follows:

I. The commissioner of safety may establish a force of individuals to assist the director of safety services and the marine patrol officers to patrol the various bodies of water in the state.

II. An individual appointed by the commissioner as an auxiliary officer under this section shall be either a paid part-time employee of the department or a volunteer, but shall not necessarily be a full-time or part-time certified police officer. An auxiliary officer shall be subject to such training requirements as the commissioner shall deem necessary.

III. An auxiliary officer appointed pursuant to this section shall be granted such police powers as the commissioner deems necessary, provided that such powers shall not include the powers of arrest. The report of an auxiliary officer to a marine patrol officer or other authority shall be prima facie evidence relative to the violation or offense reported.

28 Supervision of Navigation; Mooring of Boats on Public Waters; Decal Issuance, Display, Replacement, Renewal, and Fee; Mooring Fee; Appropriation to Navigation Safety Fund Deleted. RSA 270:62, V is repealed and reenacted to read as follows:

V. An annual mooring fee of \$25 shall be charged for each decal issued pursuant to this subdivision.

29 Supervision of Navigation; Mooring of Boats on Public Waters; Public Mooring Fields; Application Fee; Appropriation to Navigation Safety Fund Deleted. RSA 270:67, I(c) is repealed and reenacted to read as follows:

(c) Each public mooring field applicant shall be assessed a fee of \$25.

30 Supervision of Navigation; Mooring of Boats on Public Waters; Congregate Mooring Fields; Mooring Fee; Appropriation to Navigation Safety Fund Deleted. RSA 270:67, II(c) is repealed and reenacted to read as follows:

(c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field.

31 Navigation; Vessel Registration and Numbering; Disposition of Revenues. RSA 270-E:7, I is repealed and reenacted to read as follows:

I. Except as provided in paragraph II, all fines collected under this chapter and the amount of fees generated by RSA 270-E:5, I and III shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter. Such sums shall be nonlapsing and shall be continually appropriated to the department of safety, division of safety services.

32 Navigation; Vessel Registration and Numbering; Licenses and Inspections; License Fees; Appropriation to Division of Safety Services Deleted. RSA 270-E:23 is repealed and reenacted to read as follows:

270-E:23 License Fees. There shall be paid to the commissioner for every general certificate of captain, master, pilot or engineer, \$4; and for every limited certificate of captain, master, pilot or engineer, \$2. A general certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; a limited certificate shall entitle the holder to act in such capacity only on a particular vessel named in the certificate. Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons.

33 Repeal. The following are repealed:

I. RSA 6:12, I(ppp), relative to the navigation safety fund.

II. RSA 270-E:6-a, relative to the navigation safety fund.

34 Contingency. If HB 245-FN of the 1999 session becomes law, sections 25-33 of this act shall take effect July 1, 1999 at 12:02 a.m. If HB 245-FN of the 1999 session does not become law, sections 25-33 of this act shall not take effect.

35 Interstate Cooperation; Reference Deleted. Amend RSA421-B:31-a to read as follows:

421-B:31-a Interstate Cooperation. The secretary of state and ~~his~~ **the secretary of state's** staff shall maintain close relations with the securities and corporate administrators of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the secretary of state's judgment, enhance the purposes of the securities and corporate laws ~~[and shall be exempt from the provisions of RSA 9:25]~~. The actual and necessary travel and related expenses incurred in attending meetings of said association, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations, shall be a charge on available funds and the appropriation of the office of the secretary of state.

36 Repeal. RSA 9:25 and 9:26, relative to expenses for out-of-state trips by state officials or employees, are repealed.

37 Effective Date.

I. Sections 20-23, 35, and 36 of this act shall take effect 60 days after its passage.

II. Sections 25-33 of this act shall take effect as provided in section 34 of this act.

III. Section 34 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect July 1, 1999.

AMENDED ANALYSIS

This bill:

- I. Transfers up to \$28,400,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.
- II. Provides for 27 salary payments or retirement benefits payments to persons employed in unclassified positions and persons who are full-time or retired judges for fiscal year 2000.
- III. Requires the department of health and human services to convert a certain amount of funded positions to unfunded positions and to submit to the fiscal committee a report of productivity gains from investments in information technology.
- IV. Requires the department of health and human services to leave certain positions unfunded.
- V. Requires the commissioner of the department of health and human services to establish certain pharmaceutical formularies and make a report of such formularies to the fiscal committee.
- VI. Revises the salary classifications of the commissioner and deputy commissioner of the department of labor.
- VII. Transfers funds to the department of health and human services from the long term care assistance fund and makes an additional appropriation to the department of health and human services.
- VIII. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N and the position of warden of the lakes region facility to unclassified personnel group N.

- IX. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.
- X. Repeals a provision relative to payments for the administration of the uncompensated care fund.
- XI. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
- XII. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.
- XIII. Increases the tobacco tax by 25 cents and imposes the tax to all types of tobacco products.
- XIV. Grants laid-off state employees certain rights with regard to rehiring.
- XV. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations and changes the order in which the members of the committee are listed in the statute.
- XVI. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.
- XVII. Establishes a committee to study the protection of waterfront properties from erosion.
- XVIII. Makes an appropriation to the department of transportation for the borrow-a-lane project.
- XIX. Amends certain provisions relating to boating-related fees and the auxiliary marine patrol to their former effect contingent upon HB 245 of the 1999 session becoming law.
- XX. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

1999-1346h

Amendment to HB 84-FN

Proposed by the Committee on Finance - C

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

AN ACT establishing a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.

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

1 Study Committee Established. There is established a committee charged with studying the penalties for driving under the influence of liquor or controlled drugs in New Hampshire, and the education and treatment services available to offenders.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, at least one of whom shall be from the criminal justice and public safety committee and at least one of whom shall be from the finance committee, appointed by the speaker of the house. The speaker may appoint 3 other members, if deemed necessary, as alternates.

(b) At least 2 but not more than 3 members of the senate, appointed by the president of the senate.

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

III. The committee shall be advised by the following:

(a) The commissioner of safety, or designee.

(b) The commissioner of health and human services, or designee.

- (c) The attorney general, or designee.
- (d) The director of the New Hampshire police standards and training council, or designee.
- (e) The president of the New Hampshire Association of Counties, or designee.
- (f) The director of the bureau of substance abuse services, or designee.
- (g) The administrative judge of the district court, or designee.
- (h) A representative for the victims of impaired driving, appointed by the governor.
- (i) A representative from the New Hampshire Association of Chiefs of Police, appointed by the governor.
- (j) A representative from the New Hampshire Public Defender Program, appointed by the governor.

3 Duties. The committee shall hear testimony relative to the following: sentence structuring as defined in RSA 265:82-b; court dispositions for first and subsequent offenses throughout the state, including the issues of negotiated dispositions; the number and type of incidents involving drivers under 21 years of age; the effectiveness of the administrative license suspension process; substance abuse programs available for first and subsequent offenders; and the impact that such crime has on citizens of the state. The committee shall also review the types of programs and sentences in other states which have proven effective, as well as alternatives to incarceration designed to reduce repeat offenses. The committee shall examine whether the current DWI sentencing structure provides the type of punishment, deterrence and treatment needed to reduce the incidences of DWI in the state and shall make recommendations concerning how to more effectively achieve these goals.

4 Chairpersons; Voting Members. The members of the 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.

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 upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.

1999-1616h

Amendment to HB 599-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 integration of technology at the state, county, and municipal levels.

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

1 Committee Established. There is established a committee to study integration of technology at the state, county, and municipal levels.

2 Membership and Compensation.

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

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Five members of the house of representatives, at least one of whom shall be a member of the municipal and county

government committee, at least one of whom shall be a member of the science, technology and energy committee, and at least one of whom shall be a member of the election law committee, appointed by the speaker of the house.

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

3 Duties. The committee shall investigate specific measures which would promote the integration of technology at the state, county, and municipal levels for the mutual benefit of all entities and the citizens of the state of New Hampshire. Among the issues included in its study shall be the identification and integration of technology necessary to develop a statewide voter registration database. In conducting its research, the committee shall seek input from the department of administrative services, division of information technology management, in terms of specific technology applications that the state of New Hampshire is deploying or desires to deploy at the county and/or local level and the New Hampshire Association of Counties and the New Hampshire Municipal Association for their perspective on municipal technology needs. In addition, the committee shall seek the input from the oversight committee on telecommunications, which is considering the feasibility and cost-effectiveness of installing certain high-speed telecommunications lines.

