

HOUSE RECORD

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

Vol. 22 Concord N.H. Wednesday, January 5, 2000 No. 5

HOUSE JOURNAL No. 27 (cont.)

Wednesday, November 3, 1999

(Speaker Sytek in the Chair)

committee assignments

Rep. Thomas J. Boriso off Election Law.

Rep. Vivian J. Desmarais off Wildlife and Marine Resources; on Election Law.

Rep. John E. Tholl, Jr. off Public Works and Highways; on Criminal Justice and Public Safety.

senate message

requests concurrence with amendment

HB 625-FN-A, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.
(Amendment printed SJ 29, 10/22/99).

Rep. Bradley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bradley, Norelli, MacGillivray and Gilmore.

RECESS

(Rep. Foster in the Chair)

senate message

requests concurrence with amendment

HB 615-FN-A, establishing a registry for brain and spinal cord injuries. (Amendment printed SJ 29, 10/22/99).

Rep. Nordgren moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Emerton, Kurk, Mercer and Donovan.

RECESS

(Speaker Sytek in the Chair)

The Speaker called the recessed session of November 3, 1999 to order at 10:30 a.m. on Wednesday, January 5, 2000 and declared a quorum present.

communications

November 10, 1999

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Coos 7, John T. Gallus, r, Berlin (292 Prospect St.) 03570

William M. Gardner, Secretary of State

December 15, 1999

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Merrimack 2, Jay Rosenfield, d, New London (329 Route 103A) 03257

Rockingham, 12, William J. Kelley, r, Raymond (60 Onway Lake Road) 03077

William M. Gardner, Secretary of State

committee assignments

Rep. John T. Gallus on Resources, Recreation and Development.

Rep. William J. Kelley on Municipal and County Government

Rep. Jay Rosenfield on Wildlife and Marine Resources.

amendment to house rules

The Rules Committee offered the following:

Amendment (2267h)

Amend House Rule 36(b) by replacing it with the following:

(b) All bills, resolutions, petitions, memorials and other papers addressed to the House, shall be endorsed with the name and the

district of the legislator presenting them. All legislation shall be numbered serially according to type of legislation introduced. Each bill shall be marked on the first page "House Bill"; each joint resolution shall be marked "House Joint Resolution"; each concurrent resolution proposing a constitutional amendment shall be marked "Constitutional Amendment Concurrent Resolution"; other concurrent resolutions shall be marked "House Concurrent Resolution"; and each house resolution shall be marked "House Resolution."

Amend House Rule 40 by replacing it with the following:

40. All House Bills, House Joint Resolutions, House Constitutional Amendment Concurrent Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction. Exceptions:

(a) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, House Constitutional Amendment Concurrent Resolution, or House Concurrent Resolution may be introduced into the House at any time prior to the crossover date specified in Rule 64, if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor; and

(b) House Resolutions proposing that the House take a policy position may be introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor.

Amend House Rule 46(b) by replacing it with the following:

(b) All bills and resolutions affecting state revenues or fees shall, if approved by the House when reported from the appropriate policy committee, be referred to the Committee on Finance. Any bill or resolution establishing, amending, or repealing a state fee established in statute, excluding professional licensing fees, shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance.

Amend House Rule 63 by adding the following sentence:

With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting devices and/or receiving devices on the floor of the House.

Amend House Rule 64 by inserting the following after the December 21, 1999 entry:

February 10, 2000, Thursday – Last day to act on remaining re-referred bills

February 24, 2000, Thursday – Last day to act on all bills going to a second committee

March 30, 2000, Thursday – Last day to act on all remaining House bills

April 20, 2000, Thursday – Last day to act on all Senate bills going to a second committee

May 18, 2000, Thursday – Last day to act on Senate bills

May 23, 2000, Tuesday – Last day to form committees of conference

May 26, 2000, Friday – Last day to sign off on Committee of Conference reports

May 31, 2000, Wednesday – Last day to act on Committee of Conference reports

Rep. Chandler spoke in favor.

Rep. Weyler requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Weyler moved that the section amending rule 63 be voted on separately and spoke against.

Reps. Jacobson, Burling and Welch spoke in favor.

Rep. Quandt spoke against.

Rep. Lozeau spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the section amending rule 63.

YEAS 280 NAYS 57

YEAS 280

BELKNAP

Boriso, Thomas	Czech, Stanley	Holbrook, Robert	Lawton, David
Millham, Alida	Pilliod, James	Rice, Thomas	Thomas, John
Turner, Robert	Wood, Jane		

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meader, David	Mitchell, McKim	Richardson, Barbara	Riley, William
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

COOS

Davis, Perley	Gallus, John	Glines, Sara	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
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Dudley, Terri	Eaton, Stephanie	Guest, Robert	Marshall, Gene
Nordgren, Sharon	Phinney, William	Picconi, Al	

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Chabot, Robert	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Hansen, Herbert
Herman, Keith	Herman, Richard	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martin, Mary	McCarthy, William	McCarty, Winston
McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Milligan, Robert	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Sarette, John	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, John	Withee, Dennis		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray

Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Whalley, Michael
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Cox, Russell
Dearborn, Bruce	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Ruffner, Walter
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Whittier, John	

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Keans, Sandra	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	McIntyre, Sara	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	Young, David

NAYS 57

BELKNAP

Bartlett, Gordon	Boyce, Robert	Johnson, James	Rosen, Ralph
Wendelboe, Francine			

CARROLL

Dickinson, Howard	Sullivan, P Judith	Torressen, Gary
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CHESHIRE

None

COOS

None

GRAFTON

Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Harmon, Hobart	MacNeil, Allen	Mirski, Paul
Scanlan, David	Weber, Phil		

HILLSBOROUGH

Baroody, Benjamin	Bruno, Pierre	Christiansen, Lars	Dokmo, Cynthia
Fenton, James	Jean, Loren	Martel, Andre	McRae, Karen
Rowe, Robert	Vaillancourt, Steve	White, Donald	

MERRIMACK

Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard	Soltani, Tony
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ROCKINGHAM

Beaulieu, Jon	Carson, Gregory	Corbin, C David	DiFruscia, Anthony
Fesh, Robert	Flanagan, Natalie	Grant, Kenneth	Hamel, Albert
Kelley, William	McKinney, Betsy	Mikowski, Walter	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Rubin, George	Sabella, Norma
Sapareto, Frank	Stickney, Nancy	Weare, Everett	Weyler, Kenneth

STRAFFORD

Pelletier, Arthur	Woods, Phyllis
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SULLIVAN

Kibbey, David	Leone, Richard
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and the section amending rule 63 was adopted.

The question now being the remainder of the amendment to House Rules.

Rep. Burling spoke in favor.

Adopted.

senate messages

accedes to requests for committees of conference

HB 615-FN-A, establishing a registry for brain and spinal cord injuries.

The President appointed Sens. Squires, Krueger and Fernald.

HB 625-FN-A, relative to mercury emissions reduction and control program and a study of mercury in as landfills.

The President appointed Sens. Russman, Pignatelli and Cohen.

RECESS

(Speaker Sytek in the Chair)

regular calendar

CACR 16, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund shall be used exclusively to provide relief from local school property taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Finance: This proposed constitutional amendment came to the House after passing the Senate by the requisite three-fifths vote. There was testimony that this CACR passed the Senate in a compromise wherein CACR 17 was passed at the same time. That fact notwithstanding, the Finance Committee considered each CACR separately. This was viewed as a flawed amendment even by those who expressed a modicum of support. It attempts to accomplish several goals. First, it grants the General Court the power to impose an income tax, a power which the General Court already has. Thus, the CACR is not necessary on that front and was viewed by some as an attempt to place forward a referendum in the guise of a constitutional amendment.

The CACR would also limit any income tax, should one ever be passed, to four percent without a three-fifths vote by both the House and Senate. Some viewed this as a compromise, an attempt to minimize the level of what might happen in the future. The majority, however, saw this as both unnecessary and ultimately unwise. If, at some time in the future, an income tax might be viewed as the best solution to raising revenue, would it be best to limit it to four percent or to leave that decision up to the future legislature which would consider it?

The CACR also attempts to restrict any monies raised by an income tax to the funding of education by placing the monies in the education trust fund. Further, the CACR attempts to guarantee that monies raised from any income tax be used to provide local property tax relief. Whether or not the CACR is worded so as to accomplish these goals is problematic. In any event, all the goals in this CACR could be accomplished by any future General Court which would so desire. It is not constitutional wording which would prevent such legislation but rather the will to move in such a desired direction. Vote 14-6.

Adopted.

CACR 17, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Finance: The Senate passed CACR 17 in November 1999 as a companion amendment to CACR 16, which concerned limitations on any future NH income tax, were such a tax to be enacted. CACR 17 would amend Article 83, second part, and assert legislative authority in setting public education policy, and affirm the state's responsibility for providing to all citizens the opportunity to receive a public education. It also claims legislative power to fulfill this responsibility by imposing rates and taxes on other political subdivisions within the state as long as those rates and taxes were proportional within those subdivisions. In effect it would allow a return to the education funding system in place prior to the various Claremont rulings.

After careful examination of CACR 17, a serious drafting problem was brought to light. There is a difference in the wording of the actual language that would be inserted in the constitution and the wording for the question that would be put to the voters. In similar past circumstances where there is a disconnect between actual amendment language and voter intent, the Supreme Court has ruled such an amendment and vote to be invalid. The Finance Committee considered an amendment to CACR 17 that would remedy this defect, but in testimony by Senate sponsors came to understand that body would likely reject any modifications to the Senate version. An additional amendment was considered that would separate the legislative authority assertion from the funding mechanisms and allow only the legislative authority part to go forward. After additional information gathering and debate this approach too was rejected. It was felt this approach should be considered through a separate CACR.

The funding of public education and various constitutional amendments will continue to be primary legislative concerns. However the committee felt that fresh initiatives in the 2000 session would be a better process to follow rather than to continue with last year's effort that linked both CACRs 16 and 17 and therefore voted Inexpedient to Legislate. Vote 17-1.

motion to lay on the table

Rep. Wendelboe moved that **CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed, be laid on the table.

The motion failed.

regular calendar (cont'd.)

The question now being the adoption of the Committee Report on CACR 17.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 287 NAYS 43

YEAS 287

BELKNAP

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Millham, Alida
Pilliod, James	Rosen, Ralph	Thomas, John	Turner, Robert
Wood, Jane			

CARROLL

Chandler, Gene	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Richardson, Barbara	Riley, William	Roberts, William
Robertson, Timothy	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Glines, Sara	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Tholl, John Jr		

GRAFTON

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Guest, Robert	Hall, David
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Hansen, Herbert
Herman, Keith	Herman, Richard	Holley, Sylvia	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
Martel, Andre	McCarthy, William	McCarty, Winston	McColgan, Philip Jr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, John	Withee, Dennis		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
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Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Whalley, Michael
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Carson, Gregory	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II
Rabideau, Marie	Raynowska, Bernard	Ruffner, Walter	Sabella, Norma
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Heon, Richard	Johnson, Nancy
Keans, Sandra	Lent, Donald	Lundborn, Raymond	McKinley, Robert

Musler, George	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet	Woods, Phyllis	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

NAYS 43

BELKNAP

Boriso, Thomas	Boyce, Robert	Johnson, James	Lawton, David
Rice, Thomas	Wendelboe, Francine		

CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey
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CHESHIRE

Hunt, John

COOS

Woodward, David

GRAFTON

Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Weber, Phil			

HILLSBOROUGH

Alukonis, David	Bruno, Pierre	Clegg, Robert Jr	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dwyer, Paul Sr
Fenton, James	Martin, Mary	McRae, Karen	Pappas, Marc
White, Donald			

MERRIMACK

Kennedy, Richard	Owen, Derek	Soltani, Tony
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ROCKINGHAM

Beaulieu, Jon	Bridle, Russell	Cox, Russell	Flanagan, Natalie
Gleason, John	Henderson, Warren	Langley, Jane	Mikowski, Walter
Moore, Benjamin	Rubin, George	Sapareto, Frank	

STRAFFORD

None

SULLIVAN

None

and the report was adopted.

Reps. Brother and Dwyer voted Nay and intended to vote Yea.

Rep. MacGillivray did not vote and wished to be recorded in favor.

suspension of rules

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of a Committee of Conference report on *HB 346-FN-A*, relative to permissible fireworks, after the deadline for filing and action.

Adopted by the necessary two-thirds.

committee of conference REport on HB 346

HB 346-FN-A, relative to permissible fireworks. (Report printed SJ 30, 11/3/99)

Rep. Welch spoke in favor.

Adopted.

resolution

Reps. Chandler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate that it is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Steve Forbes.

Adopted.

senate message

The Senate is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Steve Forbes.

joint convention

(Speaker Sytek presiding)

remarks

Steve Forbes, Republican candidate for President, addressed the Joint Convention.

Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Speaker Sytek in the Chair)

suspension of rules

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of a Committee of Conference report on **HB 615-FN-A**, establishing a registry for brain and spinal cord injuries, after the deadline for filing and action and without the required notice.

Adopted by the necessary two-thirds.

committee of conference report on hb 615

HB 615-FN-A, establishing a registry for brain and spinal cord injuries. (Report printed SJ 30, 11/3/99)

Rep. Emerton spoke in favor.

Adopted.

RECESS

(Speaker Sytek in the Chair)

suspension of rules

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of a Committee of Conference report on **HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills, after the deadline for filing and action and without the required notice.

Adopted by the necessary two-thirds.

committee of conference report on hb 625

HB 625-FN-A, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills. (Report printed SJ 30, 11/3/99)

Rep. Bradley spoke in favor and yielded to questions.

Adopted.

Rep. Lozeau moved that the House adjourn from the 1999 session.

Adopted.

(Clerk's Note)

outstanding bills

At the time of adjournment on November 3, 1999, the following House bills remained on the table in the House.

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor.

HB 536, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (awaiting Supreme Court Opinion)

HB 549-L, relative to the minimum vote required for bond issues by municipalities.

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

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

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua.

HR 10, affirming revenue estimates for fiscal years 1999, 2000, and 2001.

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.

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

At the time of adjournment on November 3, 1999, the following House bills remained on the table in the Senate.

HB 295-FN-L, relative to alternative kindergarten programs in cooperative school districts.

HB 503-FN-L, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

HJR 1, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

At the time of adjournment on November 3, 1999, the following House bills remained in Senate Committees.

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.

HB 542-FN-A, repealing the legacies and succession tax.

HB 707-FN, relative to the family division of the courts.

HOUSE JOURNAL No. 1

Wednesday, January 5, 2000

This day, January 5, 2000, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 156th General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2000 House of Representatives and called the session to order at 1:30 p.m.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew’s Episcopal Church in Hopkinton.

Gracious Creator of all that is seen and unseen, at the beginning of this new year’s legislative session, we offer our prayers of thanksgiving to You for all the blessings so richly bestowed upon us. For this beautiful state and its people; for freedom of thought and expression; for courage to dream of new solutions for old problems; for wisdom to hear a variety of voices; for the integrity it takes to make sacrifices for the good of our neighbors. Please bless each member of this House, and particularly those who are in special need today, Marie Hawkinson, Maurice Goulet, members of our families, constituents. May you guide this legislature as it does the work of the people in this hallowed chamber. May the decisions made here today enable each member of this free state to enjoy the richness of New Hampshire and gladly accept the responsibilities of maintaining its liberties. Amen.

Rep. Andrews led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Carlson, Patricia Cote, Curran, Dalrymple, Dawe, Franks, Goulet, Hawkinson, Jane Kelley, Knowles, Lefebvre, Lovejoy, Merrill, Moran, Moriarty, Nichols, Searles and Stone, the day, illness.

Reps. Crosby, DeChane, Ham, Kaen, LaMott, Leishman, O’Neil, Dean Ouellette, John Pratt, Priestley, Salatiello, Solow and Williams, the day, important business.

Rep. Haettenschwiller, the day, death in the family.

Rep. Julie Brown, the day, illness in the family.

INTRODUCTION OF GUESTS

Jesse Sugarman, guest of Rep. Batula. Doris Johnson, mother of Rep. Nancy Johnson. Former NH Rep. Brenda Ferland, guest of Rep. Phinizy. Laurie Boyce, wife of Rep. Boyce. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster. Daniel, Mary and Michael Eaton and Bonnie Moore, guests of the House. Michele Bigda, guest of Rep. DePecol.

call of the roll

With 339 members having answered the call of the roll, a quorum was declared present.

The House of Representatives offered the following:

house resolution no. 21

memorializing State Representative Kenneth J. MacDonald of Wolfeboro

WHEREAS, we have learned with great sadness of the death of our long-time legislative colleague, Kenneth J. MacDonald, a man known widely for his easy smile, his pleasant and gentle ways, and his great affection for the legislative process, and

WHEREAS, having represented District 7 of Carroll County, Kenneth J. MacDonald was in the midst of his ninth term, having served for the seven consecutive bienniums between 1977 and 1990, and then again from 1997 to the present, and

WHEREAS, having been a man of broad knowledge and interests, Kenneth J. MacDonald did distinguish himself as a legislator, sitting as a member of the Standing Committees on Criminal Justice & Public Safety, State-Federal Relations & Veterans Affairs, Executive Departments & Administration, Legislative Administration, as well as serving as Vice Chairman and Chairman of Regulated Revenues, and as Vice Chairman of Municipal & County Government, and

WHEREAS, for the 1993-1994 biennium, Kenneth J. MacDonald, honorably and with accomplishment, did serve as an esteemed member of the New Hampshire Senate, representing District 3, and

WHEREAS, having been born in Lakeport, Kenneth J. MacDonald did spend his life in the Lakes region and with a strong sense of duty did serve in the United States Army during World War II, and later, with devotion, did serve the people of New Hampshire for twenty-two years as an officer with the State Police, retiring as a Detective Sergeant, and

WHEREAS, having been blessed with an abundance of energy and civic pride, Kenneth J. MacDonald did serve the citizenry of Wolfeboro as a Selectman, as Chairman of the County Delegation, and as a member of the Highway Safety Commission, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Kenneth J. MacDonald be saluted and granted the highest of accolades for his outstanding and dedicated service to his community and his state and his country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

house resolution no. 22

memorializing State Representative Paul A. Golden of Center Barnstead

WHEREAS, it is with great sadness we have learned of the death of our esteemed colleague, Paul A. Golden, who was in the midst of his ninth consecutive term as an honorable and dedicated member of the House of Representatives, and

WHEREAS, during his distinguished legislative tenure of seventeen years, which began in January of 1983, Paul A. Golden, with competence and great energy, did serve as a member of the Standing Committee on Municipal & County Government, and

WHEREAS, having been born in Center Barnstead, Paul A. Golden never ventured far from his roots, choosing to serve the citizenry of the community in a myriad of ways, including thirty-five years as a Barnstead Selectman, and

WHEREAS, having been possessed of abundant energy and concern for the community, Paul A. Golden also did serve the Town of Barnstead as Overseer for Public Welfare and as Public Health Officer, and

WHEREAS, having been an amicable man blessed with a gentle spirit, Paul A. Golden did enjoy a wide reputation as a gentleman of high integrity, and

WHEREAS, during World War II, Paul A. Golden, with honor and fidelity, did serve in the United States Army, and later did become an esteemed member of the American Legion and the Veterans of Foreign Wars, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Paul A. Golden be granted highest praise and

recognition for his dedicated and exemplary legislative service, and for his like service to the Barnstead Community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

poem

Rep. Patten read a poem from the memorial service for Rep. Golden.

I'd like the memory of me to be a happy one.

I'd like to leave an afterglow of smiles when day is gone.