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 senate 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 senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

6 Contingency; Provisions of SB 124 Not to Take Effect. If SB 124 of the 1999 regular legislative session becomes law, its provisions shall not take effect.

7 Contingency. If SB 124 of the 1999 regular legislative session becomes law, sections 1-5 of this act shall take effect upon its passage. If SB 124 of the 1999 regular legislative session does not become law, sections 1-5 of this act shall not take effect.

8 Effective Date.

I. Sections 1-5 of this act shall take effect as provided in section 7 of this act.

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

AMENDED ANALYSIS

This bill establishes a committee to study the integration of technology at the state, county, and municipal levels.

1999-1539h

Amendment to HB 703-FN-A-LOCAL

Proposed by the Committee on Children and Family Law - R

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

AN ACT establishing a regional youth center pilot program in the city of Nashua.

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

1 Regional Youth Center Pilot Program Established; Purpose.

I. A regional youth center pilot program for the placement of certain juveniles is hereby established in the city of Nashua, which may include the construction of a new regional youth center facility in the city of Nashua with an initial capacity of 25 residential beds and the capacity to increase to not more than 50 beds.

II. The intent of the legislature is to encourage and enable the establishment of community-based regional youth centers for the provision of residential and non-residential services for juveniles involved in the juvenile justice system. Local providers, the counties, and the state shall work together to provide an appropriate response to those juveniles determined to need a variety of programs and services that can be provided in a staff-secure setting. No similar facility currently exists within this state to provide short-term comprehensive community-based services for such juveniles, and the Nashua regional youth center pilot

program is intended to be a model for other community-oriented juvenile facilities throughout this state in the future.

III. The purpose of the pilot program is to provide community-based services, including short-term residential services, for juveniles. The goal of this act is to encourage, in the context of the community, the wholesome moral, mental, emotional, and physical development of juveniles, including but not limited to those between the ages of 12 and 16, who are delinquent, in need of services, truant, runaway, or otherwise wayward, in order to assist the child in becoming a responsible and productive member of society. In order to accomplish this goal, community service providers in the Nashua area have agreed to provide education, treatment, care, guidance, and counseling for juveniles at a regional youth center.

2 Regional Youth Center Pilot Program; Regional Youth Center Board; Purpose; Membership.

I. A regional youth center board shall be established for the purpose of administering the regional youth center pilot program. The members of the board shall be selected by the working group of local agencies currently meeting on a regular basis in the city of Nashua on issues relating to this pilot program. The board shall consist of residents of the communities of Nashua, Hudson, or Hollis. The commissioners of the departments of youth development services, and health and human services, or their designees, shall also be members of the board.

II. Board members shall be appointed and hold their initial meeting within 60 days of the effective date of this paragraph. At this initial meeting officers, including a chairperson and secretary, shall be elected and rules of procedure shall be adopted. Members of the board shall serve without compensation.

3 Powers and Duties. The regional youth center board shall have the following powers and duties:

I. To establish criteria for the admission of juveniles into the regional youth center pilot program and to decline admission to any juvenile who does not meet those criteria. The board may, pursuant to procedures established by the board remove any juvenile from the regional youth center pilot program whose conduct interferes with the objectives of the program or whose behavior negatively affects another participant in the pilot program.

II. With the exception of bed supervision, to contract for the provision of ordinary and necessary services, including but not limited to residential, educational, security, healthcare services and community-based treatment, care, and counseling services for both juveniles attending the pilot program and their families.

III. To pursue additional funding for the pilot program, including but not limited to, grants or other moneys from federal, state, or private foundations or sources, and expend such grants, moneys, or other appropriations for the purposes of said pilot program.

IV. To establish an outcome-based evaluation plan for the program which shall provide for the collection of appropriate data and for the determination annually of the success of the regional youth center programming and services based on specific measures to be determined by the board.

V. To provide residential services to preadjudicated juveniles, adjudicated juvenile delinquents and children in need of services, and juveniles taken into temporary custody pursuant to RSA 169-B:9, II and RSA 169-D:8, II.

VI. To provide non-residential services to court-ordered and non-court-ordered juveniles on such terms and conditions as provided for in the criteria for admission established by the board.

4 Bed Supervision. The department of youth development services shall provide bed supervision for the regional youth center facility established in this act. Bed supervision shall consist of monitoring and supervising juveniles receiving residential services during the night time hours as such hours are established by the regional youth center board. The board shall determine the need for and extent of daytime supervision of juveniles in residence who are unable for any reason, including but not limited to illness, attend or participate in daytime programming. The state shall be responsible only for expenses related to bed supervision of juveniles in residence at the regional youth center facility.

5 Rulemaking. The commissioner of the department of youth development services shall adopt rules, pursuant to RSA 541-A, relative to the bed supervision of juveniles placed in the regional youth center facility pursuant to the provisions of RSA 169-B and 169-D.

6 Nashua District Court; Jurisdiction.

I. Notwithstanding any law to the contrary, the pilot program and services established in this act shall be available for the

purposes of actions and proceedings pursuant to RSA169-B and 169-D in the Nashua district court only.

II. Notwithstanding any provision of RSA 169-B to the contrary, the Nashua district court shall have the authority to order a residential placement for an adjudicated juvenile delinquent residing in Nashua, Hudson, or Hollis in the facility for a period to be determined by the court, but not to exceed 90 days.

III. Notwithstanding any provision of RSA 169-B or 169-D to the contrary, the Nashua district court shall have the authority, prior to adjudication and disposition, to order residential placement of a juvenile in the facility to the extent necessary to provide immediate supervision and protect the safety or welfare of the juvenile or the person or property of another. The Nashua district court shall comply with the provisions of RSA 169-B and RSA 169-D for the adjudication and disposition of any juvenile placed in the pilot program prior to such adjudication or disposition.

IV. The authority of the Nashua district court to place a juvenile in the pilot program is subject to the criteria established by the regional youth center board for the admission of juveniles to the pilot program and the authority of the board to decline to accept or to remove any juvenile who does not meet those criteria.

7 Regional Youth Center Pilot Program; Certification; Termination.

I. The regional youth center facility shall be certified for the placement of minors pursuant to RSA 170-G:4, XVIII.

II. The Nashua regional youth center shall terminate on July 1, 2003, unless otherwise authorized by a subsequent act of the legislature.

8 Department of Youth Development Services and Department of Health and Human Services; Biennial Budgets. The department of youth development services shall submit a budget for the biennium ending June 30, 2003 which shall include financial responsibility for bed supervision for the regional youth center pilot facility established in this act. The department of health and human services shall include in its budget for the biennium ending June 30, 2003 the costs for the services and programs provided at the regional youth center for which the department is financially responsible.

9 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

10 Contingency. The provisions of this act establishing the pilot program shall only take effect upon the availability, from any source, of funds sufficient for the construction of a new facility, or renovation of an existing facility, which shall fulfill the needs of the pilot program. If such funds are not available, the provisions of this act shall not take effect.

11 Effective Date.

I. Sections 1-9 of this act shall take effect as provided in section 10.

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

AMENDED ANALYSIS

This bill establishes a regional youth center pilot program in the city of Nashua for the placement of certain juvenile offenders in a facility where the programs and services ordered by the court are provided by the local community.

1999-1675h

Amendment to HB 746

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

Amend RSA 106-C:1, VII-VIII as inserted by section 1 of the bill by replacing them with the following:

VII. "Special reaction team" means any distinct unit of a police department or any regional unit comprised of more than one police department organized and equipped for the purpose of responding to critical incident emergencies and whose members have been specially trained to respond to such emergencies.

VIII. "Critical incident emergency" means a life threatening incident of major proportions, including, but not limited to, hostage situations, barricaded persons, and situations involving armed persons.