I'd like to leave an echo whispering softly down the ways,

of happy times, and laughing times, and bright and sunny days.

I'd like the tears of those who grieve to dry before the sun

of happy memories that I leave when life is done.

RESOLUTION

Reps. Chandler and Burling offer the following: *RESOLVED*, that in accordance with the list in the possession of the Clerk, House Bills numbered 1101 through 1199, 1201 through 1299, 1301 through 1399, 1401 through 1499, 1501 through 1599, 1601 through 1613, House Joint Resolutions 20 through 25, House Concurrent Resolutions 20 through 30, House Resolution 20 and Constitutional Amendment Concurrent Resolutions 30 through 37, shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HJR, HCR, HR and CACRs

First, second reading and referral

HB 1101, establishing a Pillsbury state park advisory commission. (J. Phinizy, Sull 7; Tuthill, Sull 5; Wiggins, Sull 4; Disnard, Dist 8: Resources, Recreation and Development)

HB 1102, relative to accessibility of veterans' disability payments in divorce cases. (Rubin, Rock 25: Children and Family Law)

HB 1103, relative to the number of motor vehicle dealer plates. (Robertson, Ches 18; Batchelder, Ches 2: Transportation)

HB 1104, limiting the liability of paramedics caring for patients in transport between hospitals. (Brothers, Graf 6: Judiciary)

HB 1105, ratifying the 1999 Seabrook annual town meeting. (O'Keefe, Rock 21; Weare, Rock 21; B. Moore, Rock 21; Hollingworth, Dist 23: Municipal and County Government)

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Letourneau, Rock 13; Sytek, Rock 26; Arndt, Rock 27; Packard, Rock 29; Downing, Rock 26; Klemm, Dist 22; Russman, Dist 19; Francoeur, Dist 14: Public Works and Highways)

HB 1107, establishing a committee to study whether the public utilities commission should regulate Internet service providers. (Quandt, Rock 20: Science, Technology and Energy)

HB 1108, relative to waiver of attendance at child impact seminars. (Babson, Carr 5: Children and Family Law)

HB 1109, relative to the modification of spousal support orders. (Babson, Carr 5: Children and Family Law)

HB 1110, establishing a committee to study landlord-tenant issues. (L. Jean, Hills. 17; Clegg, Hills. 23: Judiciary)

HB 1111, relative to the adoption by reference of the International Property Maintenance Code for municipalities. (O'Neil, Rock 22: Municipal and County Government)

HB 1112, prohibiting the use of the far left lane on the interstate for anything other than passing. (Mirski, Graf 12: Transportation)

HB 1113, raising the maximum price for lucky 7 tickets. (O'Keefe, Rock 21; Welch, Rock 18: Finance)

HB 1114-FN, relative to creditable service in the retirement system for teachers in a job-sharing position. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

HB 1115-FN, relative to purchasing credit for prior service for certain employees in the retirement system. (Dyer, Hills 8; Thulander, Hills 6: Executive Departments and Administration)

HB 1116-FN, prohibiting partial-birth abortions. (Woods, Straf 11; Wendelboe, Belk 2; L. Jean, Hills 17; Wood, Belk 7; Flora, Hills 15; Holley, Hills 28; McDonald, Hills 41; R. Nowe, Rock 3; Brown, Dist 17; Krueger, Dist 16; Roberge, Dist 9; Johnson, Dist 3; Francoeur, Dist 14: Judiciary)

HB 1117-FN-A, establishing a retail sales fee on alcoholic beverages. (Moriarty, Hills 18: Finance)

HB 1118, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers and other resort facilities. (Langone, Rock 13; Gibbons, Rock 13; G. Katsakiores, Rock 13: Public Works and Highways)

HB 1119, establishing a commission to investigate health care issues. (Packard, Rock 29; R. Nowe, Rock 3; Letourneau, Rock 13; Quandt, Rock 20; Martel, Hills 45: Commerce)

HB 1120-L, relative to the definition of net assets in the elderly exemption to property taxes. (Beaulieu, Rock 11; Hamel, Rock 10: Municipal and County Government)

HB 1121-FN, relative to admission to Wellington state park by residents of the town of Alexandria. (Scanlan, Graf 11: Resources, Recreation and Development)

HB 1122, relative to firewards. (Boyce, Belk 5: Municipal and County Government)

HB 1123-FN-L, relative to local planning and zoning enforcement procedures. (Boyce, Belk 5; Czech, Belk 5; Bartlett, Belk 6: Municipal and County Government)

HB 1124-L, relative to local building codes. (Boyce, Belk 5; Clegg, Hills 23; Czech, Belk 5; Bartlett, Belk 6: Municipal and County Government)

HB 1125, protecting the confidentiality of telecommunications customer information. (Boyce, Belk 5: Science, Technology and Energy)

HB 1126, relative to requiring certain employers to pay time-and-one-half wages for hours worked on Sundays. (P. Katsakiores, Rock 13; Martel, Hills 45; Griffin, Rock 27; Pantelakos, Rock 30; McColgan, Hills 24: Labor, Industrial and Rehabilitative Services)

HB 1127, establishing a committee to study the application and appeal procedures for excavating and dredging permits. (Phinizy, Sull 7; Dickinson, Carr 2; Leone, Sull 2; Young, Sull 6: Resources, Recreation and Development)

HB 1128, allowing enhanced 911 funds to be used for certain uniform costs. (P. Katsakiores, Rock 13; Pantelakos, Rock 30; Martel, Hills 45; Pilliod, Belk 3: Finance)

HB 1129-FN, relative to wetlands scientists. (Kibbey, Sull 4: Executive Departments and Administration)

HB 1130, relative to persons conducting alcohol concentration tests. (Christie, Rock 22: Criminal Justice and Public Safety)

HB 1131-FN, relative to license revocations and suspensions. (R. Nowe, Rock 3; Christie, Rock 22; Welch, Rock 18; Harmon, Graf 8; Packard, Rock 29: Criminal Justice and Public Safety)

HB 1132-L, relative to exemptions and credits to property taxes when the property is sold. (Thulander, Hills 6: Municipal and County Government)

HB 1133, establishing a committee to study issues regarding martial arts instruction in the state. (Goulet, Hills 15; Stickney, Rock 26: Executive Departments and Administration)

HB 1134, establishing a committee to study mental health care treatment under managed care plans. (Crosby, Merr 20; Francoeur, Rock 22: Commerce)

HB 1135, establishing a committee to study whether the governor should mediate negotiations between health care providers and insurance companies. (Quandt, Rock 20; Beaulieu, Rock 11: Commerce)

HB 1136, adding the dean of the college for lifelong learning to the university system of New Hampshire board of trustees. (Larrabee, Merr 9; Hoadley, Merr 24; Maxfield, Merr 9; Weyler, Rock 18: Education)

HB 1137, relative to bingo and lucky 7 volunteers. (Cooney, Rock 26; Leonard, Hills 39: Criminal Justice and Public Safety)

HB 1138, requiring warnings for certain antitheft devices. (Ruffner, Rock 25; Pilliod, Belk 3; Martel, Hills 45; Batula, Hills 18; Millham, Belk 4; D'Allesandro, Dist 20; Squires, Dist 12: Commerce)

HB 1139, establishing a committee to study involuntary emergency admission hearings. (Manning, Ches 9; Bickford, Straf 1; Squires, Dist 12: Judiciary)

HB 1140, establishing a committee to study the department of corrections. (Quandt, Rock 20; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

HB 1141, relative to access highways to public waters. (Royce, Ches 9; R. Nowe, Rock 3; Johnson, Dist 3: Public Works and Highways)

HB 1142, establishing a study committee to evaluate the Medicaid "In and Out" Program. (Virtue, Merr 9; Bouchard, Merr 22: Health, Human Services and Elderly Affairs)

HB 1143-FN, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway." (Bradley, Carr 8; K. MacDonald, Carr 7; Johnson, Dist 3: Public Works and Highways)

HB 1144-L, relative to the property tax exemption of not-for-profit hospitals. (Weyler, Rock 18; Quandt, Rock 20; Beaulieu, Rock 11; Krueger, Dist 16; Brown, Dist 17: Municipal and County Government)

HB 1145, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. (Welch, Rock 18; Weare, Rock 21; Dyer, Hills 8: Judiciary)

HB 1146-L, relative to tax increment financing. (Patten, Carr 9: Municipal and County Government)

HB 1147, relative to the right-to-know law and electronic communication. (Quandt, Rock 20: Judiciary)

HB 1148-FN-L, relative to certain weighted pupils within the adequate education grant distribution formula. (Boyce, Belk 5: Finance)

HB 1149, commemorating the anniversary of the founding of certain branches of the United States armed forces. (Dalianis, Hills 35; Clegg, Hills 23; Quandt, Rock 20; Kenney, Carr 6; Fields, Hills 18; Martel, Hills 45; Squires, Dist 12: State-Federal Relations and Veterans Affairs)

HB 1150, relative to voter registration for official ballot meetings. (Flanagan, Rock 14; Stritch, Rock 5: Election Law)

HB 1151, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives. (Dokmo, Hills 14; Leone, Sull 2: Municipal and County Government)

HB 1152, relative to the establishment of crossbow hunting seasons. (Brothers, Graf 6; L'Heureux, Hills 18; Carlson, Hills 19; Disnard, Dist 8: Wildlife and Marine Resources)

HB 1153, establishing a committee to study and assess the impact on traffic on NH Routes 121 and 102 in Chester from the proposed interchange off exit 4A on Interstate 93 in Derry. (Hamel, Rock 10; Beaulieu, Rock 11; Gleason, Rock 13; Krueger, Dist 16; Public Works and Highways)

HB 1154-FN, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund. (Jacobson, Merr 2: Finance)

HB 1155, excepting for-profit blood suppliers from limitations on strict liability. (Gilman, Graf 1; Clegg, Hills 23; Kelley, Rock 22; Scanlan, Graf 11; Eaton, Graf 1; McColgan, Hills 24; N. Wall, Hills 22; Martel, Hills 45: Judiciary)

HB 1156, establishing June 20th each year as Destroyer Escort Day. (Fenton, Hills 24; Hunter, Hills 7; J. Flanders, Rock 18; Welch, Rock 18; D. White, Hills 25: State-Federal Relations and Veterans Affairs)

HB 1157, establishing a committee to study incentives to attract individuals to the teaching profession. (Arndt, Rock 27; F. Davis, Merr 12: Education)

HB 1158, relative to state park campground reservations. (Cooney, Rock 26: Resources, Recreation and Development)

HB 1159, establishing a committee to study the origins and destinations of truck traffic at the exit 3 truck stop in the town of Greenland. (Shultis, Rock 33; Pantelakos, Rock 30; C. Kane, Rock 32; Blanchard, Rock 33; Dearborn, Rock 23; Cohen, Dist 24: Public Works and Highways)

HB 1160, relative to access to the enhanced 911 system. (Francoeur, Rock 22: Commerce)

HB 1161, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. (Milligan, Hills 18; Weyler, Rock 18; J. Flanders, Rock 18; Rubin, Rock 25: Transportation)

HB 1162, establishing a committee to study the petition process, record keeping procedures, and costs of services in CHINS cases. (Lyman, Carr 5: Children and Family Law)

HB 1163, relative to the date of decision for appeals of zoning matters. (Hess, Merr 11; Foster, Hills 10; Lockwood, Merr 9; Simon, Hills 40: Municipal and County Government)

HB 1164, relative to insurance compliance self audits. (Russell, Ches 15: Commerce)

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. (E. Smith, Ches 6; Cloutier, Sull 8; Tholl, Coos 5: Public Works and Highways)

HB 1166, relative to confidentiality and information collection by the department of agriculture, markets, and food. (Melcher, Hills 11; Babson, Carr 5; Scanlan, Graf 11: Environment and Agriculture)

HB 1167, exempting certain dog trainers from the requirement of possessing a hunting license. (O'Neil, Rock 22; Bridle, Rock 22: Wildlife and Marine Resources)

HB 1168, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. (Bruno, Hills 4; D. Ouellette, Hills 42; Belanger, Rock 26; McGough, Hills 18; Sen. Roberge, Dist 9: Judiciary)

HB 1169, relative to gates and bars on class VI roads. (Philbrick, Carr 4; Patten, Carr 9: Public Works and Highways)

HB 1170, relative to recreational vehicle parking at property contiguous to certain motorsports facilities. (Babson, Carr 5: Resources, Recreation and Development)

HB 1171, restricting the payment of salaries to suspended judicial officers. (Soltani, Merr 10: Judiciary)

HB 1172, providing staggered terms for agricultural advisory board members. (Musler, Straf 6; Babson, Carr 5; Melcher, Hills 11; Messier, Hills 46: Environment and Agriculture)

HB 1173-L, relative to the optional veterans' tax credit. (Twardus, Straf 13; Brennan, Straf 16; Schanda, Rock 19; Drabinowicz, Hills 36: Municipal and County Government)

HB 1174, establishing a committee to study the feasibility of creating an umbrella-type agency for health care. (Quandt, Rock

20; Beaulieu, Rock 11; Weyler, Rock 18; Martel, Hills 45; Johnson, Dist 3: Commerce)

HB 1175, relative to license renewal for dental hygienists. (Dyer, Hills 8: Executive Departments and Administration)

HB 1176, relative to publication of notice of meetings of the joint health council. (Dyer, Hills 8; Emerton, Hills 7: Executive Departments and Administration)

HB 1177, relative to the effective date of legislation establishing a chartered or statutory legislative committee. (Dyer, Hills 8; Gordon, Dist 2: Legislative Administration)

HB 1178, relative to using state funds for changing the name of a state agency or department. (Harmon, Graf 8; Brothers, Graf 6: Finance)

HB 1179, relative to final orders of the public utilities commission. (Gilmore, Straf 11; Bradley, Carr 8; D. White, Hills 25: Science, Technology and Energy)

HB 1180-FN, relative to separating the budget for New Hampshire public television from the university system of New Hampshire budget. (Hinman, Graf 7; Wendelboe, Belk 2; Gordon, Dist 2; Johnson, Dist 3: Finance)

HB 1181, establishing a study committee to examine the costs of private adoption. (Leishman, Hills 13: Children and Family Law)

HB 1182, relative to eligibility for unemployment benefits for school employees. (Rodrigue, Coos 7: Labor, Industrial and Rehabilitative Services)

HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan and extending the reporting date of a committee. (K. Herman, Hills 13; Taylor, Straf 11: Commerce)

HB 1184, relative to minimum participation requirements for small employers. (K. Herman, Hills 13: Commerce)

HB 1185, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000. (Musler, Straf 6; Lynde, Hills 24; Cobb, Graf 5; Wheeler, Dist 21; Johnson, Dist 3; Below, Dist 5: Environment and Agriculture)

HB 1186, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee. (Patten, Carr 9; Foster, Hills 10; Leone, Sull 2; Disnard, Dist 8; Below, Dist 5; Johnson, Dist 3: Environment and Agriculture)

HB 1187-FN-L, allowing the public employee labor relations board to decertify a bargaining unit. (Boyce, Belk 5: Labor, Industrial and Rehabilitative Services)

HB 1188-FN-L, relative to alternative kindergarten programs. (D. White, Hills 25: Education)

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Turner, Belk 7; Bishop, Rock 12; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

HB 1190-FN, requiring that fiscal notes specify the exact amount of the fiscal impact. (Putnam, Rock 15: Legislative Administration)

HB 1191-FN-L, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas. (O'Hearn, Hills 26; Howard, Carr 10; Hunt, Ches 10; Alger, Graf 9: Education)

HB 1192-FN, creating an exemption from tolls within the New Hampshire turnpike system for members of the New Hampshire national guard. (Kenney, Carr 6: Public Works and Highways)

HB 1193-FN, relative to the penalty for non-moving violations by youth operators. (Langley, Rock 24: Transportation)

HB 1194, relative to the composition of planning boards in certain cities. (Gilmore, Straf 11; Wheeler, Dist 21: Municipal and County Government)

HB 1195, making technical changes to the law regulating acupuncture. (Bradley, Carr 8; Wheeler, Dist 21: Executive Departments and Administration)

HB 1196-L, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. (Ham, Graf 4: Criminal Justice and Public Safety)

HB 1197, encouraging school districts to offer instruction on the causes and effects of the Great Irish Hunger. (W. McCarthy, Hills 41; Buckley, Hills 44; J. McDonald, Hills 41; Kelley, Rock 22; J. White, Hills 46: Education)

HB 1198, establishing a procedure for the 2001 voter checklist verification. (Arndt, Rock 27; F. Davis, Merr 12: Election Law)

HB 1199, establishing a study committee on funding for affordable housing. (Potter, Merr 24; Garrish, Hills 37: Finance)

HB 1201, creating a committee to study incentives for regionalization of sludge and septage facilities. (Patten, Carr 9: Environment and Agriculture)

HB 1202-L, making technical corrections to 1999, 17 as amended. (Patten, Carr 9: Finance)

HB 1203-L, relative to the cost to municipal libraries of access to services of the state library. (Mock, Carr 3; Chandler, Carr 1: Executive Departments and Administration)

HB 1204-FN, relative to plant seeds that have artificially heightened resistance to herbicides and pesticides. (Lynde, Hills 24; Owen, Merr 6: Commerce)

HB 1205-L, relative to tax exemption for noise pollution control facilities. (MacGillivray, Hills 21: Municipal and County Government)

HB 1206, extending the reporting date of the committee studying alcohol and drug abuse prevention. (Leber, Merr 1; Cox, Rock 24; Taylor, Straf 11; Keye, Hills 30; Gordon, Dist 2; Wheeler, Dist 21; J. King, Dist 18: Health, Human Services and Elderly Affairs)

HB 1207, relative to establishing a retired status for licensed plumbers. (W. Phinney, Graf 8: Executive Departments and Administration)

HB 1208, relative to the appointment of non-certified employees within a school administrative unit. (Scanlan, Graf 11; Mirski, Graf 12: Education)

HB 1209, restricting construction of class B and class C dams. (Royce, Ches 9: Resources, Recreation and Development)

HB 1210-L, relative to capital reserve funds. (Patten, Carr 9; Anderson, Merr 7; Simon, Hills 40: Municipal and County Government)

HB 1211, establishing a committee to study the health effects of child immunizations. (D.Hall, Graf 13; Richardson, Ches 12: Health, Human Services and Elderly Affairs)

HB 1212, relative to extending the reporting date of the open adoption study committee. (Bickford, Straf 1; Richardson, Ches 12; Martel, Hills 45; Coughlin, Hills 12; Pignatelli, Dist 13: Children and Family Law)

HB 1213, establishing a commission to develop a pilot program for displaced veterans. (Leonard, Hills 39; Dickinson, Carr 2: State-Federal Relations and Veterans Affairs)

HB 1214-L, relative to municipal permits for registration of motor vehicles. (Gilmore, Straf 11; Wheeler, Dist 21: Municipal and County Government)

HB 1215, establishing a committee to study school nurse certification. (French, Merr 3; I. Pratt, Ches 5; Nordgren, Graf 10: Health, Human Services and Elderly Affairs)

HB 1216, relative to petitions for warrant articles. (Quandt, Rock 20: Municipal and County Government)

HB 1217, establishing a committee to study marriage preparation. (French, Merr 3; I. Pratt, Ches 5; Pilliod, Belk 3; Richardson, Ches 12; Rodd, Merr 3; Wheeler, Dist 21: Children and Family Law)

HB 1218, relative to discipline of state employees or officers making willful false statements. (Gilman, Graf 1; K. Herman, Hills 13; Ward, Graf 1: Executive Departments and Administration)

HB 1219, relative to elected officials with corporate conflicts of interests. (Owen, Merr 6: Municipal and County Government)

HB 1220, establishing a New Hampshire conflict of interest law. (Marple, Merr 11: Executive Departments and Administration)

HB 1221, directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training. (Welch, Rock 18; Hunter, Hills 7; Dyer, Hills 8: Criminal Justice and Public Safety)

HB 1222, relative to outdoor advertising in an unzoned commercial or industrial area. (Scanlan, Graf 11: Public Works and Highways)

HB 1223, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers. (Dyer, Hills 8; Konys, Hills 33; Clegg, Hills 23; F. King, Dist 1; D'Allesandro, Dist 20; Below, Dist 5: Executive Departments and Administration)

HB 1224, relative to the process for nonrenewal of teacher contracts. (Henderson, Rock 20; Alger, Graf 9; Chandler, Carr 1: Education)

HB 1225, relative to the name of the department of fish and game. (Chandler, Carr 1; Abbott, Rock 19; R. Nowe, Rock 3; Merrill, Coos 1; Blaisdell, Ches 19; Disnard, Dist 8; F. King, Dist 1: Wildlife and Marine Resources)

HB 1226, relative to vacancies in the office of United States senator. (Wendelboe, Belk 2: Election Law)

HB 1227, relative to universal waste. (J. Phinizy, Sull 7; Tuthill, Sull 5; B. Hall, Hills 20; Messier, Hills 46; Owen, Merr 6: Environment and Agriculture)

HB 1228, relative to offers of credit received through the mail. (Sapareto, Rock 13: Commerce)

HB 1229, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. (Rose, Ches 13; Kennedy, Merr 7; D. White, Hills 25; Gilmore, Straf 11; Tuthill, Sull 5; Roberge, Dist 9; Brown, Dist 17; Krueger, Dist 16; Cohen, Dist 24: Science, Technology and Energy)

HB 1230, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles. (Marple, Merr 11; D. Hall, Graf 13; Rose, Ches 13; Mirski, Graf 12; D. White, Hills 25: Transportation)

HB 1231, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction. (Marple, Merr 11; L. Jean, Hills 17; Weyler, Rock 18; Brothers, Graf 6: Legislative Administration)

HB 1232, relative to the investment options for county funds. (Weyler, Rock 18; Beaulieu, Rock 11: Municipal and County Government)

HB 1233, relative to interest on judgments. (Soltani, Merr 10: Judiciary)

HB 1234, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire. (Burling, Sull 1: Children and Family Law)

HB 1235, relative to fill and dredge in wetlands. (Kibbey, Sull 4: Resources, Recreation and Development)

HB 1236, granting a defendant the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. (Marple, Merr 11; Welch, Rock 18; R. Nowe, Rock 3; Alger, Graf 9; Rose, Ches 13; Gilmore, Straf 11; Mirski, Graf 12; Roberge, Dist 9: Judiciary)

HB 1237, relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar. (Harmon, Graf 8: Children and Family Law)

HB 1238, relative to the collection and disbursement of support orders by the department of health and human services. (Bickford, Straf 1: Children and Family Law)

HB 1239, relative to durable powers of attorney. (Dokmo, Hills 14: Judiciary)

HB 1240, establishing a prompt payment law for managed care organizations. (Crosby, Merr 20: Commerce)

HB 1241, relative to third person liability under the workers' compensation law. (Clegg, Hills 23; K. Herman, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1242, relative to the standard for modification of a child custody order. (Soltani, Merr 10: Children and Family Law)

HB 1243, relative to permitting the practice of tip pooling by an employer. (Emerton, Hills 7: Labor, Industrial and Rehabilitative Services)

HB 1244, establishing a committee to study requiring health care workers to use retractable needles. (Emerton, Hills 7; Burling, Sull 1: Health, Human Services & Elderly Affairs)

HB 1245, relative to notice of railroad construction projects. (Kenney, Carr 6: Public Works and Highways)

HB 1246, relative to sign permits for non-tourist-related local businesses. (Kenney, Carr 6: Public Works and Highways)

HB 1247-FN-L, increasing the tax rate assessed on excavated earth. (Burnham, Ches 8: Finance)

HB 1248, relative to the out-of-state travel budget for house members. (Vaillancourt, Hills 44: Legislative Administration)

HB 1249, providing that critical incident reviews conducted by the department of corrections are privileged and protected from discovery in any proceeding. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1250, allowing a psychiatric/mental health advanced registered nurse practitioner to declare a personal safety emergency, to transfer an inmate for a psychiatric inpatient emergency, and to authorize an involuntary emergency hospitalization. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1251, relative to driver education training reimbursement. (LaPorte, Hills 39; Packard, Rock 29; Major, Rock 16; Gleason, Rock 13: Transportation)

HB 1252, establishing a beneficial use policy for wastewater sludge and providing technical and education assistance to municipalities and their residents concerning the beneficial use of sludge. (Patten, Carr 9: Environment and Agriculture)

HB 1253, establishing a 4-year term for the commissioner of the department of corrections. (Lozeau, Hills 30; Burling, Sull 1: Executive Departments and Administration)

HB 1254, establishing a committee to study the need to review and assess state-owned land managed by the fish and game department. (Wendelboe, Belk 2: Public Works and Highways)

HB 1255, establishing a government competition competitive neutrality study committee. (MacGillivray, Hills 21: Commerce)

HB 1256, clarifying certain health care laws. (Pilliod, Belk 3: Health, Human Services & Elderly Affairs)

HB 1257-FN, prohibiting the sale of urine for drug testing purposes. (L'Heureux, Hills 18; G. Katsakiores, Rock 13; Milligan, Hills 18; Tholl, Coos 5; Gorman, Hills 29; Roberge, Dist 9; Pignatelli, Dist 13; Johnson, Dist 3; Klemm, Dist 22; Wheeler, Dist 21: Criminal Justice and Public Safety)

HB 1258-FN, relative to invasive plant, insect, and fungal species. (L. Pratt, Coos 4; Babson, Carr 5; Melcher, Hills 11; Owens, Merr 6; Philbrick; Carr 4; Russman, Dist 19; Disnard, Dist 8: Environment and Agriculture)

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Melcher, Hills 11; M. Fuller Clark, Rock 36; Brundige, Hills 18; Spang, Straf 8: Municipal and County Government)

HB 1260-FN, relative to the cost of prescription medication. (Andrews, Hills 34; Manning, Ches 9; Fields, Hills 18; V. Clark, Rock 17; Dyer, Hills 8; Johnson, Dist 3: Commerce)

HB 1261-FN-A-L, replacing the excavation tax and excavation activity tax with an excavation yield tax. (Boyce, Belk 5: Finance)

HB 1262, establishing a fly-fishing stamp for persons possessing a fishing license who wish to fly-fish in waters designated fly-fishing only. (Mirski, Graf 12: Wildlife and Marine Resources)

HB 1263-FN, establishing the crime of misrepresentation of law or facts of a case by a state judicial, executive, or legislative official. (Marple, Merr 11; Gilman; Graf 1; Christiansen, Hills 23; R. Nowe, Rock 3; Boyce, Belk 5; D. Hall, Graf 13; Roberge, Dist 9: Judiciary)

HB 1264-FN, relative to the unlawful use of theft detection shielding devices. (P. Katsakiores, Rock 13; Pantelakos, Rock 30; McColgan, Hills 24: Criminal Justice and Public Safety)

HB 1265-FN, exempting snowmobiles used by OHRV clubs for trail grooming and other public services from the payment of OHRV registration fees. (Kennedy, Merr 7: Transportation)

HB 1266-FN, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles. (F. Davis, Merr 12; Daneault, Merr 12; Lavoie, Merr 12; Fortnam, Merr 12: Transportation)

HB 1267-FN, requiring courts to use the English language on all forms and in all correspondence. (Weber, Graf 11: Judiciary)

HB 1268-FN, relative to certain vehicle registrations. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

HB 1269-FN, relative to the creation of a university system of New Hampshire license plate. (Rodrigue, Coos 7: Transportation)

HB 1270-FN-L, relative to charter schools and open enrollment districts. (O'Hearn, Hills 26; Hunt, Ches 10: Education)

HB 1271, relative to participation by minors in certain athletic activities. (Pilliod, Belk 3; Chase, Merr 7; Nordgren, Graf 10: Children and Family Law)

HB 1272, allowing school nurses to possess and administer epinephrine for certain emergency treatment. (Pilliod, Belk 3: Health, Human Services and Elderly Affairs)

HB 1273, relative to restricting usage of cellular phones while driving. (Milligan, Hills 18; Langer, Merr 11; McGuirk, Ches 1; Beaulieu, Rock 11; Letourneau, Rock 13; Roberge, Dist 9: Transportation)

HB 1274, limiting the services that a cable television operator may require a consumer to purchase as a condition of access to other video programming. (Larrabee, Merr 9: Science, Technology and Energy)

HB 1275, requiring school bus drivers to use all safety equipment on the bus or risk revocation of certificate. (Larrabee, Merr 9: Transportation)

HB 1276, establishing a committee to study the adoption of a regulated health professions act to promote consistency and efficiency in health occupation regulation. (V. Clark, Rock 17: Executive Departments and Administration)

HB 1277-L, relative to payment by an applicant of outstanding costs on a withdrawn proposal submitted to a planning board. (V. Clark, Rock 17: Municipal and County Government)

HB 1278, establishing a committee to investigate bank foreclosures on homeowners' properties and bank overdraft fees. (Marple, Merr 11: Commerce)

HB 1279, relative to the applicability of school bus safety laws. (Daniels, Hills 13: Transportation)

HB 1280, relative to medical emergencies under managed care organizations. (DiFruscia, Rock 27; Belanger, Rock 26: Commerce)

HB 1281, relative to disqualification of public utility commissioners. (Gilmore, Straf 11: Science, Technology and Energy)

HB 1282, establishing a committee to study the possibility of self-insuring state employees. (Peterson, Hills 8; Belvin, Hills 14; M. Fuller Clark, Rock 36: Finance)

HB 1283, establishing a commission on the education of the deaf in New Hampshire. (O'Hearn, Hills 26: Education)

HB 1284-FN, prohibiting the courts from charging fees. (Marple, Merr 11: Finance)

HB 1285, establishing a committee to study the feasibility of assessing taxes for special education at the county level. (Mirski, Graf 12: Education)

HB 1286, relative to relicensure by the pharmacy board of a certain pharmacist. (Mirski, Graf 12: Executive Departments and Administration)

HB 1287, relative to the membership of the water council. (Kibbey, Sull 4: Resources, Recreation and Development)

HB 1288, relative to the rulemaking hearing process for state agencies. (Kibbey, Sull 4: Executive Departments and Administration)

HB 1289, relative to defining surface waters, relative to septage and sludge spreading, and relative to rulemaking by the commissioner of the department of environmental services. (Kibbey, Sull 4: Resources, Recreation and Development)

HB 1290, relative to liability for motor vehicle state inspection, registration, and equipment violations. (Vaillancourt, Hills 44: Transportation)

HB 1291, relative to the names of candidates on ballots. (Flanagan, Rock 14: Election Law)

HB 1292, making it a crime to cause the death of an unborn child as a result of committing a violent act against a pregnant woman. (Torressen, Carr 10; M. Nowe, Rock 4; Reeves, Hills 37; Johnson, Dist 3: Criminal Justice and Public Safety)

HB 1293, relative to same-sex marriages contracted outside of the state of New Hampshire. (Torressen, Carr 10; Wall, Hills 22: Children and Family Law)

HB 1294-L, relative to regional planning commissions. (Hamel, Rock 10; Moran, Hills 15; Gleason, Rock 13; Dwyer, Hills 43; Wall, Straf 9; J. King, Dist 18; D'Allesandro, Dist 20; Russman, Dist 19: Municipal and County Government)

HB 1295, relative to prescription drug cards. (Taylor, Straf 11; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Commerce)

HB 1296, establishing a committee to study the education and training curriculum developed by the police standards and training council. (Keans, Straf 16; Robertson, Ches 18: Criminal Justice and Public Safety)

HB 1297, establishing a commission on fairness in sentencing. (Keans, Straf 16; Robertson, Ches 18: Criminal Justice and Public Safety)

HB 1298, requiring advertisements and postings of meals and rooms prices to include the amount of meals and rooms tax in each price displayed. (Bickford, Straf 1: Commerce)

HB 1299-L, prohibiting elected or appointed public servants from leasing or renting space to private contractors. (Marple, Merr 11: Public Works and Highways)

HB 1301, relative to regional appointments to the state committee on aging. (Potter, Merr 24: Health, Human Services and Elderly Affairs)

HB 1302, establishing a committee to study issues of senior outreach programs. (D. White, Hills 25: Health, Human Services and Elderly Affairs)

HB 1303, establishing the freedom of education act. (D. Hall, Graf 13: Education)

HB 1304, establishing a statutory committee to review and approve any motor vehicle license plate design. (Leber, Merr 1: Transportation)

HB 1305-L, exempting water withdrawals for normal agricultural operations from certain restrictions on water withdrawals. (K. Marshall, Merr 4; Melcher, Hills 11; McRae, Hills 7; Babson, Carr 5: Resources, Recreation and Development)

HB 1306, relative to boating on Sandogardy Pond in the town of Northfield. (St. Cyr, Merr 8; Lockwood, Merr 9; Virtue, Merr 9; Trombly, Dist 7: Resources, Recreation and Development)

HB 1307, relative to certification of food protection managers. (Stickney, Rock 26; Emerton, Hills 7; Wheeler, Dist 21: Executive Departments and Administration)

HB 1308, relative to nomination paper requirements. (Brewster, Merr 1: Election Law)

HB 1309, relative to wood-to-energy rate order buydowns. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Guay, Coos

6; Bergeron, Hills 32; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

HB 1310, relative to the universal service fund. (Thomas, Belk 3; Bradley, Carr 8: Science, Technology and Energy)

HB 1311, relative to payment of employer contributions for unemployment compensation. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1312, establishing a committee to study federal regulation of minority ownership of television, radio, and cable outlets. (Weatherspoon, Rock 20; L. Johnson, Hills 40: State-Federal Relations and Veterans Affairs)

HB 1313-L, relative to amending official ballot warrant articles. (Daniels, Hills 13; Quandt, Rock 20: Municipal and County Government)

HB 1314, relative to propane sales. (Lessard, Hills 23; Mock, Carr 3; K. Herman, Hills 13; R. Nowe, Rock 3; Krueger, Dist 16: Commerce)

HB 1315, relative to payout ratios of qualified charitable gift annuities. (T. Reardon, Merr 23: Commerce)

HB 1316-L, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. (Patten, Carr 9: Finance)

HB 1317, relative to rights of rental applicants. (Salatiello, Belk 2: Commerce)

HB 1318, requiring a waiting period before the retail price of home heating or motor vehicle fuel is increased in certain circumstances. (G. Brown, Straf 17; Peter Cote, Hills 32; Knowles, Straf 11: Commerce)

HB 1319, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. (Dalrymple, Rock 26; Seldin, Merr 17; Chabot, Hills 48; Alger, Graf 9; Disnard, Dist 8; Krueger, Dist 16: Health, Human Services and Elderly Affairs)

HB 1320, establishing a committee to study the rights and duties of parents to educate their children. (D. Hall, Graf 13: Education)

HB 1321, relative to certain funds collected by order of the public utilities commission. (Bradley, Carr 8: Finance)

HB 1322, relative to the regulation of certain outdoor advertising devices. (N. Johnson, Straf 5; Brothers, Graf 6; M. Fuller Clark, Rock 36: Public Works and Highways)

HB 1323, relative to local public assistance to nonresidents. (Kenney, Carr 6: Health, Human Services and Elderly Affairs)

HB 1324, establishing a committee to study the junk yard licensing process. (Kenney, Carr 6: Transportation)

HB 1325, establishing a study committee to address smoking in motor vehicles. (Griffin, Rock 27; Patten, Carr 9; M. Nowe, Rock 4; R. Nowe, Rock 3; N. Wall, Hills 22: Health, Human Services and Elderly Affairs)

HB 1326, relative to managed care programs under workers' compensation. (M. Fuller Clark, Rock 36; Fraser, Dist 4: Labor, Industrial and Rehabilitative Services)

HB 1327, relative to residency of prisoners for purposes of voter registration. (Clegg, Hills 23: Election Law)

HB 1328, requiring that the rules of evidence shall apply in divorce proceedings. (Gilmore, Straf 11: Judiciary)

HB 1329, limiting the system benefits charge. (MacGillivray, Hills 21: Science, Technology and Energy)

HB 1330, relative to telephone special contracts. (MacGillivray, Hills 21; Norelli, Rock 31: Science, Technology and Energy)

HB 1331, relative to campaign contributions by corporations. (Buckley, Hills 44: Election Law)

HB 1332, relative to review of plats or applications submitted to local planning boards. (V. Clark, Rock 17: Municipal and County Government)

HB 1333-L, relative to the establishment of parenting plans. (Bickford, Straf 1: Children and Family Law)

HB 1334-L, relative to posting municipal roads. (Tholl, Coos 5: Public Works and Highways)

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HB 1335, requiring hospitals to disclose certain information to the attorney general. (K. Herman, Hills 13; Francoeur, Rock 22; M. Fuller Clark, Rock 36: Commerce)

HB 1336-L, relative to posting of roads in municipalities. (Lyman, Carr 5: Public Works and Highways)

HB 1337, repealing the New Hampshire foundation for mental health. (Manning, Ches 9; Squires, Dist 12; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 1338, increasing the membership of the American and Canadian French cultural exchange commission. (Hamel, Rock 10: Executive Departments and Administration)

HB 1339-FN-L, relative to the local option to exempt taxation of certain excavation activity. (Scanlan, Graf 11; Mirski, Graf 12: Finance)

HB 1340-FN-L, relative to dam construction permits. (Boyce, Belk 5; Dickinson, Carr 2; Czech, Belk 5: Resources, Recreation and Development)

HB 1341-FN, relative to direct access for certain types of development along highways. (Mirski, Graf 12: Public Works and Highways)

HB 1342-FN, relative to measurements of heavy metals and other compounds in sludge. (Owen, Merr 6: Environment and Agriculture)

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. (Robb-Theroux, Sull 9; Krueger, Dist 16: Environment and Agriculture)

HB 1344-FN, expanding the used oil program. (Musler, Straf 6: Environment and Agriculture)

HB 1345-FN, relative to the salary of licensed practical nurses employed by the state. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Executive Departments and Administration)

HB 1346-FN, relative to certain acts of felonious sexual assault. (Christie, Rock 22; Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1347-FN, relative to review of administrative rules by the legislature prior to adoption. (K. Herman, Hills 13: Executive Departments and Administration)

HB 1348-FN-L, exempting the town of Sunapee from the payment for water rights for the hydroelectric plant of the Sugar River in the town of Sunapee. (Leone, Sull 2; Jones, Sull 3: Resources, Recreation and Development)

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different polluters. (MacGillivray, Hills 21; Norelli, Rock 31: Science, Technology and Energy)

HB 1350, relative to interbasin and interstate transfers of water. (Royce, Ches 9: Resources, Recreation and Development)

HB 1351-L, relative to possession of firearms while intoxicated. (Robertson, Ches 18: Criminal Justice and Public Safety)

HB 1352, requiring that state funding for public television be used exclusively for the production of original programming. (Vaillancourt, Hills 44: Finance)

HB 1353, raising driver testing standards. (LaPorte, Hills 39: Transportation)

HB 1354-FN, indexing the rate of the motor fuel tax to changes in the value of the dollar. (MacGillivray, Hills 21: Public Works and Highways)