Amend RSA 106-C:3-a as inserted by section 2 of the bill by replacing it with the following:

106-C:3-a Inter-community Special Reaction Team Assistance for Critical Incident Emergency. The chief executive officer, or such officer's designee, of a police department with the special reaction team or the person designated by the chief executive officers of the member communities of a regional special reaction team as authorized to order the deployment of such regional special reaction team is authorized to assign the special reaction team to extend assistance to any other county or municipality in times of a critical incident emergency. Requests for such assistance shall be made by the chief executive officer, or such officer's designee, of the police department in need of emergency police assistance for a critical incident emergency. Requests for such assistance may also be made by the ranking on-duty state police officer when the state police is coordinating the response to a critical incident emergency and is in need of emergency police assistance, or by the commander of a regional special response team when that team is coordinating the response to a critical incident emergency and is in need of emergency police assistance.

AMENDED ANALYSIS

This bill allows the chief officer of a police department with a special reaction team or a person authorized to order deployment of a regional special reaction team to assign the special reaction team to extend assistance to any other county or municipality in times of a critical incident emergency.

1999-1506h

Amendment to SB 11

Proposed by the Committee on Commerce - C

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Report. The secretary of state shall issue a report to the governor, the senate president, the speaker of the house, the senate clerk, the house clerk and the state library containing findings and recommendations regarding the fiscal impact, if any, of requiring that issuers pay a filing fee for only those securities in a combined prospectus that are being offered for sale in this state. The report shall cover the period from May 1, 1999 to May 1, 2001; shall provide objective and credible evidence demonstrating that any negative fiscal impact is a direct result of a decrease in the amount of revenue received in connection with the use of combined prospectuses in the state; and shall be due on or before October 1, 2001, to permit legislative action, if any is needed to address such fiscal impact, during the 2002 session of the general court.

1999-1643h

Amendment to SB 20

Proposed by the Committee on Commerce - C

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

AN ACT relative to soliciting or selling tickets to entertainment or sports events on public ways.

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

1 New Paragraph; Prohibition on Stopping Vehicles to Solicit Ticket Sales. Amend RSA 265:40 by inserting after paragraph III the following new paragraph:

IV. No person shall signal a moving vehicle or stop a vehicle on any public way in order to solicit or sell a ticket of admission to an entertainment or sports event.

AMENDED ANALYSIS

This bill prohibits the signalling or stopping of a vehicle on a public way in order to solicit or sell tickets of admission to entertainment or sports events.

999-1318h

Amendment to SB 27

Proposed by the Committee on Commerce - C

Amend the bill by replacing section 1 with the following:

1 Payment of Costs of Examinations; Fiduciary Assets. Amend RSA 383:11, II(a) to read as follows:

(a) From banks and credit unions. Each state-chartered savings bank, commercial bank, trust company, cooperative bank, building and loan association, credit union, Morris Plan bank, or similar institution required to be examined under the provisions of RSA383:9 shall be charged and pay such proportion of said balance applicable to such institutions under the banking department's program appropriation unit designation, as its total assets bear to the total assets of all such institutions as shown by their reports to the commissioner as of June30 preceding such charges, except that ~~only 25~~ **the** percent of the fiduciary assets ~~shall be~~ used in the calculation of the total assets of each institution and all such institutions **shall be determined as follows:**

- (1) Fiduciary assets up to \$5,000,000,000 shall be calculated at 25 percent;**
- (2) Fiduciary assets that are between \$5,000,000,000 and \$10,000,000,000, shall be calculated at 20 percent;**
- (3) Fiduciary assets that are between \$10,000,000,000 and \$15,000,000,000, shall be calculated at 15 percent;.**
- (4) Fiduciary assets that are between \$15,000,000,000 and \$20,000,000,000, shall be calculated at 10 percent;.**
- (5) Fiduciary assets that are between \$20,000,000,000 and \$25,000,000,000, shall be calculated at 5 percent;.**
- (6) Fiduciary assets that are between \$25,000,000,000 and \$50,000,000,000, shall be calculated at 2.5 percent;.**
- (7) Fiduciary assets that are between \$50,000,000,000 or more, shall be calculated at 1 percent;.**

1999-1603h

Amendment to SB 28

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 143:11, I(a) as inserted by section 5 of the bill by replacing it with the following:

I.(a) Upon receipt of an application in writing from a new beverage manufacturer, or from a beverage manufacturer that has changed ownership, or from a beverage manufacturer which has had its previous license revoked, the commissioner of the department of health and human services ~~shall~~ **may** issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded. **Any beverage manufacturer which has had its license revoked shall not be eligible to apply for a provisional license until it (1) presents a plan for the correction of any deficiencies which led to the specific revocation, and (2) passes a food safety class, subsequent to the revocation of the license, which has been certified by the Buros Institution for Assessment, Consultation and Outreach at the University of Nebraska, or a successor organization. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the commissioner. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.**

Amend RSA 143-A:6, I as inserted by section 8 of the bill by replacing it with the following:

I. Upon receipt of an application in writing from a new food service establishment or retail food store, or a food service establishment or retail food store which has changed ownership or a food service establishment or retail food store which has had its previous license revoked, the commissioner ~~shall~~ **may** issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plan for operation and facilities are sufficient under rules adopted under RSA143-A:9. **Any food service establishment or retail food store which has had its license revoked shall not be eligible to apply for a provisional license until it (a) presents a plan for the correction of any deficiencies which led to the specific revocation, and (b) passes a food safety class, subsequent to the revocation of the license, which has been certified by the Buros Institution for Assessment, Consultation and Outreach at the University of Nebraska, or a successor organization. In order to fulfill the requirements of this section, the new remedial plan shall first receive**

the approval of the commissioner. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.

AMENDED ANALYSIS

This bill clarifies procedures relative to sanitary production and distribution of food and food service licensure. The bill establishes procedures for a facility which has had its license revoked before such facility may reapply for a license.

1999-1606h

Amendment to SB 32

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT exempting employers of certain part-time contractors from providing unemployment compensation, and establishing a study committee to analyze ways to reconcile inconsistencies within the statutes with regard to independent contractors.

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

1 New Subparagraph; Exception to the Term Employment. Amend RSA282-A:9, IV by inserting after subparagraph (v) the following new subparagraph:

(w) Service performed by an individual who, on a temporary, part-time, contract basis, demonstrates products, offers samples of products or promotional materials to customers, conducts store audits or performs mystery shopping as part of an advertising or sales promotion for the products when such activities are conducted in the field or over the telephone on premises not used or controlled by the person for whom such contract services are being provided.

2 Committee Established. There is established a committee to review the inconsistencies within the state's statutes dealing with independent contractors.

3 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) Two members of the senate, appointed by the president of the senate.

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

4 Duties. The committee shall review the inconsistencies within the state's statutes concerning definitions for and treatment of independent contractors, and other matters related thereto.

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 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

6 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.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 2000.

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

AMENDED ANALYSIS

This bill exempts employers of certain part-time contractors from providing unemployment compensation, and provides for the establishment of a study committee to conduct an analysis of ways to reconcile inconsistencies within the statutes with regard to independent contractors.

1999-1545h

Amendment to SB 53-FN

Proposed by the Committee on Executive Departments and Administration - R

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

- 1 Findings and Purpose. The general court finds that when appropriately utilized, teleradiology may improve access to radiological evaluations and interpretations and thus significantly improve patient care. Out-of-state physicians who provide radiological services via teleradiology to NewHampshire citizens should be held to the same standard of care as New Hampshire licensed physicians; therefore, to assure quality and accountability, such out-of-state physicians shall be required to obtain a New Hampshire medical license.
- 2 New Section; Teleradiology. Amend RSA 329 by inserting after section 1-a the following new section:
- 329:1-b Practice of Teleradiology.
- I. In this section, "Teleradiology" means the evaluation, interpretation, or consultation by the electronic transmission of radiological images from one location to another.
- II. Any out-of-state physician providing radiological services who performs radiological diagnostic evaluations or interpretations for New Hampshire patients by means of teleradiology shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter.
- III. This section shall not apply to out-of-state radiologists who provide consultation services pursuant to RSA 329:21, II.
- 3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the licensure as physicians of out-of-state radiologists who provide teleradiology services in this state.