HB 1355-FN-A, authorizing funding for a hydrodynamic study of the Hampton/Seabrook harbor and estuarine system. (Leber, Merr 1; M. Whalley, Merr 5; Vaughn, Rock 35; Johnson, Dist 3; Fraser, Dist 4: Public Works and Highways)

HB 1356-FN, relative to sales tax exemption certificates for antique dealers. (Rollo, Straf 10; J. Wall, Straf 9: Finance)

HB 1357-FN, relative to the sale of state-owned property in the towns of Belmont and Laconia. (Bartlett, Belk 6; Thomas, Belk 3; Pilliod, Belk 3: Public Works and Highways)

HB 1358, prohibiting smoking in restaurants. (Pantelakos, Rock 30; J. Wood, Belk 7; C. Kane, Rock 32; Splaine, Rock 34; Cohen, Dist 24: Commerce)

HB 1359, limiting fees charged for use of electronic customer service terminals. (A. Pelletier, Straf 12; Lynde, Hills 24; Garrish, Hills 37; Fraser, Merr 21; Cloutier, Sull 8: Commerce)

HB 1360, prohibiting full-time judges from earning income from sources other than judicial salaries. (Mirski, Graf 12; Vaillancourt, Hills 44; D. Hall, Graf 13: Judiciary)

HB 1361, relative to ingredients in restaurant-prepared meals. (Lasky, Hills 33; Gorman, Hills 29; Dawe, Hills 33: Commerce)

HB 1362-L, relative to the reconsideration of cost apportionment within a cooperative school district. (Weare, Rock 21: Education)

HB 1363, relative to grandparents' visitation rights. (McRae, Hills 7; Young, Sull 6: Children and Family Law)

HB 1364, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. (Gile, Merr 16; Konys, Hills 33; D'Allesandro, Dist 20: Commerce)

HB 1365, relative to spending disclosures in political advertising. (Splaine, Rock 34; M. Fuller Clark, Rock 36: Election Law)

HB 1366, limiting civil liability of firearms manufacturers and dealers. (Kennedy, Merr 7: Judiciary)

HB 1367-FN, establishing a program of acting service awards to state employees who temporarily perform the duties of a higher level agency position. (Copenhaver, Graf 10: Executive Departments and Administration)

HB 1368-FN, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials. (Letourneau, Rock 13; Packard, Rock 29; Foster, Hills 10; Klemm, Dist 22; Larsen, Dist 15; Squires, Dist 12; Johnson, Dist 3: State-Federal Relations and Veterans Affairs)

HB 1369-FN-L, clarifying authority to regulate asbestos. (Musler, Straf 6: Environment and Agriculture)

HB 1370, allowing private investigators access to motor vehicle records for the purpose of conducting insurance fraud investigations. (Welch, Rock 18: Transportation)

HB 1371, relative to allocation and distribution of incentive funds for juvenile diversion and abuse and neglect prevention programs. (Lyman, Carr 5: Children and Family Law)

HB 1372, relative to open access over some cable facilities in public rights-of-way if used for 2-way telecommunications and if market share of certain users of those facilities is sufficiently large. (MacGillivray, Hills 21: Science, Technology and Energy)

HB 1373, relative to payments of first and second mortgage home loans. (Francoeur, Rock 22; T. Reardon, Merr 23; G. Marshall, Graf 2; Fernald, Dist 11; Fraser, Dist 4: Commerce)

HB 1374, extending the reporting date for the sex offender issues study committee. (Sargent, Hills 3; O'Keefe, Rock 21; W. McCarthy, Hills 41: Criminal Justice and Public Safety)

HB 1375, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (J. Phinizy, Sull 7; Tuthill, Sull 5; Gilmore, Straf 11; Mirski, Graf 12; Cohen, Dist 24: Science, Technology and Energy)

HB 1376-L, relative to the procedure for voting on the school administrative unit budget. (Alger, Graf 9; Hunter, Hills 7; Fenton, Hills 24; J. Phinizy, Sull 7; D. White, Hills 25; Roberge, Dist 9; Gordon, Dist 2: Education)

HB 1377, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. (Martel, Hills 45; Quandt, Rock 20, P. Katsakiores, Rock 13; Emerton, Hills 7; Donovan, Sull 11; Brown, Dist 17; Krueger, Dist 16; D'Allesandro, Dist 20: Commerce)

HB 1378, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Splaine, Rock 34; M. Fuller Clark, Rock 36; R. Nowe, Rock 3; Cohen, Dist 24; Klemm, Dist 22; Hollingworth, Dist 23: Transportation)

HB 1379, establishing a long-term care council. (Garrish, Hills 37: Health, Human Services and Elderly Affairs)

HB 1380-FN, relative to compensation for time lost by state law enforcement officers injured in the line of duty. (Dyer, Hills 8; Langer, Merr 11: Executive Departments and Administration)

HB 1381, relative to the dissolution of the Pawtuckaway cooperative high school district. (Stone, Rock 7; Case, Rock 2; R. Hutchinson, Rock 8; M. Nowe, Rock 4; Brown, Dist 17; McCarley, Dist 6: Education)

HB 1382-FN, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1383, relative to child support payments. (Arnold, Hills 20: Children and Family Law)

HB 1384, relative to consumer liability for charges made with a stolen credit or debit card. (Sapareto, Rock 13: Commerce)

HB 1385, relative to creating a crosswalk on a certain road. (Gilmore, Straf 11; Wheeler, Dist 21: Public Works and Highways)

HB 1386, designating segments of the Souhegan River as protected under the rivers management and protection program. (O'Connell, Hills 13; Dokmo, Hills 14; L'Heureux, Hills 18; Melcher, Hills 11; MacGillivray, Hills 21; Roberge, Dist 9; Fernald, Dist 11: Resources, Recreation and Development)

HB 1387-L, relative to pre-existing school districts within a cooperative school district. (Jacobson, Merr 2: Finance)

HB 1388, establishing a commission to study the statewide delivery of special education programs and services. (Kennedy, Merr 7: Education)

HB 1389-L, relative to the Nute High School and library trustees. (N. Johnson, Straf 6; McKinley, Straf 2; Johnson, Dist 3: Municipal and County Government)

HB 1390, establishing a committee to study environmental health. (French, Merr 3; I. Pratt, Ches 5; Pilliod, Belk 3; Emerton, Hills 7; Haettenschwiller, Hills 29; Wheeler, Dist 21; Squires, Dist 12; Hollingworth, Dist 23: Environment and Agriculture)

HB 1391, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Harmon, Graf 8: Criminal Justice and Public Safety)

HB 1392, relative to the criminal offense of initiating a vehicular pursuit. (Harmon, Graf 8: Criminal Justice and Public Safety)

HB 1393-L, relative to teacher contract renewals and enforcement of teacher contracts. (Leber, Merr 1: Education)

HB 1394, requiring physicians to conduct examinations of the entire colon for certain patients. (Fenton, Hills 24: Health, Human Services & Elderly Affairs)

HB 1395-FN-A-L, establishing an advance disposal fee and establishing grants to fund municipal waste management programs and activities. (Musler, Straf 6; B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)

HB 1396, relative to interest rates on credit cards. (Quandt, Rock 20; Mirski, Graf 12; Lynott, Ches 11; Brown, Dist 17: Commerce)

HB 1397, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. (Torressen, Carr 10; Patten, Carr 9; Johnson, Dist 3: Municipal and County Government)

HB 1398, requiring disclosure of policy limits by insurers. (DiFruscia, Rock 27; Belanger, Rock 26; Bruno, Hills 4: Commerce)

HB 1399-FN, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

HB 1401, requiring manufactured housing sellers to provide a breakdown of purchasing costs. (Keans, Straf 16: Commerce)

HB 1402-L, relative to the transfer of excess medical reserve funds to the capital reserve fund. (J. Pratt, Ches 2; J. Phinizy, Sull 7; McGuirk, Ches 1; Batchelder, Ches 2; Disnard, Dist 8; Squires, Dist 12; D'Allesandro, Dist 20: Municipal and County Government)

HB 1403, relative to ownership of property appraisals. (Clegg, Hills 23: Commerce)

HB 1404, creating a study committee to address mechanisms for the disposal of state records. (Millham, Belk 4; Virtue, Merr 9: Executive Departments and Administration)

HB 1405, exempting 50/50 raffles from the laws regulating games of chance. (Scanlan, Graf 11; Weber, Graf 11; Picconi, Graf 14: Criminal Justice and Public Safety)

HB 1406, relative to transition service. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Guay, Coos 6; Gilmore, Straf 11; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

HB 1407, establishing a committee to study the development of standards of conduct governing the reporting of cases of domestic violence by individuals in certain occupations and professions. (Gilman, Graf 1: Criminal Justice and Public Safety)

HB 1408, relative to appointment of non-attorneys as judges. (Robertson, Ches 18; Weare, Rock 21: Judiciary)

HB 1409, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. (G. Katsakiores, Rock 13; Whittemore, Merr 13; R. Nowe, Rock 3; Dalrymple, Rock 26; Mosher, Hills 30; Russman, Dist 19; Klemm, Dist 22; Francoeur, Dist 14: Transportation)

HB 1410, relative to the joint health council. (Emerton, Hills 7; Squires, Dist 12: Health, Human Services and Elderly Affairs)

HB 1411, requiring credit reporting agencies to notify consumers prior to changing certain information in their files. (Bruno, Hills 4: Commerce)

HB 1412, relative to electric customer-generators. (Gilmore, Straf 11; Lynde, Hills 24; Guay, Coos 6; D. White, Hills 25: Science, Technology and Energy)

HB 1413, relative to the rights of ownership of cemetery plots or burial spaces. (Patten, Carr 9; Knowles, Straf 11; MacNeil, Graf 7; Trombly, Dist 7; Gordon, Dist 2; Brown, Dist 17; Francoeur, Dist 14: Municipal and County Government)

HB 1414, authorizing the department of environmental services to discuss with other northeastern states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, and extending the reporting date of the committee to study the requirements for usage of MTBE. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Maxfield, Merr 9; M. Downing, Rock 26; Wheeler, Dist 21; Below, Dist 5; Johnson, Dist 3: Science, Technology and Energy)

HB 1415-FN, relative to the classification of certain personnel of the department of corrections. (Dyer, Hills 8: Executive Departments and Administration)

HB 1416-FN, establishing a brownfields cleanup revolving loan fund. (Musler, Straf 6: Environment and Agriculture)

HB 1417-FN-A-L, setting priorities for the disposal of certain components of the solid waste stream. (Musler, Straf 6; Owen, Merr 6: Environment and Agriculture)

HB 1418-FN-L, relative to mercury-containing products. (Musler, Straf 6; B. Hall, Hills 20; Lynde, Hills 24; Cobb, Graf 5; Tuthill, Sull 5; Wheeler, Dist 21; Below, Dist 5: Environment and Agriculture)

HB 1419-FN, allowing teachers to purchase credit in the retirement system for certain service in an armed conflict. (Brennan, Straf 16; Twardus, Straf 13: Executive Departments and Administration)

HB 1420-FN-L, relative to the port in the city of Portsmouth, New Hampshire. (Pantelakos, Rock 30; C. Kane, Rock 32; Splaine, Rock 34: Public Works and Highways)

HB 1421-L, relative to assessment of the land use change tax. (Gilmore, Straf 11; Wheeler, Dist 21: Municipal and County Government)

HB 1422-FN, relative to the composition of and procedures for the appellate board of the department of employment security. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1423-L, relative to regulation of junk yards. (Musler, Straf 6: Environment and Agriculture)

HB 1424, relative to reevaluation of a person's competency to stand trial. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1425-L, relative to driveway permits. (Boyce, Belk 5: Municipal and County Government)

HB 1426, establishing an appeals board to review decisions of the health services planning and review board. (Quandt, Rock 20; Beaulieu, Rock 11; Weyler, Rock 18; Martel, Hills 45: Health, Human Services & Elderly Affairs)

HB 1427, relative to the calculation of the days of school in the school year. (A. Pelletier, Straf 12; Larrabee, Merr 9; J. Wall, Straf 9; Spear, Straf 3. McKinley, Straf 2; McCarley, Dist 6; Wheeler, Dist 21: Education)

HB 1428, relative to the insurance consumer's bill of rights. (DiFruscia, Rock 27; Belanger, Rock 26; Keye, Hills 30; Bruno, Hills 4: Commerce)

HB 1429, relative to requirements for personnel employed in state corrections facilities which are operated by private entities. (Dwyer, Hills 43: Criminal Justice and Public Safety)

HB 1430, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow. (Wiggins, Sull 4; J. Pratt, Ches 2; Robertson, Ches 18; L. Jean, Hills 17; Disnard, Dist 18; Brown, Dist 17; Krueger, Dist 16: Criminal Justice and Public Safety)

HB 1431, relative to protective orders in domestic violence cases. (Bickford, Straf 1; J. Wall, Straf 9: Criminal Justice and Public Safety)

HB 1432, prohibiting active law enforcement personnel from obtaining a license to sell confiscated or seized firearms and ammunition. (Fenton, Hills 24; Hunter, Hills 7: Criminal Justice and Public Safety)

HB 1433, relative to notice to abutters by the department of transportation of proposed construction projects. (Alger, Graf 9; Gordon, Dist 2: Public Works and Highways)

HB 1434, relative to processing applications under the medicaid waiver. (Copenhaver, Graf 10; Seldin, Merr 17; Chabot, Hills 48; Wheeler, Dist 21: Finance)

HB 1435, establishing a committee to study electronic media and the right-to-know law. (Patten, Carr 9; Emerton, Hills 7; M. Fuller Clark, Rock 36; Copenhaver, Graf 10; F. King, Dist 1; Johnson, Dist 3; Disnard, Dist 8: Judiciary)

HB 1436-FN-A, reducing the temporary rate of the communications services tax. (Young, Sull 6: Finance)

HB 1437-FN, relative to ayurvedic health care practice. (R. Nowe, Rock 3; Robb-Theroux, Sull 9; Krueger, Dist 16; Wheeler, Dist 21: Executive Departments and Administration)

HB 1438-FN, relative to transportation of children for involuntary emergency admissions. (C. Moore, Merr 19; Arnold, Hills 20; Gordon, Dist 2: Judiciary)

HB 1439-FN, relative to operation of a motor vehicle under a learner's permit. (Harmon, Graf 8: Transportation)

HB 1440-FN-A, taxing the cost of advertising under the meals and rooms tax. (Vaillancourt, Hills 44: Finance)

HB 1441-FN-A-L, relative to establishing a pilot welfare-to-work program in rural communities and making an appropriation therefor. (Hansen, Hills 2; French, Merr 3; Rodd, Merr 3; R. Herman, Hills 1; Trombly, Dist 7: Health, Human Services and Elderly Affairs)

HB 1442-FN-A, increasing the exemption to the interest and dividends tax for persons 65 years of age or older. (Young, Sull 6: Finance)

HB 1443-FN, requiring a hearing prior to issuance of statement of findings on the suspension, revocation, or denial of a daycare provider's license. (Patricia Cote, Rock 9; Beaulieu, Rock 11: Children and Family Law)

HB 1444, relative to certain municipal ordinances. (A. Pelletier, Straf 12; Richardson, Ches 12; Pilliod, Belk 3; Dalrymple, Rock 26; Squires, Dist 12; Wheeler, Dist 21: Municipal and County Government)

HB 1445, establishing a study committee to examine replacement of the current administrative office of the courts with an independent administrative office of the courts. (Mirski, Graf 12; Vaillancourt, Hills 44: Judiciary)

HB 1446-FN, establishing a citizens' investment trust account. (Marple, Merr 11: Finance)

HB 1447, establishing a legislative oversight committee on judicial conduct. (Mirski, Graf 12; Vaillancourt, Hills 44: Legislative Administration)

HB 1448, relative to the partition of real property. (Rosen, Belk 7; Salatiello, Belk 2: Judiciary)

HB 1449, relative to the cost of any and all tests conducted pursuant to DWI convictions. (Kennedy, Merr 7: Criminal Justice and Public Safety)

HB 1450-FN, relative to the adoption of the fair pay act. (Garrish, Hills 37: Labor, Industrial and Rehabilitative Services)

HB 1451, establishing a committee to study the concept of a Northeastern regional compact on matters of interstate commerce. (Dickinson, Carr 2; Avery, Ches 8; K. Herman, Hills 13; Belanger, Rock 26; F. King, Dist 1: Commerce)

HB 1452, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. (Dickinson, Carr 2; Welch, Rock 18; F. King, Dist 1; Johnson, Dist 3: Legislative Administration)

HB 1453, relative to the grant of power over applications before a planning board. (Mirski, Graf 12: Municipal and County Government)

HB 1454, relative to restrictions of persons possessing any fish and game license. (Mirski, Graf 12: Wildlife and Marine Resources)

HB 1455, relative to residency requirements for persons over 68 possessing a special complimentary license to hunt, fish, or trap. (L'Heureux, Hills 18; Brothers, Graf 6; R. Nowe, Rock 3; Carlson, Hills 19; Langer, Merr 11: Wildlife and Marine Resources)

HB 1456, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment. (Brothers, Graf 6: Commerce)

HB 1457, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (McGough, Hills 18: Commerce)

HB 1458, relative to the wearing of motorcycle protective headgear. (Copenhaver, Graf 10; Brothers, Graf 6; Squires, Dist 12: Transportation)

HB 1459, requiring the state police to record and update information relative to the charge of non-support. (Welch, Rock 18; Tholl, Coos 5; Knowles, Straf 11: Children and Family Law)

HB 1460, making the playing of an individual's car stereo in excess of 50 decibels disorderly conduct. (Dalianis, Hills 35: Criminal Justice and Public Safety)

HB 1461-FN-A-L, relative to an education property tax exemption and school choice. (Torressen, Carr 10; Mirski, Graf 12; Gilman, Graf 1; Boyce, Belk 5: Finance)

HB 1462, extending the report date of the committee to study methods to promote the use of renewable energy sources. (Guay, Coos 6; Gilmore, Straf 11; Lynde, Hills 24; D. White, Hills 25; Thomas, Belk 3; Below, Dist 5; Cohen, Dist 24: Science, Technology and Energy)

HB 1463, making technical corrections related to the mental health system and guardianship hearings. (Case, Rock 2; Manning, Ches 9: Children and Family Law)

HB 1464, relative to the licensing process for new health care facility construction. (Batula, Hills 18; Wendelboe, Belk 2; Donovan, Sull 11; Martel, Hills 45; Haettenschwiller, Hills 29; D'Allesandro, Dist 20; Roberge, Dist 9; Squires, Dist 12; Johnson,

Dist 3: Health, Human Services and Elderly Affairs)

HB 1465, extending the reporting date of the committee to study the non-group health insurance market. (Francoeur, Rock 22; Dalianis, Hills 35; J. King, Dist 18; Francoeur, Dist 14; McCarley, Dist 6: Commerce)

HB 1466, relative to disclosure by banks, trust companies, guaranty savings banks, mutual savings banks, savings and loan associations, building and loan associations, and cooperative banks under the supervision of the bank commissioner, of consumer rights and remedies. (DiFruscia, Rock 27; Belanger, Rock 26; Bruno, Hills 4; Keye, Hills 30: Commerce)

HB 1467-FN, relative to the licensing of mail-order pharmacies. (Copenhaver, Graf 10: Executive Departments and Administration)

HB 1468-FN, relative to the registration of pharmacy technicians. (Copenhaver, Graf 10; Haettenschwiller, Hills 29; Taylor, Straf 11: Executive Departments and Administration)

HB 1469, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency. (Gilman, Graf 1; Varrell, Rock 9: Children and Family Law)