1999-1525h

Amendment to SB 58

Proposed by the Committee on Commerce - C

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

1999-1647h

Amendment to SB 69-LOCAL

Proposed by the Committee on Commerce - C

Amend RSA 7:32-d, V as inserted by section 1 of the bill by replacing it with the following:

- V. "Health care charitable trust" means a charitable trust organized to directly provide health care services, including, but not limited to, hospitals, nursing homes, community health services, and medical-surgical or other diagnostic or therapeutic facilities or services. "Health care charitable trust" shall not include any testamentary or inter vivos trust which is not organized to provide health care services.
- Amend the introductory paragraph of RSA 7:32-e as inserted by section 1 of the bill by replacing it with the following:
- 7:32-e Community Benefits Plans. Within 90 days of the start of its fiscal year every health care charitable trust shall develop a community benefits plan. The plan shall be developed in accordance with the following criteria on forms supplied by the

attorney general:

Amend RSA 7:32-j as inserted by section 1 of the bill by replacing it with the following:

7:32-j Exemption. If the total value of the fund balances of a health care charitable trust do not exceed \$1,000,000, the trust shall have no obligation to comply with the provisions of this subdivision. In addition, those health care charitable trusts for which compliance would be a financial or administrative burden, according to criteria established and administered by the director of charitable trusts, may request an exemption from the provisions of this subdivision. An exemption, if granted, shall be valid for 3 years from the date of issuance unless it is revoked by the director of charitable trusts and written notice of such revocation is provided to the health care charitable trust.

7:32-k Effect on Eligibility for Property Tax Exemption. Compliance with this subdivision shall not establish eligibility for a property tax exemption under RSA 72:23, V, but may be considered if relevant to the criteria established in RSA 72:23, RSA 72:23-I, and at common law.

7:32-l Combined Needs Assessments, Planning, Reporting. Health care charitable trusts may satisfy the requirements of RSA 7:32-e, RSA 7:32-f, and RSA 7:32-g, individually or in a combination with other health care charitable trusts, provided that information required to be reported under RSA 7:32-e, V(a) and (b) shall be specifically reported for each health care charitable trust participating in a combined plan or report.

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

2 Prospective Change in Total Equalized Assessed Value Required for Exemption. Amend RSA 7:32-j to read as follows:

7:32-j Exemption. If the total value of the fund balances of a health care charitable trust do not exceed [~~\$1,000,000~~] \$100,000, the trust shall have no obligation to comply with the provisions of this subdivision. In addition, those health care charitable trusts for which compliance would be a financial or administrative burden, according to criteria established and administered by the director of charitable trusts, may request an exemption from the provisions of this subdivision. An exemption, if granted, shall be valid for 3 years from the date of issuance unless it is revoked by the director of charitable trusts and written notice of such revocation is provided to the health care charitable trust.

3 Legislative Review. The provisions of this act shall be subject to further legislative review and amendment based on the results of the statewide health plan process to be implemented during the fiscal year ending June 30, 2000 and the initial reports by the health care charitable trusts in compliance with this act.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect January 1, 2000.

AMENDED ANALYSIS

This bill requires that health care charitable trusts develop community benefits plans each fiscal year which shall be submitted to the director of charitable trusts; and provides what shall be included in such plans. Health care charitable trusts shall also conduct community needs assessments in order to help determine the activities to be included in the community benefits plans. Health care charitable trusts with total value of fund balances not exceeding \$1,000,000 are exempt from this bill's provisions. Under this bill, the \$1,000,000 exemption figure will change to \$100,000 on January 1, 2001. In addition, health care charitable trusts for whom compliance would be a financial or administrative burden may be granted an exemption from the bill's requirements. The bill also authorizes the director of charitable trusts to assess an administrative fine upon charitable trusts for failure to comply with certain requirements.

1999-1530h

Amendment to SB 78

Proposed by the Committee on Commerce - C

Amend the bill by replacing section 1 with the following:

1 Contract and Disclosure Requirements. Amend RSA 7:28-c, V(a) to read as follows:

V.(a) There shall be a written contract between a paid solicitor and a charitable trust which shall clearly state:

(1) The respective obligations of the paid solicitor and the charitable trust ~~[and shall state]~~.

(2) The amount of the gross revenue from the solicitation campaign that the charitable trust shall receive. Said amount shall be expressed as a fixed percentage of the gross revenue or as a reasonable estimate of the gross revenue, subject to and in accordance with the provisions of subparagraphs (b), (c), and (d) of this paragraph.

(3) *In addition, for charitable trusts defined under RSA 7:28-c, I(b) and any political subdivision of the state of New Hampshire: that the name and address of each person pledging to contribute, together with the date and amount of the pledge, shall be the sole exclusive property of the charitable trust with no rights to transfer, sell, rent, or otherwise cause to be used except by the originating charitable trust.*

1999-1589h

Amendment to SB 83

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 332-B:2 as inserted by section 8 of the bill by inserting after paragraph IX the following new paragraph:

X. An animal owner or their designated agent performing treatment as prescribed by a veterinarian with a valid veterinarian-patient relationship.

Amend RSA 332-B:5 as inserted by section 9 of the bill by replacing it with the following:

332-B:5 Meetings and Duties. The board shall meet at least ~~[once]~~ **6 times** a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. ~~[Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public, except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.]~~ **The quorum and the actions of the board shall be in accordance with RSA91-A.** At its annual meeting, the board shall organize by electing a president~~[-a secretary-treasurer,]~~ and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall ~~[serve as chairman of the]~~ **preside at** board meetings **and serve as administrative head of the board.** ~~[The duties of the secretary-treasurer shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for license, and keeping a register of all persons currently licensed by the board. All board records shall be open to public inspection during regular office hours. The secretary-treasurer shall give a surety bond to the board in such sum as the board may require by rule, the cost of such bond to be paid by the board.]~~ The ~~[president and secretary-treasurer]~~ **board** shall submit **annually** to the governor a report on the transactions of the board, including an account of monies received and disbursed as shall be required by the state auditors. **Records shall be kept by the administrative assistant pursuant to RSA 91-A:3.**

Amend RSA 332-B:10 as inserted by section 16 of the bill by replacing it with the following:

332-B:10 Examinations. The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The ~~[secretary-treasurer]~~ **board** shall give public notice of the time and place for each examination at least 90 days in advance of the date set for the examination. A person desiring to take an examination shall make application at least 30 days before the date of the examination. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools **and familiarity with the law and rules governing veterinary medicine in this state.** To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove ~~[himself]~~ **that he or she is** a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use ~~[the]~~ **a national examination** ~~[prepared by the National Board of Veterinary Examiners]~~ **as adopted in rules of the board. For purposes of licensure, except by reciprocity, an individual's results from a national examination shall be valid for 5 years from the date of the examination.** After each examination, the ~~[secretary-treasurer]~~ **board** shall notify each examinee of the results of ~~[his]~~ **the** examination, and the board shall issue licenses to the persons successfully completing the examination. The

~~[secretary-treasurer]~~ **board** shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

Amend RSA 332-B:14, III (e) as inserted by section 24 of the bill by replacing it with the following:

(e) By the imposition of civil penalties of up to \$2,000 per violation, or in the case of continuing violations, not more than \$200 per day, whichever is greater.

Amend RSA 332-B:19, V as inserted by section 31 of the bill by replacing it with the following:

V. In addition to other penalties imposed by this section, a person who practices veterinary medicine without a currently valid license or temporary permit shall be subject to civil penalties assessed by the board in the amount of \$2,000 per violation, or, in the case of continuing violations, \$200 for each day the violation continues, whichever is greater. A person who disputes such an assessment may request a hearing by the board, and any final disposition rendered by the board shall be enforceable as any other civil judgement.

1999-1508h

Amendment to SB 93

Proposed by the Committee on Commerce - R

Amend RSA 451-C:3 as inserted by section 1 of the bill by replacing it with the following:

451-C:3 Removal and Disposal of Personal Property. If any of the rent, charges, fees or expenses referred to in this chapter shall remain unpaid for 5 days, the owner may place a lock on the storage unit, in addition to any lock placed thereon by the occupant. The owner may deny access to the unit until the unpaid rent, charges, fees or expenses are paid in full by the occupant. If after 30 days, any of the rent, charges, fees or expenses shall remain unpaid, the owner may remove the occupant's lock as well as the owner's lock, remove any personal property from the unit and retain such personal property, and then, after first satisfying the notice provisions of RSA 451-C:4, RSA 451-C:5 and RSA 451-C:6, unless exempted by RSA 451-C:7, proceed to sell such personal property to satisfy the lien. Proceeds from the sale shall be distributed pursuant to RSA 451-C:6

Amend RSA 451-C:7 as inserted by section 1 of the bill by replacing it with the following:

451-C:7 Abandoned Property.

I. In the event that a storage unit is unlocked, and the rent on the unit is past due, and the entire contents of the unit has a total value under \$500, the property shall be deemed abandoned. Such property may then be removed from the self storage unit and shall be retained for 30 days. If after 30 days, the occupant does not claim such personal property and any of the rent charges, fees or expenses remain unpaid, and there is no lienholder of record, the owner may dispose of the property without notice to the occupant.

II. In the event that a storage unit is locked, and the rent on the unit is past due, and the entire contents of the unit has a total value under \$500, the property shall be deemed abandoned. If after 30 days, the occupant does not claim such personal property and any of the rent charges, fees or expenses remain unpaid, and there is no lienholder of record, the owner shall be exempt from the requirements of RSA 451-C:5 and RSA 451-C:6, may remove such property from the self storage unit, and dispose of the property without notice to the occupant.

Amend RSA 451-C as inserted by section 1 of the bill by inserting after RSA 451-C:9 the following new section:

451-C:10 Disclosure. An owner of a self storage facility shall disclose, in any rental agreement or lease, the terms and conditions of such rental agreement or lease and the notice provisions of RSA 451-C to an occupant before renting or leasing the storage unit.

1999-1646h

Amendment to SB 131-FN-A

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT changing the name of the office of travel and tourism to the office of travel and tourism development, and updating outdated references to the office of vacation travel.

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

1 Change Name of Office of Travel and Tourism to Office of Travel and Tourism Development. Amend the introductory paragraph of RSA 12-A:41, I to read as follows:

I. There is established a New Hampshire film and television commission within the office of travel and tourism *development*, division of economic development, department of resources and economic development. The purposes of the commission shall be:

2 Change From Office of Vacation Travel to Office of Travel and Tourism Development. Amend the following RSA provisions by replacing "vacation travel" with "travel and tourism development": RSA 6:12, I(w); 12-A:1-e, II; 216-A:3-f, III; 230:52, II; and 236:86, II, III, IV, and V.

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

AMENDED ANALYSIS

This bill changes the name of the office of travel and tourism to the office of travel and tourism development, and also updates outdated references to the office of vacation travel.

1999-1671h

Amendment to SB 167

Proposed by the Committee on Commerce - C

Amend the bill by replacing sections 1-3 with the following:

1 Statement of Purpose.

I. Off-label use of a prescription drug occurs when a health care provider with appropriate prescriptive authority prescribes a medicine for a use other than what is approved for the product label by the Food and Drug Administration (FDA). Medically appropriate off-label use of FDA-approved drugs occurs when a health care provider with appropriate prescriptive authority makes a clinical judgment that is supported by studies in the medical literature. Off-label coverage has been approved by the federal government since 1993 for federal health programs.

II. In the current health care environment, there is significant pressure to control costs. The most important changes are occurring in how patients get access to prescription drugs. It is essential to preserve the integrity of the health care provider's right to select a prescription drug that he or she believes most appropriately meets the needs of a patient. This bill supports the right of a health care provider with appropriate prescriptive authority to make a therapeutic decision that is fully supported by peer-reviewed clinical data.

2 New Section; Off-Label Prescription Drugs. Amend RSA 415 by inserting after section 6-f the following new section:

415:6-g Off-Label Prescription Drugs.

I. No insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses and providing coverage for prescription drugs shall exclude coverage for any such drug for a particular indication on the ground that the drug has not been approved by the Food and Drug Administration (FDA) for that indication, if such drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature as recommended by current American Medical Association (AMA) policies.

II. Any coverage of a drug required by this section shall also include medically necessary services associated with the administration of the drug.

III. Nothing in this section requires:

(a) Coverage for any drug if the FDA has determined its use to be contraindicated for the treatment of the particular indication for which the drug has been prescribed;

- (b) Coverage for experimental or investigational drugs not approved for any indication by the FDA; and
- (c) Reimbursement or coverage for any drug not included on the drug formulary or list of covered drugs specified in a health plan, contract, or policy.

3 New Section; Off-Label Prescription Drugs. Amend RSA 415 by inserting after section 18-h the following new section:

415:18-i Off-Label Prescription Drugs.

- I. No insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses and providing coverage for prescription drugs shall exclude coverage for any such drug for a particular indication on the ground that the drug has not been approved by the Food and Drug Administration (FDA) for that indication, if such drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature as recommended by current American Medical Association (AMA) policies.
- II. Any coverage of a drug required by this section shall also include medically necessary services associated with the administration of the drug.
- III. Nothing in this section requires:

- (a) Coverage for any drug if the FDA has determined its use to be contraindicated for the treatment of the particular indication for which the drug has been prescribed;
- (b) Coverage for experimental or investigational drugs not approved for any indication by the FDA; and
- (c) Reimbursement or coverage for any drug not included on the drug formulary or list of covered drugs specified in a health plan, contract, or policy.

1999-1644h

Amendment to SB 175-FN

Proposed by the Committee on Commerce - R

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

AN ACT requiring insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.

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

1 New Section; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 415 by inserting after section 18-h the following new section:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group or blanket policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

2 New Section; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-A by inserting after section 17-b the following new section:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that

issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group or blanket policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

3 New Section; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-B by inserting after section 8-g the following new section:

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group or blanket health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

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

AMENDED ANALYSIS

This bill requires group insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.

1999-1524h

Amendment to SB 177

Proposed by the Committee on Commerce - C

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

1999-1674h

Amendment to SB 186-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 increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

Amend the bill by replacing section 1 with the following:

1 Service Retirement; Group II; Minimum Allowance Increased. Amend RSA 100-A:5, II (c) (1) to read as follows:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on a full service retirement allowance shall receive a minimum service retirement allowance of [~~\$5,200~~] **\$7,500**. In comparing the minimum

service retirement allowance and the full service retirement allowance, the full service retirement allowance shall be the sum of the basic allowance plus COLA's. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the [~~\$5,200~~] **\$7,500** which shall be based upon the optional allowance which the surviving spouse is receiving. Under no circumstances shall the provisions of this subparagraph be construed to reduce the retirement benefits being paid to a group II member as of the effective date of this subparagraph.

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

3 Funding of Minimum Allowances. The total actuarial cost of the additional allowances provided in RSA 100-A:5, II(c)(1) as inserted by section 1 of this act shall be funded on a terminal basis from the special account established in RSA 100-A:16, II(h).

4 Repeal. RSA 100-A:5, II(c)(2) and (3), relative to the reduction in minimum service retirement allowance due to federal social security benefits or other benefits, are repealed.

5 Effective Date. This act shall take effect September 1, 1999.

AMENDED ANALYSIS

This bill increases the minimum allowance to retired group II members.

This bill also requires a spousal acknowledgment for an election or change of an optional allowance.

1999-1611h

Amendment to SB 189-FN

Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 1 with the following:

1 New Chapter; Civil Rights Act. Amend RSA by inserting after chapter 354-A the following new chapter:

CHAPTER 354-B

CIVIL RIGHTS ACT

354-B:1 Civil Rights Enforcement.

I. All persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, gender, or disability. "Threatened physical force" and "threatened damage to or trespass on property" is a communication, by physical conduct or by declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with a purpose to terrorize or coerce.

II. It shall be unlawful for any person to interfere or attempt to interfere with the rights secured by this chapter.

354-B:2 Civil Action by Attorney General.

I. Whenever the attorney general has probable cause to believe that any person has violated any provision of this chapter, the attorney general may bring a civil action for injunctive or other appropriate equitable relief.

II. The civil action brought by the attorney general shall be filed in the superior court or, in the case of a child under the age of 17, either in superior court or the district court in the county or judicial district where the alleged violator resides or where the alleged conduct occurred. In the case of a child under the age of 17, all such proceedings shall be confidential.