HB 1470, relative to divestiture of electric utility assets. (Gilmore, Straf 11; Howard, Carr 10; Guay, Coos 6; D. White, Hills 25; Bradley, Carr 8; Cohen, Dist 24; Hollingworth, Dist 23: Science, Technology and Energy)

HB 1471, repealing the department of employment security's power to approve building projects without legislative oversight. (Cloutier, Sull 8; Chandler, Carr 1; Burling, Sull 1; DeChane, Straf 6; Calawa, Hills 17; Disnard, Dist 8; Johnson, Dist 3; Gordon, Dist 2: Public Works and Highways)

HB 1472-FN-A, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax. (Weyler, Rock 18: Finance)

HB 1473-FN, relative to the payment of certain costs to contract service providers or vendors for pending claims by the department of health and human services. (Dickinson, Carr 2; Mirski, Graf 12; F. King, Dist 1: Finance)

HB 1474-FN, establishing a "no sales solicitation calls" list. (Lockwood, Merr 9; Estabrook, Straf 8; A. Pelletier, Straf 12; Grant, Rock 17; Kurk, Hills 5; Roberge, Dist 9; Larsen, Dist 15: Commerce)

HB 1475-FN, relative to the applicable minimum wage for hourly employees. (Keans, Straf 16; Seldin, Merr 17; Potter, Merr 24; Mears, Coos 7; J. Kelley, Rock 22; Trombly, Dist 7; Disnard, Dist 8: Labor, Industrial and Rehabilitative Services)

HB 1476, expanding the notification process for victims of crime. (Pepino, Hills 40; Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1477-FN-L, relative to notification of public proceedings. (Owen, Merr 6: Judiciary)

HB 1478-FN-A, establishing matching funds for certain candidates. (Hinman, Graf 7; Wendelboe, Belk 2; Mirski, Graf 12; Alger, Graf 9; Sapareto, Rock 13; Johnson, Dist 3: Election Law)

HB 1479-FN-L, relative to boat fees. (MacGillivray, Hills 21: Resources, Recreation and Development)

HB 1480, making consent a defense under the sexual assault laws. (Soltani, Merr 10: Criminal Justice and Public Safety)

HB 1481, requiring managed care organizations to offer prescription drug plans. (Lynott, Ches 11: Commerce)

HB 1482, relative to funding of municipal projects. (Soltani, Merr 10: Municipal and County Government)

HB 1483, permitting owners to choose certain health care providers for their animals. (Weatherspoon, Rock 20; Virtue, Merr 9; J. Phinizy, Sull 7; McGuirk, Ches 1; M. Fuller Clark, Rock 36; Hollingworth, Dist 23: Environment and Agriculture)

HB 1484-FN-A-L, establishing a 5 percent tax on gambling winnings as a source of funding public education. (Clemons, Hills 31; Franks, Hills 26; D. Cote, Hills 29; Dawe, Hills 33; Trombly, Dist 7: Finance)

HB 1485-FN, relative to a certain toll booth and establishing a committee to study road tolls along the state's highways. (Lozeau, Hills 30; Calawa, Hills 17; Konys, Hills 33; LaRose, Hills 27; Clegg, Hills 23; Squires, Dist 12; Pignatelli, Dist 13: Public Works and Highways)

HB 1486-FN, making the penalty for the offense of official oppression a felony and creating a civil cause of action against public officials for abuse of office or improper influence. (Marple, Merr 11; D. White, Hills 25; Christiansen, Hills 23; Gilman, Graf 1; Mosher, Hills 30; D. Hall; Graf 13; Roberge, Dist 9: Judiciary)

HB 1487-FN-L, reducing the interest rate on delinquent property tax payments and subsequent tax payments. (Marple, Merr 11; Vaillancourt, Hills 44: Municipal and County Government)

HB 1488-FN, relative to witness fees for court attendance in criminal cases. (Cloutier, Sull 8; Wiggins, Sull 4; McIntyre, Sull 11; Leone, Sull 2: Judiciary)

HB 1489-A, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 8; Flint, Sull 4; Allison, Sull 10; Donovan, Sull 11; Disnard, Dist 8: Public Works and Highways)

HB 1490-L, relative to enabling municipalities to enact a sales tax. (Sullivan, Carr 2: Finance)

HB 1491-FN, granting an adjustment to the business enterprise tax paid by transportation companies that contract for the transportation of public school pupils. (Weyler, Rock 18; Russman, Dist 19: Finance)

HB 1492-FN, relative to clarifying the state's stalking statute. (Knowles, Straf 11; Rodd, Merr 3: Criminal Justice and Public Safety)

HB 1493-FN, increasing minimum prison terms for felons. (Pepino, Hills 40: Criminal Justice and Public Safety)

HB 1494-FN, establishing a penalty for attempt to purchase a firearm illegally. (Pepino, Hills 40; Welch, Rock 18; Hunter, Hills 7; Knowles, Straf 11; Flora, Hills 15; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

HB 1495-FN-L, requiring local political subdivisions to submit to annual audits by independent certified public accountants. (Packard, Rock 29: Municipal and County Government)

HB 1496-FN, relative to joint negotiations by physicians with health benefit plans. (Asplund, Merr 13; Pilliod, Belk 3: Commerce)

HB 1497-FN-L, granting female prisoners in-state access to the same type of rehabilitation programs available to male prisoners. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Criminal Justice and Public Safety)

HB 1498, establishing a committee to study child support and parental involvement issues. (Bickford, Straf 1; Robb-Theroux, Sull 9; Gilmore, Straf 11; Pantelakos, Rock 30: Children and Family Law)

HB 1499, relative to credit for American sign language and transliteration as a foreign language. (Gilman, Graf 1; Quandt, Rock 20; D. Hall, Graf 13; Williams, Hills 39; Brown, Dist 17; Krueger, Dist 16: Education)

HB 1501, relative to public notice of all administrative rulemaking meetings. (Lyman, Carr 5; Dickinson, Carr 2; Virtue, Merr 9: Executive Departments and Administration)

HB 1502, establishing a committee to study procedures following lead paint abatement. (D. Hall, Graf 13: Health, Human Services and Elderly Affairs)

HB 1503, establishing a study committee to review the state's current parole and probation procedures. (Burnham, Ches 8; Knowles, Straf 11; Mitchell, Ches 3; Sargent, Hills 3; Peterson, Hills 8; Gordon, Dist 2; Wheeler, Dist 21; Cohen, Dist 24; Squires, Dist 12: Criminal Justice and Public Safety)

HB 1504, relative to submission of biennial budget estimates by agencies. (Kurk, Hills 5: Finance)

HB 1505-FN-L, relative to the formula for distributing school building aid. (McKinley, Straf 2; Letourneau, Rock 13; A. Pelletier, Straf 12; Ward, Graf 1: Education)

HB 1506, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)

HB 1507, establishing a committee to investigate allegations against supreme court justice Thayer regarding unreported and underreported income. (Mirski, Graf 12; Vaillancourt, Hills 44: Judiciary)

HB 1508-FN, directing the attorney general to apply to the supreme court to convene a grand jury to investigate health care and insurance issues and practices. (Quandt, Rock 20; Beaulieu, Rock 11; Martel, Hills 45: Judiciary)

HB 1509-FN-L, repealing RSA 541-A and creating a study committee to review rules which must be codified as a result. (Marple, Merr 11; Bruno, Hills 4; D. White, Hills 25; Quandt, Rock 20; Alger, Graf 9; D. Hall, Graf 13: Executive Departments and Administration)

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. (Wendelboe, Belk 2; Hinman, Graf 7: Executive Departments and Administration)

HB 1511-FN, requiring parental notification before abortions may be performed on unemancipated minors. (Brothers, Graf 6; D. Ouellette, Hills 42; P. Woods, Straf 11; Torressen, Carr 10; McDonald, Hills 41; Ruffner, Rock 25; Roberge, Dist 9: Judiciary)

HB 1512-FN, allowing persons leaving employment under the federal family and medical leave act to be eligible for unemployment benefits. (Gile, Merr 16; Keans, Straf 16; Mears, Coos 7; Garrish, Hills 37; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

HB 1513-FN, relative to a fine for a youth operating a motor vehicle without an adult present. (H. Harmon, Graf 8: Transportation)

HB 1514-FN-L, requiring a death record for an aborted fetus. (Gilman, Graf 1: Health, Human Services and Elderly Affairs)

HB 1515-FN-A-L, increasing the rate of the meals and rooms tax. (Bickford, Straf 1: Finance)

HB 1516-FN, relative to prosecutorial conduct. (Vaillancourt, Hills 44: Criminal Justice and Public Safety)

HB 1517-FN, memorializing the New Hampshire bill of rights as the law of the land. (D. Hall, Graf 13: Judiciary)

HB 1518-FN, relative to in pro pria persona and pro se litigants. (D. Hall, Graf 13: Judiciary)

HB 1519, relative to diversity training for law enforcement and educational personnel. (Buckley, Hills 44; Williams, Hills 39; Keye, Hills 30; Konys, Hills 33; M. Fuller Clark, Rock 36; Trombly, Dist 7; Wheeler, Dist 21; Cohen, Dist 24; D'Allesandro, Dist 20: Labor, Industrial and Rehabilitative Services)

HB 1520-FN, relative to criminal neglect of elderly, disabled, or incapacitated persons. (P. Katsakiores, Rock 13; Francoeur, Rock 22; Dalrymple, Rock 26; Martel, Hills 45; M. Downing, Rock 26; Griffin, Rock 27; D'Allesandro, Dist 20; Krueger, Dist 16: Criminal Justice and Public Safety)

HB 1521-FN-L, relative to the definition and administration of an adequate education. (O'Hearn, Hills 26; Estabrook, Straf 8: Education)

HB 1522-L, relative to posting warrants in languages other than English and in large-print format. (Weatherspoon, Rock 20; L. Johnson, Hills 40; Konys, Hills 33: Municipal and County Government)

HB 1523, relative to landlord-tenant obligations. (Craig, Hills 38: Judiciary)

HB 1524, requiring all retail suppliers of electricity to disclose information regarding the environmental characteristics of the electric power in their resource mix, and establishing a committee to determine optimal ways to ensure that all electricity sold in New Hampshire conforms with acceptable environmental standards. (Lynde, Hills 24; Gilmore, Straf 11; Below, Dist 5: Science, Technology and Energy)

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board. (Batula, Hills 18; Wendelboe, Belk 2; Donovan, Sull 11; Haettenschwiller, Hills 29; M. Fuller Clark, Rock 36; D'Allesandro, Dist 20; Roberge, Dist 9; Squires, Dist 12; Johnson, Dist 3: Health, Human Services & Elderly Affairs)

HB 1526-FN, relative to campaign contributions and expenditures. (Horton, Coos 3; Splaine, Rock 34; Flanagan, Rock 14; F. Davis, Merr 12; Curran, Hills 9; Larsen, Dist 15; Trombly, Dist 7; Below, Dist 5: Election Law)

HB 1527, relative to false statements about candidates. (Pepino, Hills 40; Hunter, Hills 7; Vaillancourt, Hills 44; Buckley, Hills 44: Election Law)

HB 1528, establishing a commission relative to the New Hampshire International Speedway. (Pepino, Hills 40; Maxfield, Merr 9; Larrabee, Merr 9: Public Works and Highways)

HB 1529-FN, establishing criminal penalties for aggressive driving (road rage). (Pepino, Hills 40; Hunter, Hills 7; Welch, Rock 18: Criminal Justice and Public Safety)

HB 1530, relative to the reporting requirement for criminal offenders. (Lovejoy, Rock 12; Sargent, Hills 3; Sabella, Rock 13: Criminal Justice and Public Safety)

HB 1531, relative to the preemption of local regulations of firearms. (L. Jean, Hills 17; Knowles, Straf 11; Lyman, Carr 5; Johnson, Dist 3: Criminal Justice and Public Safety)

HB 1532, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. (Rosen, Belk 7; Griffin, Rock 27; R. Nowe, Rock 3; N. Wall, Hills 22: Finance)

HB 1533, relative to the child protection act. (D. Hall, Graf 13: Children and Family Law)

HB 1534, relative to availability of funds on cash and checks deposited. (Leishman, Hills 13; Foster, Hills 10: Commerce)

HB 1535-FN, establishing an appellate division of the courts. (L. Jean, Hills 17; J. Pratt, Ches 2; Soltani, Merr 10; Keye, Hills 30: Judiciary)

HB 1536-FN, requiring parental notification for certain offenses involving minors. (Robertson, Ches 18: Criminal Justice and Public Safety)

HB 1537-FN, increasing the fees charged by sheriffs for service of legal process. (Thulander, Hills 6; Hunter, Hills 7: Judiciary)

HB 1538-FN, relative to coverage of treatment for periodontal disease for adults on medicare or medicaid. (Leonard, Hills 39; Dickinson, Carr 2: Health, Human Services and Elderly Affairs)

HB 1539-FN-L, returning to group II of the New Hampshire retirement system all full-time emergency communicators and full-time emergency-911 telecommunicators who staff offices which are part of the 24-hour public safety network. (Rose, Ches 13; MacNeil, Graf 7; Doucette, Ches 19; J. Phinizy, Sull 7; Young, Sull 6; Robb-Theroux, Sull 9: Executive Departments and Administration)

HB 1540-FN, prohibiting certain transfers of information. (Quandt, Rock 20; Beaulieu, Rock 11; Brown, Dist 17: Commerce)

HB 1541-FN-L, relative to the cremation of deceased persons. (Boyce, Belk 5; Czech, Belk 5; Bartlett, Belk 6: Municipal and County Government)

HB 1542-FN-L, establishing a parents bill of rights. (Boyce, Belk 5: Children and Family Law)

HB 1543-FN-L, repealing the laws on the collection and enforcement of property taxes. (Marple, Merr 11: Municipal and County Government)

HB 1544-FN, prohibiting the wearing of certain masks and hoods. (Rollo, Straf 10; Keye, Hills 30; Gilmore, Straf 11; Young, Sull 6: Criminal Justice and Public Safety)

HB 1545-FN-A, relative to the sale of furniture and bedding. (Mosher, Hills 30: Commerce)

HB 1546-FN-A-L, establishing a New Hampshire education tax on consumption as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. (Peterson, Hills 8; Scanlan, Graf 11; Dokmo, Hills 14; Bergin, Hills 16; J. Pratt, Ches 2: Finance)

HB 1547-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 1; Keans, Straf 16; Allison, Sull 10; J. Brown, Straf 17; Richardson, Ches 12; Gile, Merr 16: Children and Family Law)

HB 1548-FN, abolishing the death penalty. (Splaine, Rock 34; L. Jean, Hills 17; Weatherspoon, Rock 20; Pitts, Rock 35; Shultis, Rock 33; Cohen, Dist 24: Criminal Justice and Public Safety)

HB 1549-FN, relative to cost of living adjustments for certain retired members of the New Hampshire retirement system.

(Dyer, Hills 8: Executive Departments and Administration)

HB 1550-FN, establishing a bureau of tax law in the department of justice and transferring department of revenue administration hearing officers to the bureau. (Mirski, Graf 12: Executive Departments and Administration)

HB 1551-FN, relative to legislative access to agency information. (Kennedy, Merr 7; Gilmore, Straf 11: Judiciary)

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Thomas, Belk 3: Science, Technology and Energy)

HB 1553-FN-L, relative to the construction and renovation of covered bridges. (Mirski, Graf 12: Public Works and Highways)

HB 1554-FN, prohibiting knowingly remaining in a place where alcoholic beverages or controlled drugs are unlawfully possessed. (Stone, Rock 7; Christie, Rock 22: Criminal Justice and Public Safety)

HB 1555-FN-L, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville and requiring the department of transportation to convey a certain parcel of land to the town of Harrisville. (Riley, Ches 7; Burnham, Ches 8; Avery, Ches 8; Fernald, Dist 11: Public Works and Highways)

HB 1556-FN-A, establishing a tax on the retail sale of fireworks and making appropriations to the division of fire standards and training. (Hunter, Hills 7; Welch, Rock 18; Dyer, Hills 8: Criminal Justice and Public Safety)

HB 1557-FN-A, increasing the cigarette tax. (Buckley, Hills 44; Pilliod, Belk 3; Konys, Hills 33; M. Fuller Clark, Rock 36; D. Cote, Hills 29: Finance)

HB 1558-FN-L, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Leishman, Hills 13: Executive Departments and Administration)

HB 1559-FN, establishing the division of ports and harbors within the department of transportation and transferring all functions, powers, and duties of the New Hampshire state port authority. (Leber, Merr 1; Calawa, Hills 17; McCarty, Hills 38; Cloutier, Sull 8; Morse, Rock 28: Executive Departments and Administration)

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Welch, Rock 18; Weare, Rock 21: Executive Departments and Administration)

HB 1561-FN, relative to benefits payable upon a group II retirement system member's death after retirement. (Weare, Rock 21: Executive Departments and Administration)

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act. (Knowles, Straf 11: Children and Family Law)

HB 1563-FN-L, establishing the Wolfeboro Airport Authority. (Bradley, Carr 8: Municipal and County Government)

HB 1564-FN, relative to the placement of certain signs. (Salatiello, Belk 2: Public Works and Highways)

HB 1565-FN, relative to defining certain forms of psychological injury in the child protection act. (I. Pratt, Ches 5; J. Brown, Straf 17; C. Moore, Merr 19; Richardson, Ches 12; Pilliod, Belk 3; Pignatelli, Dist 13; Wheeler, Dist 21: Children and Family Law)

HB 1566-FN, relative to perambulation between states. (E. Smith, Ches 6: Public Works and Highways)

HB 1567-FN, extending medical and surgical benefits to domestic partners. (M. Fuller Clark, Rock 36; Larsen, Dist 15: Commerce)

HB 1568-FN, relative to disability retirement benefits for group II members injured in the performance of duty. (M. Fuller Clark, Rock 36; Virtue, Merr 9; Fraser, Dist 4; D'Allesandro, Dist 20: Executive Departments and Administration)

HB 1569-FN, relative to contamination of state water resources and the health and environmental effects of certain gasoline components. (Martin, Hills 34; Spang, Straf 8; French, Merr 3; Wheeler, Dist 21: Science, Technology and Energy)

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections. (Lozeau, Hills 30: Judiciary)

HB 1572-FN-A-L, repealing the education trust fund, the sources of funding for the education trust fund, and the procedures for funding state aid for educational adequacy. (Mirski, Graf 12: Finance)

HB 1573-FN, relative to funding of the salary of the director of emergency medical services. (Dyer, Hills 8; Welch, Rock 18; Weare, Rock 21: Finance)

HB 1574-FN, relative to a living wage act which establishes a living wage requirement for state contracts and awards and state employees, and establishing a study committee on living wage and family economic security. (Garrish, Hills 37; Burling, Sull 1; Mears, Coos 7; Wheeler, Dist 21: Executive Departments and Administration)

HB 1575-FN, relative to the licensure of interpreters for the deaf. (Burnham, Ches 8; Copenhaver, Graf 10: Executive Departments and Administration)

HB 1576-FN-A, abolishing ramp tolls along state highways and increasing the gasoline tax. (L'Heureux, Hills 18; McGuirk, Ches 1; Milligan, Hills 18; Arthur, Hills 18; Wheeler, Dist 21; Krueger, Dist 16: Public Works and Highways)

HB 1577-FN, revising the indoor smoking act. (A. Pelletier, Straf 12; Richardson, Ches 12; Pilliod, Belk 3; Dalrymple, Rock 26; Squires, Dist 12; Wheeler, Dist 21: Commerce)