III. Testimony given during civil proceedings held under this chapter by a person alleged to have violated any provision of this chapter shall not be admissible in a criminal proceeding against that person when the criminal proceeding is based on the same

event.

IV. In a civil action brought under this chapter, the attorney general shall have the burden of proving the violation by clear and convincing evidence.

354-B:3 Remedies. Each violation of this chapter is a civil violation for which the court may impose any of the following:

I. A civil penalty of not more than \$5,000 for each violation.

II. Such appropriate injunctive relief as the court may deem necessary to prevent continued violation of this chapter or to protect lawful exercise of these rights secured by this chapter.

III. Other equitable relief, including restitution to any person damaged by the violation. For the purposes of this paragraph "restitution" means out-of-pocket expenses incurred by the person damaged by the violation to the extent not covered by other sources.

IV. Nothing in this section shall limit the right of the person damaged by the violation to pursue any other appropriate cause of action.

354-B:4 Violation of Civil Injunction, Criminal Penalty.

I. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this chapter shall be guilty of a class A misdemeanor.

II. Each temporary restraining order or preliminary or permanent injunction issued under this chapter shall include a statement describing the penalties provided in this chapter for knowing violation of the order or injunction. Any combination of injunctions issued under this chapter shall be for a total period of time not to exceed 3 years but may be extended by order of the court upon motion by the attorney general.

III. The clerk of the appropriate court shall transmit one certified copy of each order or injunction issued under this chapter to the appropriate law enforcement agency having jurisdiction over the location where the defendant is alleged to have committed the act giving rise to the action and to the law enforcement agency where the defendant resides, if different.

IV. All actions brought under this chapter shall have priority in the court scheduling in the court in which the action is brought. Superior court rules relative to temporary restraining orders and injunctions shall apply in actions brought in district courts under this chapter.

354-B:5 Applicability to Persons Under the Age of 17. Notwithstanding any other provision of law, an action may be brought in superior court against a person under the age of 17 under this chapter. All provisions of this chapter shall apply to such actions.

354-B:6 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

1999-1641h

Amendment to SB 191

Proposed by the Committee on Commerce - C

Amend RSA 195-D:4, IV as inserted by section 12 of the bill by replacing it with the following:

IV. The board of directors shall elect one of its members as ~~[chairman]~~ **chairperson**, another as vice ~~[chairman]~~ **chairperson**, and shall also elect a secretary, who need not be a member of the board. Four members of the board of directors constitute a quorum, and the vote of ~~[4 members of the board of directors]~~ **a majority of the members constituting a quorum present and voting** is necessary for any action taken by the corporation. A vacancy in the membership of the board of directors of the corporation does not impair the right of a quorum to exercise all the powers and perform the duties of the corporation. ***Notwithstanding RSA 91-A or any other law to the contrary, members of the board shall be permitted to participate in meetings by telephone, provided that any board member so participating shall be able to be heard and to hear every other board member participating in the meeting, and unless the board is meeting in nonpublic session pursuant to RSA 91-A:3, shall be able to hear and be heard by all members of the public attending the meeting, and***

that the meeting is held at a physical location available to the public and identified in the notice of the meeting, and that at least 2 members of the authority are physically present at the meeting. Voting members of the board participating by telephone shall be treated as present at the meeting for all purposes, including the establishment of quorum.

1999-1673h

Amendment to SB 183-FN-A

Proposed by the Committee on Commerce - C

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

AN ACT requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to rates for pharmaceutical services, requiring the department to conduct a study, and establishing a subcommittee to study affordable health insurance for low-income working adults.

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

1 New Section; Report Required. Amend RSA 126-A by inserting after section 4 the following new section:

126-A:4-a Health Care Plan Report Required. The department of health and human services is responsible for activities to improve and protect the health and well-being of citizens of the state of New Hampshire. A part of such activities is an assessment of the health status of the residents of New Hampshire. The department shall continually conduct such an assessment and shall issue a report thereon to the governor, the president of the senate, and the speaker of the house every 2 years commencing on December 31, 2000.

2 New Subparagraph; Pharmaceutical Services. Amend RSA 126-A:3, III by inserting after subparagraph (d) the following new subparagraph:

(e) When a person is being assisted by a city, town, or county in the purchase of a drug product, pursuant to RSA 165 or RSA 166, no provider of pharmaceutical services shall bill or charge the person, city, town, or county for the drug product at a rate in excess of the rate that would be billed or charged the department of health and human services for that product.

3 Statement of Purpose; Developing Transitional Health Care Coverage for Disabled Persons. Approximately 5,000 individuals in New Hampshire are enrolled in 2 state supplemental assistance programs – the aid to the permanently and totally disabled program and the aid to the needy blind program – which provide financial assistance to individuals who are physically or mentally disabled between the ages of 18 and 64 (4,923 individuals) or blind (219 individuals). These individuals are automatically eligible for medicaid. However, they risk losing medicaid coverage if their earnings from employment (combined with other income) exceed medicaid eligibility income limits. Many of these individuals' lives depend on their eligibility for medicaid because it covers necessary medications, physician services, and medical equipment. While 4 out of 5 of these individuals have responded when asked that they want to obtain employment and leave cash assistance dependency, a critical concern is losing their health care benefits. In effect, they are "locked" out of employment in order to maintain their health insurance. A critical next step in reforming New Hampshire's human service programs and supporting persons with disabilities is developing transitional health care coverage to help people transition to employment without risk to their health.

4 Department of Health and Human Services; Study. The department of health and human services shall investigate how to create better options for transitional public or private health coverage for these individuals. The department shall explore medicaid "buy-in" options, where covered persons may contribute financially, and seek such medicaid waivers and state plan changes as may be appropriate to enable individuals with disabilities to secure and maintain gainful employment without fear of losing health insurance coverage.

5 Statement of Purpose; Coverage for Low-Income Working Adults. In New Hampshire, many low-income, working adults lack adequate access to health care services and experience diminished health outcomes because they cannot obtain affordable health insurance coverage. There is hereby established a subcommittee of the New Hampshire healthy kids corporation board of directors, established in RSA 126-H:3, to research and develop options for affordable health insurance for these individuals.

6 Healthy Kids Subcommittee Established.

I. The department of health and human services shall work with a subcommittee that is comprised of appropriate members of

the healthy kids corporation board of directors and that includes other members as follows:

- (a) One member appointed by the New Hampshire Medical Society.
- (b) One member appointed by the New Hampshire Nurses Association.
- (c) One member appointed by the Home Care Association of New Hampshire.
- (d) One member from a community health center appointed by the Bi-State Primary Care Association.
- (e) One member appointed by the New Hampshire Association of Health Plans.
- (f) One member appointed by the University of New Hampshire School of Health and Human Services.
- (g) Two consumers appointed by the governor and council.

II. The subcommittee shall:

- (a) Review information on the characteristics of New Hampshire's uninsured population, based on the results of the New Hampshire Health Insurance Coverage and Access Survey.
- (b) Identify, based on the Health Insurance Coverage and Access Survey, the population groups and geographic areas that are most appropriately targeted.
- (c) Examine models for affordable health coverage, including models from other states.
- (d) Identify options that would be most effective.
- (e) Develop cost projections for those options.
- (f) Research the level of premium contributions that eligible individuals would be willing to pay.
- (g) Identify potential sources of funding.

III. The subcommittee shall elect a chairperson from among its members. The first meeting of the subcommittee shall be called by the commissioner of health and human services. The department of health and human services shall provide administrative staff support. The department of health and human services and the New Hampshire healthy kids corporation shall jointly seek funding to support the subcommittee's work.

IV. The subcommittee 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 30, 2000.

7 Effective Date.

I. Sections 3-6 shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

- (1) Requires the department of health and human services to make a biennial report on the health status of New Hampshire residents.
- (2) Requires that the rates paid for pharmaceutical services by a city, town, or county pursuant to RSA 165 or RSA 166 shall not be in excess of the rates paid by the department of health and human services for such services.
- (3) Requires the department of health and human services to conduct a study regarding transitional health care coverage for disabled persons.
- (4) Establishes a subcommittee to research and develop options for affordable health insurance for low -income working adults.

1999-1627h

Amendment to SB 197-FN-A

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

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

AN ACT adding a duty to the committee to study the state substance abuse treatment delivery system.

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

1 Statement of Purpose. The general court desires to respond to the needs of citizens who are addicted to heroin and who require access to effective and appropriate treatment. Therefore, the general court hereby requires the study of the feasibility of establishing a pilot program for opioid agonist therapy of addiction.

2 Duty Added. Amend 1998, 247:3 to read as follows:

247:3 Duties. The committee shall study the services provided by the department of health and human services under the state substance abuse treatment delivery system. ***The committee shall also review the feasibility of establishing a pilot program for opioid agonist therapy of addiction and recommend the number of sites, types of locations, treatment modalities and the funding mechanisms for such pilot program.***

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

AMENDED ANALYSIS

The bill requires the committee studying the state substance abuse treatment delivery system to study the feasibility of establishing a pilot program for opioid agonist therapy of addiction.

1999-1516h

Amendment to SB 198-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 voluntary certification of persons installing or servicing propane gas or heating oil equipment.

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

1 Certification of Heating Equipment Installers, Heating Equipment Service Personnel and Gas Piping Installers; Penalty.

I. The state fire marshal shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and commercial heating equipment systems or domestic water heating systems using heating oil, liquefied petroleum gas (propane) or natural gas.

(b) Individuals involved in the servicing and repair of heating equipment and domestic water heating systems using heating oil, liquefied petroleum gas or natural gas.

(c) Individuals involved in the installation of gas piping for heating systems or domestic water heating systems using natural gas or liquefied petroleum gas.

II. The state fire marshal, with the approval of the commissioner of safety, shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum educational and training standards for voluntarily certified heating equipment installers, heating equipment service personnel, and gas piping installers.

III. The state fire marshal shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year.

IV. Whoever falsely claims to be certified under this section through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

2 Advisory Committee on Heating System Certification.

I. There is established a heating system certification advisory committee appointed by the governor with the advice and consent of the council.

II. The advisory committee shall assist the state fire marshal in carrying out the duties assigned under section 1 of this act by providing advice regarding:

(a) Developing rules under paragraph II of section 1 of this act.

(b) Implementing the certification program under section 1 of this act.

III. The advisory committee shall include:

(a) Two representatives of New Hampshire propane gas supply companies.

(b) Two representatives of New Hampshire natural gas utility companies.

(c) Two representatives of the oil heat industry, one recommended by the Better Home Heating Council of New Hampshire, and one recommended by the New Hampshire chapter of the National Association of Oil Heating Service Managers.

(d) Two representatives of the mechanical trades, one recommended by the New Hampshire chapter of the National Plumbing, Heating and Cooling Contractors Association, or its successor organization, and one recommended by the New Hampshire chapter of the Propane Gas Association of New England.

(e) One individual experienced in the training and education of heating system installers, recommended by the commissioner of the regional community-technical colleges.

(f) One representative of the New Hampshire Association of Fire Chiefs, recommended by the association.

(g) Two individuals from the public-at-large.

3 Repeal. Sections 1 and 2 of this act, relative to a program for voluntary certification of persons installing or servicing propane gas or heating oil equipment, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect September 1, 2002.

II. The remainder of this act shall take effect September 1, 1999.

AMENDED ANALYSIS

This bill establishes within the office of the state fire marshal a 3-year voluntary certification program for persons installing or servicing heating fuels or heating fuel equipment.

This bill provides penalties for those who falsely claim to be certified heating equipment installers, heating equipment service personnel and gas piping installers.

This bill also establishes an advisory committee to provide advice to the state fire marshal in carrying out the fire marshal's duties under this act.

The provisions of this bill are repealed 3 years after adoption.

1999-1613h

Amendment to SB 200

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 child day care licensing procedures.

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

1 Applications; Exemption for Existing School-Based Child Care Centers. Amend RSA170-E:6 to read as follows:

170-E:6 Applications; Compliance with Local Codes Required. Any person who intends to operate a child day care agency as defined in RSA 170-E:2, IV, shall apply for a license to operate one or more types of child day care agencies. Application for a license to operate a child day care agency shall be made to the department in the manner and on forms prescribed by rules adopted by the commissioner pursuant to RSA 541-A. Such forms shall provide for the names, birth names, birth dates, and addresses of all persons having responsibility for care of or regular contact with children at the agency. The applicant shall obtain approvals in accordance with state and local requirements pertaining to health, safety and zoning, as applicable. ***School age programs located in currently operating public or private schools shall be exempt from the requirement to provide documentation of approval pertaining to fire, health, and zoning.***

2 Criminal Record Checks. Amend RSA 170-E:7, I-III to read as follows:

I. Child day care providers ~~[which]~~ ***who*** are required to be licensed or registered according to the provisions of this chapter shall, within 30 days of adding new staff members responsible for the care of, or having regular contact with children, ***and within 30 days of adding new household members or other individuals who will have regular contact with children,*** submit to the department, the names, birth names, birth dates, and addresses of such ~~[staff members]~~ ***individuals*** and other information required by the department as prescribed by rules adopted by the commissioner under RSA 541-A.

II. The department shall, for every name submitted on ~~[the]~~ ***an*** application, in the registration process, and for each ~~[new staff member, or at each renewal,]~~ ***individual for whom information is required to be submitted pursuant to paragraph I,*** review the names, birth names, birth dates, and current and previous addresses of such persons against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates, and addresses to the state police files to obtain information about criminal convictions.

III. If any individual whose name has been submitted for a check under this section has been convicted of a violent or sexually-related crime against a child, or of a crime which shows that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, the department shall ~~[deny, revoke, or suspend a license, permit, or registration pending the development and implementation of a corrective action plan approved by the department. In addition, the department shall,]:~~

(a) If the individual is the applicant or owner, revoke or deny the license or permit, or withhold state funds if the child day care provider is not required to be licensed.

(b) If the individual is a board member, household member, or child day care personnel, or any other individual having regular contact with the enrolled children, inform the child day care agency or registered provider that the individual poses a threat to children and give the agency or registered provider an opportunity to take immediate corrective action to remove the individual from the agency, and to, in conjunction with the department, develop a corrective action plan, approved by the department, which shall ensure that the individual will not be on the premises of the child day care program and shall have no contact with children enrolled in the child day care program.

(c) Suspend, deny, or revoke the license or permit if the child day care program refuses to take corrective action as indicated in subparagraph (b), or subsequently fails to comply with the corrective action plan approved by the department.

(d) Upon a finding of criminal activity as described in this paragraph, withhold state funding to registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4 [pending the development and implementation of a] if the provider refuses to take corrective action as indicated in subparagraph (b), or fails to comply with the corrective action plan approved by the department.

3 License Issuance. Amend RSA 170-E:8, III to read as follows:

III. The department shall make monitoring visits a minimum of once yearly during each licensing period. At least one such visit

during the licensing period shall be unannounced. Clear and comprehensive records shall be maintained by the department on each licensed agency showing the dates and findings of each such visit. Such records shall be made available to the child day care agency. If the child day care agency is found not to be in compliance with the statute or ~~the~~ **with** rules adopted by the commissioner, a corrective action plan shall be submitted to the department. Failure to submit an acceptable plan shall result in license suspension, **denial** or revocation.

4 Household Members Having Contact with Children. Amend RSA170-E:12, XI to read as follows:

XI. ~~[Continues to employ a person without taking corrective action after receipt of written notification from the department that the person poses a risk to children, such notification including the basis for the department's determination that the risk exists]~~
Meets the conditions specified in RSA 170-E:7, III.

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

AMENDED ANALYSIS

This bill:

- I. Adds household members and persons having contact with children in child day care programs to list of persons required to undergo background checks.
- II. Further defines the compliance process for child care facilities.

1999-1677h

Amendment to SB 201-FN

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

Amend RSA 639:4, II as inserted by section 1 of the bill by replacing it with the following:

II. In this section, non-support shall be:

- (a) A class B felony if the arrearage of support has remained unpaid for a cumulative period of more than one year; or**
- (b) A class B felony if the amount of the arrearage is more than \$10,000; or**
- (c) A class B felony if the obligor has been previously convicted of non-support under this section or if the obligor has been convicted of a similar criminal nonsupport offense in another state and the arrearage of support in this state has remained unpaid for a cumulative period of more than one year; or**
- (d) A class A misdemeanor in all other cases.**

AMENDED ANALYSIS

This bill reclassifies non-support as a class B felony where the arrearage has been unpaid for more than one year or is greater than \$10,000, or if the obligor has been previously convicted of a similar criminal nonsupport offense in another state and the arrearage of support in this state has remained unpaid for a cumulative period of more than one year. In all other cases, nonsupport is a class A misdemeanor.