HB 1578-FN-A, relative to the joint promotional program and making an appropriation therefor. (Avery, Ches 8; M. Fuller Clark, Rock 36; Dickinson, Carr 2; Johnson, Dist 3; Hollingworth, Dist 23: Finance)

HB 1579-FN, establishing a penalty for a third violation of the youth tobacco laws. (Avery, Ches 8; Flora, Hills 15; Dalrymple, Rock 26; Richardson, Ches 12; Squires, Dist 12; Larsen, Dist 15: Commerce)

HB 1580-FN-A-L, allowing businesses to apply the investment tax credit to contributions made to public schools, charter schools, and scholarship funding organizations. (Alger, Graf 9; O'Hearn, Hills 26; Hunt, Ches 10; Kurk, Hills 5; N. Wall, Hills 22; Roberge, Dist 9; Gordon, Dist 2; Johnson, Dist 3; Brown, Dist 17; Krueger, Dist 16: Finance)

HB 1581, making optional the laws relative to energy conservation in new building construction. (Mock, Carr 3; Chandler, Carr 1; Dickinson, Carr 2; Sullivan, Carr 2; Johnson, Dist 3: Municipal and County Government)

HB 1582, establishing a committee to study family friendly employment and workplace policies and to determine effects on families and employers. (Gile, Merr 16; Pilliod, Belk 3; Estabrook, Straf 8; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)

HB 1583, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. (D. White, Hills 25: Executive Departments and Administration)

HB 1584-FN, relative to the licensing and regulation of child day care agencies. (Patricia Cote, Rock 9: Executive Departments and Administration)

HB 1585, relative to staffing ratios in long term care facilities in the state. (Garrish, Hills 37: Health, Human Services and Elderly Affairs)

HB 1586-FN-A-L, relative to public highway safety grants and making an appropriation therefor. (Chandler, Carr 1; Francoeur, Rock 22; Bradley, Carr 8: Finance)

HB 1587-FN, relative to payment of health insurance costs for certain child day care agencies. (Wallner, Merr 24; Hollingworth, Dist 23; Larsen, Dist 15: Commerce)

HB 1588, relative to the authority of the department of transportation regarding rail safety inspections. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Mosher, Hills 30; R. Nowe, Rock 3; Peter Cote, Hills 32; Russman, Dist 19; Klemm, Dist 22; Francoeur, Dist 14: Transportation)

HB 1589, prohibiting the use of genetic testing for certain insurance policies. (Kurk, Hills 5: Commerce)

HB 1590, relative to prohibiting a zoning ordinance from a residential preexisting nonconforming property owner's ability to

rebuild after a fire loss. (Martel, Hills 45; Quandt, Rock 20; Gilman, Graf 1; Pappas, Hills 47; Beaulieu, Rock 11: Municipal and County Government)

HB 1591-FN-L, establishing a defined contribution retirement option in the New Hampshire retirement system. (Sapareto, Rock 13; Hinman, Graf 7; Fraser, Dist 4; Brown, Dist 17; Klemm, Dist 22: Executive Departments and Administration)

HB 1592, relative to the display of the United States flag. (Marple, Merr 11; D. Hall, Graf 13; Rose, Ches 13; Welch, Rock 18; Mirski, Graf 12: Executive Departments and Administration)

HB 1593-FN-A-L, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected and establishing the local option of a 4 percent rooms tax. (Vaillancourt, Hills 44: Finance)

HB 1594-FN, relative to the allocation of moneys in the tobacco use prevention fund. (Flora, Hills 15; Lozeau, Hills 30; Nordgren, Graf 10; Emerton, Hills 7; Akins, Graf 14; Pilliod, Belk 3; Dalrymple, Rock 26; Richardson, Ches 12; Avery, Ches 8; Squires, Dist 12; Larsen, Dist 15; Disnard, Dist 8; Fernald, Dist 11; Russman, Dist 19: Health, Human Services and Elderly Affairs)

HB 1595-FN, establishing a committee to study issues relating to foster parenting and establishing a transitional housing pilot program for certain children living in foster care. (Young, Sull 6: Children and Family Law)

HB 1596, establishing a committee to study deadlines for the completion of work in the legislative process. (Sullivan, Carr 2; Dickinson, Carr 2; Johnson, Dist 3: Legislative Administration)

HB 1597, relative to passage of fiscal note bills which do not contain an accompanying fiscal analysis. (Sullivan, Carr 2; Johnson, Dist 3: Legislative Administration)

HB 1598-L, relative to fluoride in drinking water. (Richardson, Ches 12; Bradley, Carr 8; Rabideau, Rock 16; D. Hall, Graf 13; M. Martin, Hills 34: Municipal and County Government)

HB 1599-FN-A-L, establishing a prescription drug payment assistance program and making an appropriation therefor. (Moriarty, Hills 18; Squires, Dist 12; Hollingworth, Dist 23: Finance)

HB 1601-FN-L, relative to the procedure for the setting of tax rates by the commissioner of revenue administration. (Boyce, Belk 5, Czech, Belk 5: Municipal and County Government)

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss. (Burnham, Ches 8: Health, Human Services and Elderly Affairs)

HB 1603, establishing a committee to study the ages at which persons under 21 years of age become subject to state laws. (Keans, Straf 16: Children and Family Law)

HB 1604-FN-L, establishing the position of state animal control officer. (J. Phinizy, Sull 7; L. Pratt, Coos 4; Musler, Straf 6; McGuirk, Ches 1; Cohen, Dist 24: Wildlife and Marine Resources)

HB 1605-FN-L, relative to the adoption of a state building code. (Clegg, Hills 23: Municipal and County Government)

HB 1606-FN, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (Leber, Merr 1; Cox, Rock 24; Taylor, Straf 11; Keye, Hills 30; Gordon, Dist 2; Wheeler, Dist 21; J. King, Dist 18; Brown, Dist 17: Executive Departments and Administration)

HB 1607, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services. (Burnham, Ches 8; Pilliod, Belk 3; Potter, Merr 24; Emerton, Hills 7; Dowling, Rock 13; Wheeler, Dist 21; Cohen, Dist 24; Pignatelli, Dist 13; Squires, Dist 12; Gordon, Dist 2: Health, Human Services & Elderly Affairs)

HB 1608-FN-L, relative to minors and smoking. (Pantelakos, Rock 30; Splaine, Rock 34: Commerce)

HB 1609, establishing a commission to study issues of diversity, immigration, and English as a second language in New Hampshire. (Garrish, Hills 37: Executive Departments and Administration)

HB 1610-FN, regulating indoor tanning facilities. (Copenhaver, Graf 10; M. Fuller Clark, Rock 36; Williams, Hills 39; Dyer,

Hills 8; Torr, Straf 12: Executive Departments and Administration)

HB 1611, recodifying the state's DWI laws. (Christie, Rock 22: Criminal Justice and Public Safety)

HB 1612-FN, establishing a state office of privacy. (Kurk, Hills 5; Gilmore, Straf 11: Executive Departments and Administration)

HB 1613, exempting police officers on bicycles from certain motor vehicle laws and rules. (K. Hutchinson, Rock 29: Transportation)

HJR 20, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. (Konys, Hills 33; Buckley, Hills 44; Pilliod, Belk 3; Lozeau, Hills 30; Clegg, Hills 23; Pignatelli, Dist 13; Trombly, Dist 7; Squires, Dist 12; Brown, Dist 17: State-Federal Relations and Veterans Affairs)

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology. (MacGillivray, Hills 21: Science, Technology and Energy)

HJR 22, relative to the unintended consequences of the Balanced Budget Act of 1997. (Virtue, Merr 9; French, Merr 3; Dickinson, Carr 2; O'Neill, Rock 22; Millham, Belk 4; Hollingworth, Dist 23; Wheeler, Dist 21: Finance)

HJR 23, urging the executive branch to negotiate an expedient settlement resolving the Claremont dispute. (Sapareto, Rock 13; Brothers, Graf 6; Gilmore, Straf 11; Hollingworth, Dist 23; Krueger, Dist 16; Cohen, Dist 24: Finance)

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Maxfield, Merr 9; M. Downing, Rock 26; Wheeler, Dist 21; Below, Dist 5; Johnson, Dist 3: Science, Technology and Energy)

HJR 25, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire. (Robb-Theroux, Sull 9: State-Federal Relations and Veterans Affairs)

HCR 20, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. (Dalrymple, Rock 26; P. Katsakiores, Rock 13; M. Nowe, Rock 4: State-Federal Relations and Veterans Affairs)

HCR 21, urging the federal government to increase the pay to military personnel. (Quandt, Rock 20; Dalianis, Hills 35; R. Nowe, Rock 3; Beaulieu, Rock 11; Weyler, Rock 18: State-Federal Relations and Veterans Affairs)

HCR 22, urging the federal government to ensure that defense appropriations are spent in support of defense programs. (Quandt, Rock 20; Dalianis, Hills 35; Martel, Hills 45; Weyler, Rock 18; Beaulieu, Rock 11: State-Federal Relations and Veterans Affairs)

HCR 23, urging the United States Congress to allow greater state and local regulation of cable television services and greater choice for cable television subscribers. (Larrabee, Merr 9: State-Federal Relations and Veterans Affairs)

HCR 24, relative to integration of people with disabilities. (Salatiello, Belk 2: State-Federal Relations and Veterans Affairs)

HCR 25, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry. (Scanlan, Graf 11; Chandler, Carr 1; Gilman, Graf 1; Glines, Coos 6; Gordon, Dist 2; F. King, Dist 1: Resources, Recreation and Development)

HCR 26, relative to the redistricting of the town of Alexandria following the 2000 census. (Scanlan, Graf 11; Harmon, Graf 8; W. Phinney, Graf 8; Gordon, Dist 2; Below, Dist 5: Election Law)

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. (Noyes, Rock 26; Raynowska, Rock 26; Dalrymple, Rock 26; Mirski, Graf 12; Stickney, Rock 26; Johnson, Dist 3: State-Federal Relations and Veterans Affairs)

HCR 28, requesting the New Hampshire supreme court to rule on whether part first, article 6 and part second, article 83 of the New Hampshire constitution are in conflict. (Bruno, Hills 4; Roberge, Dist 9: Judiciary)

HCR 29, promoting the development and implementation of a financial literacy curriculum for primary school pupils in New Hampshire. (Kenney, Carr 6: Education)

HCR 30, urging the United States Environmental Protection Agency to adopt recently proposed new automobile emission standards and fuel regulations known as the Tier2/Gasoline Sulfur Rule, at least as stringent as originally proposed. (Norelli, Rock 31; Keans, Straf 16; Lynde, Hills 24; Maxfield, Merr 9; Below, Dist 5; Cohen, Dist 24; Russman, Dist 19: Science, Technology and Energy)

HR 20, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer. (R. Nowe, Rock 3; Brothers, Graf 6; Chandler, Carr 1; K. Herman, Hills, 13; Buckley, Hills 44; Soltani, Merr 10; Reeves, Hills 37; Griffith, Rock 27; M. Nowe, Rock 4; Royce, Ches. 9; N. Wall, Hills 22; Weare, Rock 21; Martel, Hills 45: State-Federal Relations and Veterans Affairs)

CACR 30, relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term. (Soltani, Merr 10: Judiciary)

CACR 31, relating to the constitutional duty of the legislature concerning the interest of literature and the sciences. Providing that the legislature shall no longer have the constitutional duty to promote the interest of literature and the sciences. (Bickford, Straf 1; Alger, Graf 9: Finance)

CACR 32, relating to the size of the general court. Providing that provisions mandating the size of the general court shall be removed from the constitution and shall be established by statute. (Buckley, Hills 44; Wallin, Merr 15; Copenhaver, Graf 10; Konys, Hills 33; M. Fuller Clark, Rock 36; Wheeler, Dist 21; Trombly, Dist 7; J. King, Dist 18: Legislative Administration)

CACR 33, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. (Buckley, Hills 44; Chandler, Carr 1; F. King, Dist 1: Legislative Administration)

CACR 34, relating to money raised by taxation. Providing that the provision prohibiting money raised by taxation from being granted or applied for the use of schools or institutions of any religious sect or denomination shall be removed from the constitution. (Bruno, Hills 4; Roberge, Hills 9: Education)

CACR 35, relating to malfeasance and crime in state agencies. Providing that a permanent grand jury shall be established to review and investigate all actions by agencies of the state of New Hampshire and all indictments arising therefrom shall be prosecuted promptly and without delay. (Marple, Merr 11: Judiciary)

CACR 36, relating to voting rights of homeowners. Providing that every person shall be considered an inhabitant for the purposes of voting relating to the raising of money in any town, ward, or unincorporated place where the person has his or her domicile or owns a residence. (Leonard, Hills 39: Election Law)

CACR 37, relating to the right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. (Gilmore, Straf 11; Kurk, Hills 5; Arndt, Rock 27; Mitchell, Ches 3; Kennedy, Merr 7; Below, Dist 5; Wheeler, Dist 21: Judiciary)

vacates

Rep. Mock moved that the House vacate the reference of **HB 1155**, excepting for-profit blood suppliers from limitations on strict liability, to the Committee on Judiciary.

Adopted and referred to Health, Human Services and Elderly Affairs.

Rep. Emerton moved that the House vacate the reference of **HB 1410**, relative to the joint health council, to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Executive Departments and Administration.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 304, relative to the confidentiality of criminal history records checks, removed by Rep. O'Hearn.

HB 505-FN, establishing a special license plate for veterans, removed by Rep. Heon.

Consent Calendar adopted.

HB 200-FN-L, relative to restructuring the juvenile justice system in New Hampshire. REFER FOR INTERIM STUDY

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to create a department of children's services and juvenile justice as a separate executive agency of state government responsible for the general supervision and enforcement of all programs and services for children and youth. The committee is involved in an extensive study of the various programs, functions, services of both DCYF and DYDS and needs more time to develop their recommendations. Vote 17-0.

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

Rep. L. Randy Lyman for Children and Family Law: The subcommittee conducted several sessions where diversion was addressed at length with county executives, DHHS and program facilitators. Diversion reduces the possibility of placement. Funds have not been increased since 1995. Vote 16-1.

Amendment (2092h)

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

AN ACT relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs.

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

1 Services for Children, Youth, and Families; Placement Costs for Juvenile Diversion and Alternative Disposition Programs; Appropriation Increased. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated in fiscal year 1994 and not less than [6] 6 1/4 percent in each fiscal year thereafter, to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

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

AMENDED ANALYSIS

This bill increases from 6 percent to 6 1/4 percent the amount of the annual appropriation for funding placement costs for juvenile diversion and alternative disposition programs within the department of health and human services.

Referred to Finance.

HB 555, relative to representation of a child during child interviews. REFER FOR INTERIM STUDY

Rep. Laura C. Pantelakos for Children and Family Law: The committee felt this bill should be studied further to be sure that the children's rights are protected during interviews. Vote 17-0.

HB 571, relative to joint legal and physical custody of children. INEXPEDIENT TO LEGISLATE

Rep. Edward P. Moran for Children and Family Law: This bill encourages more shared parental responsibility, but sets an

arbitrary minimum time standard which creates a whole set of problems. Bill sponsors introduced what they believed is an improved approach, but the committee felt that a bill dealing with a parenting plan in the next session was the best approach. Vote 16-0.

HB 717-FN-A, establishing a child care incentive program for training child care workers, and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Julie M. Brown for Children and Family Law: This bill would establish a childcare incentive program for training childcare workers and making an appropriation. This is an excellent bill, but needs further study. Vote 15-0.

SB 137-FN, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill deals with the use of Social Security numbers for support enforcement and for driver's, marriage, professional and recreational licenses. The committee determined that although the goals are laudable, the opportunities for abuse, misuse and unwarranted invasion of privacy were sufficient to warrant a recommendation of "Inexpedient to Legislate." Vote 16-0.

HB 309, relative to motor vehicle insurance. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: There have been several steps taken by the Insurance Department to help the problems of "After Market Parts" and coercion or steering to certain repair facilities through a bulletin they issued in September. While it does not solve all of the problems, new legislation has been filed to address these issues. The committee wants to keep the subject alive for further work. Vote 15-0.

HB 434, providing that health care providers shall determine the appropriate course of patient treatment. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The committee had three re-referred bills, as well as a chaptered study, which covered the subject matter of this bill. The concern of the committee was how to most effectively address the issue. The consensus was to focus our efforts on House Bill 637. Vote 14-2.

HB 528, adding penalty provisions to the unfair claim settlement practices by insurers law. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: The Insurance Department is still waiting for a pending Supreme Court decision on this matter. The committee would like to keep this bill alive for further action next year. Vote 17-0.

HB 647-FN, relative to health care providers and provider agreements with health insurers. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The committee believed that the concerns of the sponsor could not be addressed without dismantling the current HMO system in New Hampshire. Many of the issues raised by the sponsor will be covered in House Bill 637. Vote 16-0.

SB 162, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: The amendment to this bill clarifies several issues pertaining to purchasing alliances and the licensing of same, pursuant to RSA 420-G:10. The amendment also states that two or more employers may jointly purchase health insurance coverage without having to form a purchasing alliance. The bill will sunset in five years if no entity has been licensed and is currently issuing coverage under the provisions of this bill. Vote 16-0.

Amendment (2182h)

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

AN ACT authorizing licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.

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

1 New Paragraph; Definition Added; Purchasing Alliance. Amend RSA 420-G:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Purchasing alliance" means a non-risk bearing corporation or other entity licensed pursuant to RSA 420-G:10-a that provides, on a voluntary basis, health insurance coverage through multiple unaffiliated participating carriers to member small employers and their employees within a defined service area authorized by the commissioner.

2 New Section; Voluntary Small Employer Health Insurance Purchasing Alliances. Amend RSA 420-G by inserting after section 10 the following new section:

420-G:10-a Voluntary Small Employer Health Insurance Purchasing Alliances; Rulemaking.

I. The commissioner shall have the regulatory oversight authority to set standards for the licensure and conduct of purchasing alliances authorized under this section and to enforce such standards.

II. Each applicant and each duly licensed purchasing alliance shall file with the commissioner such information or documents as the commissioner shall adopt by rule as necessary to perform oversight function.

III. A purchasing alliance shall offer health benefit plans and establish conditions of participation for small employers, employees, and participating carriers that conform to the requirements of this chapter.

IV. Nothing in this section shall require 2 or more small employers to join a purchasing alliance as a condition of jointly purchasing health insurance coverage. Any such coverage jointly purchased by 2 or more small employers who do not join a purchasing alliance shall conform to the requirements of this chapter.

V. The commissioner shall adopt such rules, under RSA 541-A, and issue such orders as may be necessary to carry out the commissioner's oversight responsibilities under this section.

3 Repeal. The following are repealed:

I. RSA 420-G:2, XIV-a, relative to a definition of "purchasing alliance".

II. RSA 420-G:10-a, relative to voluntary small employer health insurance purchasing alliances.

4 Contingency. If during the month of January, 2006, the commissioner of insurance certifies to the secretary of state that no entity has been licensed as an alliance pursuant to the provisions of this act and is actively offering coverage and enrolling employees of member small employers, then section 3 of this act shall take effect on the date of certification. If no such certification occurs during the month of January, 2006, section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill authorizes the insurance department to set standards for the licensure and regulatory oversight of voluntary small employer purchasing alliances.

HB 202, legalizing the possession and cultivation of marijuana for medicinal purposes. REFER FOR INTERIM STUDY

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: The committee felt that further information should be sought before a final decision was made on legalizing the use of marijuana for medicinal purposes. Testimony from a pharmacist suggested that merinol was, indeed, as effective as smoking in alleviating pain in terminal patients. The committee decided it needed more information about why the medical industry was perhaps not prescribing its use, and is seeking more input about the medical uses. Vote 10-2.

HB 254-L, relative to restricting the fire marshal's authority in certain municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Criminal Justice and Public Safety: Upon hearing testimony from the bill's sponsor and representatives from the Fire Marshal's Office, local fire chiefs and code enforcement officials, it was determined that it was not prudent to restrict the authority of the Fire Marshal in communities with a population over 3,000. This creates the potential of

having various codes throughout the state, which could jeopardize the safety of its citizens. However, the testimony brought out several problem areas. The committee felt that formulating a study committee with all parties involved would resolve those issues that are problem areas and thereby insure the public safety of all citizens. Vote 13-0.

Amendment (2045h)

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

AN ACT establishing a committee to study building inspector liability and other related matters.

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

1 Committee Established. There is established a committee to study the feasibility of extending the public duty rule to building inspectors and health officers; the feasibility of allowing the use of fire sprinklers in rooms or areas containing either generators, transformers, telecommunications equipment or electronic data processing equipment; and the feasibility of expanding the role of the state advisory board of fire control to include the hearing of appeals concerning the state fire code.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, appointed by the speaker of the house, including 3 members from the criminal justice and public safety committee and 2 members from the municipal and county government committee.

(b) Three members of the senate, appointed by the president of the senate, comprised of members of the public affairs committee.

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

3 Duties.

I. The committee shall study the following matters:

(a) The feasibility of extending the public duty rule to building inspectors and health officers;

(b) The feasibility of allowing the use of fire sprinklers in rooms or areas containing either generators, transformers, telecommunications equipment or electronic data processing equipment; and

(c) The feasibility of expanding the role of the state advisory board of fire control to include the hearing of appeals concerning the state fire code.

II. The committee shall seek input from the New Hampshire Association of Building Officials, the New Hampshire Association of Fire Chiefs, the New Hampshire Association of Health Officers, the New Hampshire Municipal Association, the state advisory board of fire control, the department of safety, and other interested parties.

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

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, 2000.

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

AMENDED ANALYSIS

This bill creates a committee to study the feasibility of extending the public duty rule to building inspectors and health officers; the feasibility of allowing the use of fire sprinklers in rooms or areas containing either generators, transformers, telecommunications equipment or electronic data processing equipment; and the feasibility of expanding the role of the state advisory board of fire control to include the hearing of appeals concerning the state fire code.

HB 282-FN-A, relative to bomb dogs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill would authorize the purchase of two bomb dogs for use by the state. The state has recently received a federal grant in the amount of \$24,000 for the purchase and training of two explosive sniffing dogs. The purchase is underway and the training is either about to commence or has already commenced. This bill is, therefore, unnecessary and the committee voted "Inexpedient to Legislate." Vote 17-0.

HB 312, restricting the carrying of firearms in courthouses. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Criminal Justice and Public Safety: House Bill 312 defines an area used by a court. The term is in the part of the statute that restricts the carrying of firearms into a courtroom or an area used by a court. The penalty for this is a Class B felony. Occasionally, the judges meet at a non-court facility and the court security personnel have indicated that this also is an area used by a court. The committee disagrees with this use of the statute that originated as a result of an earlier court security study committee. We do agree, however, that firearms should not be introduced into a court building that houses only a court facility or into a building that is partially used as a court facility. The placement of security devices remains with the court security personnel and the county sheriffs where appropriate. The Class B felony would only apply in the areas used by a court as defined in RSA 159:19. Those areas as amended include courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judges chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities. A reference to RSA 159:5 was added to protect law enforcement personnel when they are "on duty" at a court facility. RSA 159:5 allows marshals, sheriffs, and police to carry firearms in a court security situation in a normal course of business. Input from the administrative office of the courts and the county sheriffs was considered and included in the amendment Vote 14-0.

Amendment (2040h)

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

AN ACT relative to the carrying of firearms in courthouses.

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

1 Firearms Restrictions; Courthouse Security. Amend RSA 159:19 to read as follows:

159:19 ~~Courtroom~~ **Courthouse** Security.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon ~~his~~ **the** person or within any of ~~his~~ **the** **person's** possessions owned or within ~~his~~ **the person's** control in a courtroom or area used by a court. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. ~~Firearms may be secured at the entrance to a courthouse by courthouse security personnel. A person who knowingly carries a loaded or unloaded pistol, revolver, or firearm, or any other deadly weapon as defined in RSA 625:11, V past a screening device at an entrance to a courthouse shall be guilty of a violation.~~

III. ~~The supreme court shall adopt rules defining "a courtroom or area used by a court"]~~ For purposes of paragraph I, **"area used by a court" means:**

- (a) In a building dedicated exclusively to court use, the entire building.**
- (b) In any other building which includes a court facility, courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judge's chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities.**

~~IV.]~~ **III.** The provisions of this section shall not apply to marshals, sheriffs, ~~police~~ **police** or other duly appointed or elected law enforcement officers, bailiffs and court security officers, or persons with prior authorization of the court for the purpose of introducing weapons into evidence **and as otherwise provided for in RSA 159:5.**

~~V.]~~ **IV.** It shall be an affirmative defense to any prosecution under paragraph I that there was no notice of the provisions of paragraph I posted in a conspicuous place at each public entrance to the court building.

2 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill defines area used by the court" for purposes of restricting the carrying of firearms in courthouses.

HB 359, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously. INEXPEDIENT TO LEGISLATE

Rep. William J. McCarthy for Criminal Justice and Public Safety: The committee feels that in homicide cases, which is the circumstance that precipitated this bill, the Attorney General's Office does not hesitate to bring forth prosecutions even if a case has been pending for years. However, they prefer not to call a Grand Jury and initiate the prosecution of a case, if they feel that the evidence is lacking for a successful case. In present law, a relative of a homicide victim can file a wrongful death suit, regardless of any action by the state. Also, only one other state, Colorado, allows for a private citizen to pursue a case, and that state has a special prosecutor for that purpose, which New Hampshire does not have. It has been used only minimally in that state and for a somewhat unique personnel situation. After listening to the number of homicide cases still pending for over a year (approximately 53), and hearing details of several reopened and successfully prosecuted after considerable time had passed, the committee concluded that no suggested changes would improve upon the present system and that the solution remains improved management and better investigations, rather than legislation. Vote 12-2.

HB 478, prohibiting smoking in all areas of prisons. INEXPEDIENT TO LEGISLATE

Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill would have prohibited smoking by all personnel and inmates within all areas of the state's prison system. When the public hearing was held, the correction officers' union representative testified in support of the measure. Since that time, the no-smoking policy has become a bargaining issue. The Department of Corrections has informed the committee that the no-smoking policy promulgated earlier this year is underway. The New Hampshire State Prison for Women has been non-smoking since April 1, 1999. The New Hampshire State Prison Secure Psychiatric Unit and the three halfway houses have been non-smoking since September 1, 1999. The Lakes Region Facility will be non-smoking as of November 1, 1999 and the Berlin State Prison will open non-smoking. There is no need to create a statute that is difficult to reverse when a department policy will suffice. The committee is also divided on the practicality of a no-smoking policy within the prison system. The committee recommends "Inexpedient to Legislate." Vote 16-1.

HB 522, relative to the public's access to sex offender registry information. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This legislation requires convicted sex offenders and offenders against children who are required to register, to do so annually within 30 days after each anniversary of the person's date of birth rather than each anniversary of their date of release from custody. This should make it easier to remember to register. Added to the list of information available to the public are outstanding arrest warrants for any sexual offender or offender against children who has not complied with the offenders obligation to register. Sexual offenders or offenders against children previously convicted of a misdemeanor for knowingly failing to register, shall be guilty of a Class B felony for knowingly failing to register a second or subsequent time. Vote 14-2.

Amendment (2175h)

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

1 Duty to Report. Amend RSA 651-B:4, I to read as follows:

I. Any person required to be registered under this chapter shall be required to report such person's current mailing address and place of residence or temporary domicile to the local law enforcement agency within 30 days after the person's release from custody following conviction, or within 30 days after the person's date of establishment of residence in New Hampshire if convicted elsewhere. Such report shall also be made annually within 30 days after each anniversary of the person's date of birth, and additionally within 30 days after any change of address or place of residence. Forms for reporting shall be provided by the department to each municipal police and county sheriff department, and shall include a copy to be receipted and returned to the person filing the report and a copy to be forwarded to the division. The division shall include such address report information in the LENS system, and shall also use the information to maintain a current address in the person's criminal record as maintained under RSA 106-B:14.

2 New Subparagraph; Persons to be Included on Sex Offender Registry List. Amend RSA 651-B:7, II(b)(1) by inserting after subparagraph (C) the following new subparagraph:

(D) Outstanding arrest warrants, together with the information listed in RSA 651-B:7, II(b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the offender's obligations to register under this chapter.

3 Updates. Amend RSA 651-B:7, IV as follows:

IV. The division shall forward, **by any means**, a copy of the list described in this section to each local law enforcement agency at periodic intervals, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to the local law enforcement agency. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in ~~[a specified city or town]~~ **the state**. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

4 Penalty. Amend RSA 651-B:9 to read as follows:

651-B:9 Penalty.

I. A sexual offender or offender against children who negligently fails to comply with the requirements of this chapter shall be guilty of a violation.

II. A sexual offender or offender against children who knowingly fails to comply with the requirements of this chapter shall be guilty of a misdemeanor.

III. A sexual offender or offender against children previously convicted of a misdemeanor pursuant to paragraph II who knowingly fails to comply with the requirements of this chapter shall be guilty of a class B felony.

~~III.~~ **IV.** Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

5 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill broadens the scope of information required to appear on the sexual offender registry list and the means of collecting and reporting such information. The bill also makes subsequent offenses for knowingly failing to register punishable as a class B felony.

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

Rep. Frederick B. Andrews for Criminal Justice and Public Safety: House Bill 631 is an act authorizing the Department of Safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. The Department of Safety would issue photographic identification cards for persons who have undergone criminal background checks. These cards could be used when applying for other safety-related clearance matters. Such cards shall only be issued after Department of Safety personnel have verified, via review of National Instant Criminal Background Check System (NICS) records, that no data exists to indicate that possession of a firearm by the individual requesting the card would be in violation of federal, state or local law. At the September 28, 1999 work session, Assistant Commissioner John Stephen was not enthusiastic about the bill. There was no support from the department and there were no suggestions about how to speed up the present process. When originally drafted, the sponsor thought it would provide a more uniform procedure and allow the criminal record background checks at the time of hire to be done in a more timely manner. The work sessions shed no light on the methods used that would indicate a benefit to those who need criminal record checks for the purpose of hiring or for those who apply for employment. House Bill 304 currently being studied by the committee on education will, when amended by that committee, clarify the procedure for those who work with children in our school system. The committee recommends that House Bill 631 be found "Inexpedient to Legislate." Vote 14-0.

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill in its original form added duties or obligations on

school systems, which in most cases were already covered by the systems rules and procedures, and by RSA 193:D, the Safe School Zones Act. The only part the committee changed was paragraph 1 (A), that when a report is made by the principal to the police, it is also made to the parent or guardian of the victim. The changes made were agreed to by the sponsor and he felt they accomplished his goal. Vote 17-0.

Amendment (2186h)

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

1 Reporting Requirements; Child Endangerment; Assaults. Amend RSA 193-D:4, I (a) to read as follows:

I.(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority ***and person responsible for the child's welfare as defined in RSA 169-C:3, XXII*** immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

2 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill changes the reporting requirements for teachers or school administrators who witness or have information concerning acts of theft, destruction or violence by students.

SB 29-L, relative to the proper sheltering of dogs. OUGHT TO PASS WITH AMENDMENT

Rep. William J. McCarthy for Criminal Justice and Public Safety: This bill, as originally written, actually weakened the animal cruelty statutes in some areas. It also, however, opened up possible scenarios of enforcement officials entering private property for little reason. The original bill also addressed shelter specifications in minute detail. The committee agreed that a better definition of shelter may be in order, but not in the detail presented. The amendment maintains the level of penalty in current statute and inserts the shelter definition in the appropriate place in the statute. Vote 13-1.

Amendment (2027h)

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

1 New Paragraph; Shelter for Dogs; Protection from the Weather. Amend RSA 644:8 by inserting after paragraph II the following new paragraph:

II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from inclement weather shall have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

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

AMENDED ANALYSIS

This bill defines what is necessary for adequate shelter for a dog.

SB 88-FN, relative to penalties for third driving while intoxicated offenses. REFER FOR INTERIM STUDY

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill deals with penalties for third offense DWI. The committee felt "Interim Study" was proper for this as House Bill 84 was initially the same and that was made into a chaptered study committee to look into DWI related matters. By putting this bill into "Interim Study," we have a vehicle available to use if needed for DWI penalties and we felt that the issues in Senate Bill 88 should be looked at along with those in House Bill 84. Vote 16-0.

HB 273-FN-L, relative to annual grants for school building aid. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. McKinley for Education: The amendment replaces the bill. This bill, as amended, creates a legislative oversight

committee for school building aid to study all aspects of state funding for building programs and recommend legislation or rules where applicable. This oversight committee is to review the report on the condition of schools by the State Board and the administrative rules dealing with building aid and what constitutes an adequate public school building. The original bill revised the building aid formula. Information and data are still forthcoming making a new formula premature at this time. Vote 16-1.

Amendment (2193h)

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

AN ACT establishing a school building aid oversight committee.

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

1 New Section; School Building Aid Oversight Committee. Amend RSA 198 by inserting after section 15-h the following new section:

198:15-hh School Building Aid Oversight Committee.

I. There is hereby established a school building aid oversight committee for the purpose of monitoring and overseeing the funding of adequate educational facilities within the school districts of this state and to recommend legislation as deemed necessary. The membership of the committee shall be as follows:

(a) Three members of the house of representatives, including one member of the education committee and one member from either the finance committee or the public works committee, appointed by the speaker of the house.

(b) Three members of the senate, including one member of the education committee and one member from either the finance committee or the capital budget committee, appointed by the president of the senate.

II. The first-named house member shall call the first meeting no later than 60 days after the effective date of this section. A chairperson shall be elected by the membership at the first meeting. The committee shall meet at the call of the chair.

III. Membership on the committee shall be coterminous with membership in the legislature.

IV. The duties of the committee shall be as follows:

(a) To review any past studies regarding school building aid.

(b) To cooperate with and support the state board of education and the department of education in their statewide qualitative study concerning public school facilities and distribution of school building aid in accordance with 1998, 267:3.

(c) To review the current school building aid distribution formula, including recommendations for alternative methods of apportioning such aid.

(d) To review department of education rules regarding school building aid and construction.

(e) To evaluate the process undertaken by the state board of education for approval of school construction plans, including recommending guidelines to minimize premature facilities and equipment obsolescence.

(f) To create guidelines to insure that the state portion of school building aid is used for educational purposes necessary for an adequate education.

V. The committee shall report no later than November 1 annually to the speaker of the house, the chairperson of the house education committee, the president of the senate, the chairperson of the senate education committee, and to the governor and council. The report shall include any recommendations for legislation.

2 Repeal. RSA 198:15-hh, relative to school building aid oversight committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a school building aid oversight committee for the purpose of overseeing and monitoring the funding of adequate educational facilities in each school district.

SB 208-FN, establishing a "parents as scholars" program. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: The purpose of this bill is to allow people on TANF to take courses at the Technical-Community College and have that effort considered work for purposes of receiving benefits. This is in conflict with the current philosophy of Health and Human Services which is "work first," if work is available. There will be further legislation to establish a commission to study how the Technical-Community College can work with TANF recipients so they can achieve skills to be self-supporting. Vote 15-0.

HB 493-FN, relative to alteration of sample ballots. INEXPEDIENT TO LEGISLATE

Rep. Lynn C. Horton for Election Law: This bill would create a new class A misdemeanor. The committee felt that since city and town election officials with only one exception had no complaints and the secretary of state's office had no complaints that this piece of legislation could cause more problems than it would solve. Therefore, inexpedient to legislate is the correct and proper way to handle this. Vote 18-0.

SB 94, relative to absentee voter affidavits. INEXPEDIENT TO LEGISLATE

Rep. C. Donald Stritch for Election law: The committee felt that since the secretary of state had addressed the problem of absentee ballot affidavit signatures to the committee's satisfaction, this bill was no longer needed. Vote 18-0.

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

Rep. Kenneth R. Marshall for Environment and Agriculture: The committee voted 15-0 that this bill is unnecessary at this time because the law already allows for the Division of Forests and Lands to issue permits for the growing of gooseberries and currants and, in fact, is now doing so. Vote 15-0.

HB 246, relative to personnel transfers at the department of safety. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration: The amendment to HB 246 represents a compromise on the subject of personnel transfers involving personnel in the Division of Fire Standards and Training at the Department of Safety. The Executive Departments and Administration Committee is pleased to unanimously support this agreement. Vote 15-0.

Amendment (2114h)

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

1 Transfers Involving the Division of Fire Standards and Training. Amend RSA 21-P:15, III to read as follows:

III. Any transfer involving the division of fire standards and training undertaken pursuant to this section shall require ~~the concurrence of~~ **consultation with** the fire standards and training commission, **prior to the transfer being proposed to the governor and council.**

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

AMENDED ANALYSIS

This bill requires that personnel transfers involving the division of fire standards and training be done in consultation with the fire standards and training commission prior to the transfer being proposed to the governor and council.

HB 499-FN, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have required the New Hampshire Retirement System to send the monthly subsidy checks for retirees or beneficiaries to the medical plan selected by the retiree.

RSA 100-A:52 requires payment to the employers health plan. The New Hampshire Retirement System now sends out about 120 checks per month and to send them to the medical plan of the retiree's choice, could increase the workload tremendously. The retirees need to work with their former employers to select a plan with wide acceptance. When the State of New Hampshire changed insurance carriers, they retained Blue Cross/Blue Shield for retirees because of its wide accessibility. The employer or group of employers should work with the retirees to provide the coverage requested. Vote 16-0.

HB 598-FN, relative to the licensure of x-ray technicians. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: During the fall of 1999, under SB 60, a study committee reviewed the issues relating to licensure of radiological technicians. Many issues were raised pertaining to radiological safety. However, further examination is required. The study committee (SB 60) approved a motion on October 21, 1999 to extend the study committee's reporting date to November 1, 2000. It is believed that this one-year extension may produce different bills that would provide better legislative resolution(s) regarding the provision of safer radiological services for the 2001 legislative session. Vote 15-0.

SB 216-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow any Group I employee or teacher member who has completed ten years of creditable service, to purchase up to four years of additional creditable service for active service in the armed forces of the United States or service in an active status in the New Hampshire National Guard or organized reserves. The present statute has provisions for members called to active duty in the armed forces. This bill refers to prior service or service in the reserves. This retirement system is for the employees and is provided, in part, by the employer for service provided in the course of employment. Additional payments late in the employment cycle will enhance the retirement benefit but may not fully fund the benefit purchased. The subcommittee voted "Inexpedient to Legislate" as this bill might have unrecognized consequences. Vote 15-1.

HB 107-FN-A, establishing a tax review and adjustment study commission and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Finance: The bill's purpose was to study the state's tax structure in light of legislative action to respond to the *Claremont II* decision. A commission would recommend a new revenue-neutral tax structure. The Finance Committee believes such a study to have value and appreciates the sponsor's foresight. However this function was subsequently assigned to the Tax Equity Commission created in HB 117 which is now meeting and makes further consideration of HB 107 unnecessary. Vote 21-0.