1999-1615h

Amendment to SB 209-FN-LOCAL

Proposed by the Committee on Judiciary - C

Amend paragraph I of section 2 of the bill by replacing it with the following:

- I. The members of the committee shall be as follows:
 - (a) Three members of the senate, who shall be members of the judiciary committee, appointed by the president of the senate.

(b) Three members of the house of representatives, who shall be members of the judiciary committee, appointed by the speaker of the house.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before February 15, 2000.

1999-1578h

Amendment to SB 214-FN

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

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

AN ACT relative to the health services planning and review board and the certificate of need process.

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

1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. Amend RSA 151-C:1, III to read as follows:

III. The state has an interest in promoting and stimulating **competition and** collaboration among providers in the health care marketplace as a means of managing the increases in health care costs.

2 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (c) to read as follows:

(B) ~~Three~~ **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) ~~Two~~ **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The ~~other~~ **second** provider shall be nominated by the New Hampshire Health Care Association. **The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.**

3 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. **Members of the board are not eligible for reappointment upon expiration of their terms.**

4 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII. (a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. **The staff director shall also testify at public hearings to defend staff analyses and recommendations to the board.** The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; **provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire. Notwithstanding this subparagraph or any other provision of law to the contrary, the staff members shall report to the board**

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his **or her** duties.

5 Expenditure Decreased. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than ~~[\$1,500,000]~~ **\$1,250,000**. ~~[The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.]~~ ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

6 Expenditure Increased. Amend RSA 151-C:5, II(f) to read as follows:

(f) The construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than ~~[\$1,000,000]~~ **\$1,250,000**. ~~[The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.]~~ ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

7 Definition. Amend RSA 151-C:2, I to read as follows:

I. "Ambulatory surgical facility" means a facility ~~[which is not physically attached to a health care facility and]~~ which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

8 Definition; Major New Facilities. Amend RSA 151-C:2, XXV to read as follows:

XXV. "Major new facilities" means the construction, development, or other establishment of a new health care facility, the total cost of which is in excess of ~~[\$1,000,000]~~ **\$1,250,000**.

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

AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. For the purposes of certificate of need, the bill increases the expenditure for certain proposed new facilities from \$1,000,000 to \$1,250,000 and decreases the expenditure for acute care facilities from \$1,500,000 to \$1,250,000.

The bill also requires the staff appointed to serve the board to report to the board.

1999-1654h

Amendment to SB 223-FN-A

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

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

AN ACT establishing a wellness and primary prevention council.

Amend RSA 126-M:3, I as inserted by section 1 of the bill by replacing it with the following:

- I. There is hereby established a wellness and primary prevention council which shall consist of 17 members as follows:
- (a) Four members appointed by the governor, at least one of whom shall be an approved service provider and one of whom shall be a medical provider.
 - (b) One member of the house of representatives, appointed by the speaker of the house.
 - (c) One member of the senate, appointed by the senate president.
 - (d) Four members appointed by the governor from geographically distinct family resource centers, at least 2 of whom shall be parents or consumers and one who shall be the director of a family resource center.
 - (e) The commissioner of health and human services, or designee.

- (f) The commissioner of the department of education, or designee.
- (g) The administrative judge of the district court, or designee.
- (h) The attorney general, or designee.
- (i) One member who is a representative of the governor's Kids' Cabinet, appointed by the governor.
- (j) Two members representing county government, one of whom shall be a human services administrator, appointed by the New Hampshire Association of Counties.

Amend RSA 126-M:4 as inserted by section 1 of the bill by replacing it with the following:

126-M:4 Duties. The council shall facilitate the development and delivery of wellness and primary prevention services by:

- I. Identifying, redirecting, and developing appropriate federal, state, and private funding sources to ensure to the extent possible that:
 - (a) Existing family resource centers and other community programs providing wellness and primary prevention services for families and children are able to continue to provide quality programs, develop mechanisms to collaborate with each other, and monitor progress in their ability to promote the health and development of the families and children in their communities; and
 - (b) Communities wishing to develop similar programs and collaborations receive access to technical assistance and available funding from appropriate members of the public and private sector.
- II. Assisting in the transmission of state and federal funds which are designated to be utilized in addressing issues related to the well being of families and children in communities. The council may, among other things, assist executive branch agencies in contracting with family resource centers and other community programs to provide wellness and primary preventive services.
- III. Assessing, in partnership with agencies that work in cooperation with community-based family resource centers, the current statewide status and providing ongoing monitoring of the availability of family resource centers and other community programs providing wellness and primary prevention services.
- IV. Compiling and reviewing research, statistical data, and other relevant information from sources within New Hampshire and around the country for purposes of advising the 3 branches of government with respect to issues confronting children and families in New Hampshire. This would include, but not be limited to, demographic data, vital statistics, "Kids Count" data school system data, case data from the courts, the department of health and human services, the department of education and other executive branch departments, expense information related to services and programs provided to children and families, crime records, and university research.
- V. Working with existing organizations and other relevant state and private entities to develop new, and where appropriate, enhance existing mechanisms for program quality assurance, technical assistance in program development, and community databases that can be used by local communities to monitor progress toward their established goals.
- VI. Serving as an institutional forum and catalyst for the discussion of issues relating to children and families through seminars, forums, special studies, and other means within the limits of available state, federal, and private funding.
- VII. Providing information and recommendations to the general court, governor, and executive branch departments, the courts, and other public officials, departments or agencies concerning the status and condition of children and families.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as section 2.

AMENDED ANALYSIS

This bill establishes a wellness and primary prevention council for the purpose of encouraging, promoting, and coordinating wellness and primary prevention services statewide.

1999-1598h

Amendment to SB 224

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 notice requirements and recording of hearings in contested cases and relative to records and availability of transcripts of adjudicative hearings on occupational licensing.

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

1 New Subparagraphs; Contested Cases in Adjudicative Proceedings; Notice Requirements. Amend RSA 541-A:31, III by inserting after subparagraph (d) the following new paragraphs:

(e) A statement that each party has the right to have an attorney present to represent the party at the party's expense.

(f) For proceedings before an agency responsible for occupational licensing as provided in paragraph VII-a, a statement that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request be submitted in writing at least 10 days prior to the proceeding.

2 Contested Cases; Record of Oral Proceedings. Amend RSA 541-A:31, VII to read as follows:

VII. The entirety of all oral proceedings shall be recorded verbatim ***by the agency and such record shall be available pursuant to RSA 91-A for at least 60 days after the decision or order.*** Upon the request of any party or upon the agency's own initiative, such record shall be transcribed ***by the agency*** if the requesting party or agency shall ~~first~~ pay all reasonable costs for such transcription. ***Any party may record an oral proceeding, have a transcription made at the party's expense, or both, but only the transcription made by the agency from its verbatim record shall be the official transcript of the proceeding.***

3 New Paragraph; Occupational Licensing Proceeding; Certified Shorthand Court Record. Amend RSA 541-A:31 by inserting after paragraph VII the following new paragraph:

VII-a. At the request of a party in any oral proceeding involving disciplinary action before an agency responsible for occupational licensing except for an emergency action under RSA 541-A:30, III, the record of the proceeding shall be made by a certified shorthand court reporter provided by the agency at the requesting party's expense. A request shall be submitted to the agency in writing at least 10 days prior to the day of the proceeding. If a transcript is not provided within 60 days of a request by a person who is a respondent party in a disciplinary proceeding before an agency responsible for occupational licensing, the proceeding shall be dismissed with prejudice.

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

AMENDED ANALYSIS

This bill adds notice requirements and provides that a stenographic record shall be made by a certified shorthand court reporter in an agency adjudicative proceeding on occupational licensing, upon the request of a party to the proceeding, and requires dismissal of a complaint if a transcript is not provided.