HB 289, relative to eligibility for child day care assistance. INEXPEDIENT TO LEGISLATE

Rep. Mary Jane Wallner for Finance: During the public hearing it became clear that this bill addressed an issue which was addressed in rules. The problem was that the Department of Health and Human Services' policy did not properly reflect the department's rules. The department has corrected the policy and this bill is not necessary. Vote 24-0.

HB 630-FN-L, relative to the Skyhaven airport transfer plan. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill deals with the Skyhaven Airport transfer plan and establishes a self-funding maintenance and operations fund. It further requires capital budget overview on any capital improvements projects.

The amendment removes the "sole source of funding" provision in section 422:49, the Skyhaven Airport Maintenance and Operation Fund and replaces it with wording that allows management to seek federal and/or private funds. It further amends the bill to require the transfer of the Skyhaven Airport to a local public entity be completed no later than July 1, 2003; it also requires that the submission of a plan for the transfer be completed and presented by 2002 rather than the year 2000. The remaining sections of the bill are unchanged. Vote 22-0.

Amendment (2020h)

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

1 Skyhaven Transfer Plan. Amend 1998, 317:1 to read as follows:

317:1 Skyhaven Airport Transfer Plan.

I. The long range capital planning and utilization committee and the Skyhaven airport operation commission shall develop a plan to transfer the Skyhaven airport to a local public entity. ***The transfer shall be completed by July 1, 2003.*** The transfer shall be to an entity that is eligible for federal funding under the Airport Improvement Program and other federal programs, and that will maintain the airport in a satisfactory manner in accordance with federal and state statutes and regulations.

II. The transfer shall include land and buildings, as well as any existing contract obligations and benefits. All income currently collected by the state from the property, such as hangar rentals and contract fees, shall accrue to the new owner, who will be responsible for maintaining and operating the airport; provided, however, that the state shall retain any aircraft hangars to which an outstanding bond obligation may be attributed, and the income from those hangars shall continue to be deposited to the Skyhaven hangar sinking fund account until such time as the bonds are paid, at which time the hangars shall be transferred to the new owner. ***Until such time as the bonds are paid, the state treasurer shall have the authority to reallocate the debts in the Skyhaven hangar sinking fund account.***

III. Skyhaven airport shall be eligible for state grants to match federal grants for the capital improvement program in the same manner as other major airports in the state.

2 Extension of Date for Submission of Plan. Amend 1998, 317:3 to read as follows:

317:3 Submission of Plan. The long range capital planning and utilization committee and the Skyhaven airport operation commission shall submit the Skyhaven airport transfer plan to the governor and council, the speaker of the house of representatives, and the president of the senate by November 1, ~~[1998]~~ **2002**.

3 Skyhaven Airport Maintenance and Operations Fund; Airport to be Self-funding. Amend RSA 422:49 to read as follows:

422:49 Skyhaven Airport Maintenance and Operations Fund.

I. There is hereby established the Skyhaven airport maintenance and operations fund, which shall be nonlapsing and continually appropriated to the division of aeronautics for the maintenance and operation of Skyhaven airport.

II. Rental revenues from Hangars 2, 3 and 4 at Skyhaven airport which are not required to be deposited in the Skyhaven hangar sinking fund account for bond repayment shall be deposited in this fund. All other revenues from Skyhaven airport rentals, leases, fees, and the sale of goods and services at Skyhaven airport shall be deposited in this fund.

4 Repeal. The following are repealed:

I. RSA 6:12, I(sss), relative to the Skyhaven airport maintenance and operations fund.

II. RSA 422:49, relative to the Skyhaven airport maintenance and operations fund.

5 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. Sections 1 and 3 of this act shall take effect July 1, 2001.

III. The remainder of this act shall take effect July 1, 2003.

AMENDED ANALYSIS

This bill extends the reporting date for the Skyhaven transfer plan from November 1, 1998 to November 1, 2002. The bill requires that a transfer be completed by July 1, 2003.

This bill also allows the state treasurer to reallocate existing debts in the Skyhaven hangar sinking fund account. The bill requires certain revenues from Skyhaven airport to be deposited in the Skyhaven airport maintenance and operations fund.

HB 692-FN-A, adopting a single sales factor method of apportionment under the business profits tax. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Finance: The Finance Committee recommends that this bill be placed in interim study. As with other pieces of legislation coming before us, we are loathe to jeopardize such a large source of general fund revenue. However, many members have long advocated use of the single sales factor to determine the business profits tax. By placing the bill in interim

study, the Finance Committee can compare actual collections with model collections using the single sales factor. The information gleaned can then be used to further consider any changes. Vote 20-1.

HB 747-FN-A-L, relative to the education property tax and adequate education grants. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: In light of the adoption of a statewide property tax via HB 117, as well as the Supreme Court's action regarding the same, the committee finds that the current proposal, which also levies a statewide property tax, to be unnecessary. Certain policy aspects found in HB 747 but not in HB 117 have been debated and will continue to be examined by the Tax Equity and Efficiency Commission. Of particular discomfort to the committee is the mechanism whereby the statewide property tax rate is set. In HB 747, the rate is not set in statute. Rather, the authority to set the tax rate each year is left to the Commissioner of the Department of Revenue Administration. Vote 21-0.

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

Rep. Jean R. Wallin for Finance: The Finance Committee recommends that the House find this bill Inexpedient to Legislate because it is virtually impossible to calculate the amount of revenue that would be lost or gained with passage of this bill. Finance further feels that this is not the time to place any general fund revenue in jeopardy. There were no supporters of the bill from the general public appearing at our hearings. Vote 21-0.

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

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: New federal regulations require inspections of home health agencies for compliance with federal regulations for Medicare. It was discovered that two home health agencies that do not provide Medicare services were impacted by this. A representative of the Department of Health and Human Services told the subcommittee that this could be worked out in rules, and that no action would be taken for non-compliance until addressed in rules. The re-refer motion enabled that process to be followed through. The Department of Health and Human Services is now in the final stages of rulemaking on this matter and it appears this issue is being satisfactorily resolved. Vote 14-0.

HB 568, establishing a review panel to review judicial officers. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary: The subcommittee met several times on a series of judicial reform bills. We were very careful not to cross over the Constitution lines of authority. Through this legislation, the courts should now understand that the citizens of New Hampshire want judges to be courteous, efficient and competent. In this amendment, the committee provides in the Judicial Conduct statute that (1) performance evaluations will be done on all judges with input from attorneys, parties, witnesses, jurors, court personnel, etc. at least once every three years; (2) all complaints pertaining to judges will be passed (dismissed or not) between the Administrative Judge and the Judicial Conduct Committee; (3) the evaluations will be made available to the Governor and Executive Council upon nomination of judges to other judicial appointments; and (4) the court annually will file a report on the evaluation process. Vote 16-0.

Amendment (2122h)

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

AN ACT establishing a program for performance evaluations of judges.

1 New Paragraph; Complaints; Committee on Judicial Conduct. Amend RSA 490:30 by inserting after paragraph III the following new paragraph:

IV. In all cases, whether a complaint is dismissed or not, complaints received by the committee on judicial conduct shall be made available to the administrative judge of the court in which the judge complained against holds office. Furthermore, all complaints against judges received by the administrative judges of the superior court, the district court and the probate court shall be forwarded to the committee on judicial conduct.

2 New Subdivision; Judicial Performance Evaluations. Amend RSA 490 by inserting after section 31 the following new subdivision:

Judicial Performance Evaluations

490:32 Judicial Performance Evaluations.

I. The chief justice and a majority of the supreme court, in consultation with the administrative judges of the superior, district and probate courts, shall design and implement by court rule, a program for performance evaluation of judges. The sole purpose of this program shall be the improvement of the performance of individual judges and of the judiciary as a whole. Notwithstanding any law to the contrary, all information compiled through this program shall be confidential, except as otherwise provided in this section.

II. The program for performance evaluation shall include, but shall not be limited to, review of records of the supreme court's committee on judicial conduct which are public records under supreme court Rule 40; a questionnaire, to be designed by the supreme court; and a self-evaluation form to be completed by the judge. The supreme court shall strive to achieve uniformity among court evaluation questionnaires, recognizing that the questionnaires for each court may differ due to the jurisdiction of the courts. Questionnaires shall be distributed to a representative sample of attorneys, parties, witnesses, jurors, court personnel, and others who have appeared before a judge during the evaluation period, for the purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be limited to, questions relative to the judge's performance, temperament and demeanor, judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness. Completed forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All responses shall remain confidential.

III. The program for performance evaluation shall ensure that each judge is evaluated a minimum of once every 3 years.

IV. The chief justice of the supreme court shall evaluate the administrative judges of the superior, district and probate courts.

V.(a) The chief justice and a majority of the supreme court, in consultation with the administrative judges of the superior, district and probate courts, shall establish judicial evaluation standards, and shall design or determine appropriate programs for judges who need improvement in achieving the judicial evaluation standards. The supreme court shall establish disciplinary rules and may initiate disciplinary action when appropriate. If a judge fails to achieve judicial evaluation standards after 2 consecutive evaluations, or purposely fails to complete assigned programs, the judge's right to confidentiality shall be waived.

(b) Upon consideration of nomination for another judicial appointment, a judge's evaluations shall be made available to the governor upon request. Upon nomination, such evaluations shall be made available to the executive council upon request. The contents of such evaluations shall be kept in strict confidence by the governor and executive council.

(c) Judicial performance evaluations shall be retained by the judicial branch for the duration of the judge's tenure.

VI. The supreme court shall prepare a report on the implementation of the performance evaluation program described in this section within one year of the effective date of this section and submit such report to the governor, the speaker of the house, the president of the senate, and the chairpersons of the house and senate judiciary committees. Such report shall be made available to the public. Beginning in 2001, the supreme court shall annually file a report on the evaluation process, including, but not limited to, the number of evaluations performed by each court, the percentage of responses received, and, without identifying individual judges, a summary of the overall evaluation results and all actions taken to correct inadequacies and deficiencies. The annual report shall be submitted on or before June 30 of each year to the governor, the speaker of the house, the president of the senate, and the chairpersons of the house and senate judiciary committees. Such report shall be made available to the public.

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

AMENDED ANALYSIS

This bill requires the supreme court, in consultation with the administrative judges of the superior, district, and probate courts, to design and implement, by court rule, a program for performance evaluation of judges.

HB 575, limiting railroad liability for passenger and tourist rail service. REFER FOR INTERIM STUDY

Rep. Peter F. Bergin for Judiciary: The committee was concerned with setting a precedent of a liability cap of \$75,000,000 per occurrence annually and \$100,000,000 in the aggregate annually on "passenger rail service." It was also a concern that the rail owner would be fully exempt from total liability on the tracks that the commuter rail would operate on. As a result of these concerns, the committee voted somewhat reluctantly to send this bill to interim study even though most committee members have a genuine interest in perpetuating passenger rail service in the state where appropriate. Vote 18-0.

HB 636-FN, relative to public safety employee collective bargaining negotiations under the public employee labor relations act.

REFER FOR INTERIM STUDY

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The Labor, Industrial and Rehabilitative Services Committee has put an extensive amount of work into the issue of public sector employee conflict resolutions. The committee desires more time to continue working on this bill in hopes of drafting a bill that will result in timely collective bargaining negotiations for public sector employees. Vote 16-0.

HB 71-FN-L, relative to authorizing agreements for the determination of each municipality's share of county costs. INEXPEDIENT TO LEGISLATE

Rep. Richard C. Leone for Municipal and County Government: Due to the complexity of this bill, the Committee unanimously voted to recommend it "Inexpedient to Legislate" at this time. However, the Municipal and County Government Committee already has a standing subcommittee to study county issues on a continual basis. This would include the subjects of HB 71, issues of proportionality, property equalization (statewide), the formulas used by cooperative school districts relative to numbers of students (usage) and property valuation, and the significance of per capita income of each community. Vote 15-0.

HB 209, relative to authorizing the consideration of traditional village patterns in local zoning ordinances. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill would set up a traditional village pattern for local communities to adopt in their regulations to try to lessen the growth and impact of sprawl. The committee realizes that the local land use boards already have the ability to enact any innovative zoning regulations, which may or may not include a traditional village pattern. The issue of developing land in a manner that causes "sprawl" is being studied in the statutory study committee created by House Bill 288, Chapter 23:3, Laws of 1999. Therefore, the full committee felt that this specific bill was premature and wanted to let the full statutory committee do its work and will be looking forward to the report they will file in November of 2000. Vote 14-0.

HB 226-L, establishing municipality bond payment schedules and percentages. OUGHT TO PASS WITH AMENDMENT

Rep. Gerard L. St. Cyr for Municipal and County Government: The sponsors of this bill originally asked to change the bond payment schedule from 2 percent (current law) to 10 percent intervals to pay off Tax Increment Financing (TIF) projects. Their argument was that considerable savings could be realized in interest if the bond could be retired earlier. The Department of Revenue Administration was concerned that this could create problems of back-loading, especially if some community leaders decided to hold off payments until the last few years, possibly leaving the community in financial difficulty. The Department was also concerned that some of our smaller towns may not have access to financial officers or expertise to guide them as some of the larger communities do. The Committee was satisfied with a compromise of 5 percent increments worked out with the sponsors and the Department of Revenue Administration. Vote 13-2.

Amendment (2047h)

Amend the bill by replacing section 1 with the following:

1 Issuance of Bonds; Payment Schedules; Amount Payable. Amend RSA 162-K:8 to read as follows:

162-K:8 Issuance of Bonds. The municipality may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district together with all relocation costs incidental thereto. ***Bonds issued under authority of this chapter shall be payable in annual payments which shall be so arranged that the amount of annual payment of principal and interest in any year on account of any bond shall not be less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of such payments shall be sufficient to extinguish the entire bond on account of which they are made at maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date thereof. Each authorized issue of bonds shall be a separate loan.*** All dedicated tax increments received by the municipality pursuant to RSA 162-K:10 shall be pledged for the payment of these bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose, and the bonds shall not be included when computing the municipality's net debt under RSA 33.

HB 285, providing that equalized value of property in small towns be calculated as a multi-year average. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: This bill would allow towns with populations of less than 5000 to calculate their annual valuation by taking the average of equalized values over a 3-year period. Testimony from the Department of Revenue Administration expressed many concerns with this proposal. The Committee's major concerns were (1) population is not an appropriate measure to determine the need for using sales over a multi-year period, (2) the legislation conflicts with the different methods of assessment contained in HB 117 as it relates to the statewide education property tax, and (3) the Department of Revenue Administration now has the flexibility to use previous years sales in its calculations already. This bill would limit that flexibility. For those reasons, the committee unanimously concluded that the proposed legislation is not warranted. Vote 14-0.

HB 391, establishing a village plan alternative in zoning and land use planning laws. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill is premature due to the statutory committee currently studying the total issue of sprawl (HB 288, Chapter 23:3, Laws of 1999), along with several other committees studying this issue of unplanned growth. Reports are due in November 2000. Vote 14-0.

HB 446-L, subjecting certain land in the town of Newport to local land use regulations. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: The committee received information and input regarding the issue of subjecting the ash landfill in the town of Newport to local land use regulations. Based on the fact that the landfill is "owned and operated by an unusual partnership of 29 towns in the two states of New Hampshire and Vermont" and is therefore considered a municipality, the local land use regulations are not applicable to this specific use. Currently, any change of ownership from the municipality to a private owner would require the private owner to comply with local land use regulations. The town of Newport also proposed a zoning change, which was adopted, that zoned the current parcel of land into a "solid waste district." Knowing that this issue is closely related to HB 379 which "sets up a study committee to study issues pertaining to the Sullivan County Regional Refuse Disposal District," the subcommittee voted to send the bill to Interim Study in order to be sure that the complex issues were discussed and viewed by the study committee, along with the members of the appointed subcommittee. The sponsor concurred with this action. Vote 14-0.

HB 521-L, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: The intent of this legislation is to allow the governing body to vote to place an initial bond request on the warrant, even if the budget committee has voted "not to recommend" the initial bond request. Currently, if a budget committee makes this recommendation, the bond request does not go on the warrant for the local legislative body to vote on. In an MBA town/district, if the initial bond request is not recommended in its entirety by the budget committee, the governing body has the ability to call a duly posted meeting and have a majority vote to place the initial bond request on the warrant. Line 17, section II -- the process by which the question would be put on the warrant is outlined in the bill. Line 28, section III -- if the initial bond request is passed by the voters, the governing body is required to send a copy of the minutes where they took the vote to place the initial bond request on the warrant to the Department of Revenue Administration. Vote 14-0.

Amendment (2053h)

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

AN ACT allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

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

1 New Section; Legislative Body Override of Limitation of Appropriations. Amend RSA 32 by inserting after section 18 the following new section:

32:18-a Legislative Body Override of Limitation of Appropriations.

I. Notwithstanding any other provision of law, in any municipality electing this subdivision, or any district wholly within a town electing this subdivision, if an initial bond request is not recommended in its entirety by the budget committee, the governing body of such municipality, after a majority vote by the governing body of the municipality in favor of the initial bond request at a duly posted meeting, shall place the initial bond request on the warrant.

II. The legislative body of any municipality described in RSA 32:18-a, I, may approve an initial bond request despite the 10 percent limitation provided in RSA 32:18 in the following manner:

(a) The question shall be placed on the warrant.

(b) The wording of the question shall be: "Shall (the local political subdivision) override the 10 percent limitation on total appropriations beyond that recommended by the budget committee in order to approve the following appropriation (here insert initial bond request dollar amount and purpose)?" Immediately below the question on the warrant shall be displayed (1) the recommendation of the governing body and (2) the recommendation of the budget committee, as included in the budget forms for the annual meeting pursuant to RSA 32:5, IV.

(c) If those voting "Yes" on the question satisfy the requirements of RSA 33:8, the initial bond request is thereby approved.

III. If the initial bond request is approved pursuant to RSA 32:18-a, the governing body of such municipality shall forward a copy of the minutes of the duly posted meeting described in RSA 32:18-a, I to the commissioner of the department of revenue administration.

2 Appropriations Only at Annual or Special Meeting. Amend RSA 32:6 to read as follows:

32:6 Appropriations Only at Annual or Special Meeting. All appropriations in municipalities subject to this chapter shall be made by vote of the legislative body of the municipality at an annual or special meeting. No such meeting shall appropriate any money for any purpose unless that purpose appears in the budget or in a special warrant article, provided, however, that the legislative body may vote to appropriate more than, or less than, the amount recommended for such purpose in the budget or warrant, except as provided in RSA 32:18, ***unless the municipality has voted to override the 10 percent limitation as provided in RSA 32:18-a.***

3 Appropriations at Special Meetings. Amend RSA 32:20 to read as follows:

32:20 At Special Meetings. So long as the provisions of this subdivision remain in force in any municipality, no appropriation shall be made at any special meeting for any purpose not approved by the budget committee, unless it is within the allowable 10 percent increase if RSA 32:18 has been adopted, except as provided in RSA 32:19 ***or 32:18-a.***

4 Warning of Town Meetings. Amend RSA 39:2 to read as follows:

39:2 Warrant. The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting, and, if there is an election at said meeting, in which an official printed ballot containing more than one name is used, the warrant therefor shall prescribe the time the polls are to open and also an hour before which the polls may not close. A town meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that prescribed by the selectmen hereunder. The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated. Provided that in a case where the article in the warrant calls for the appropriation of a specific sum of money, the sum of money appropriated thereunder may be decreased or increased by the vote of the town, provided further that in a town under the municipal budget act no increase shall be valid which would violate the provisions of RSA 32:18, ***except as provided in RSA 32:18-a.***

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

AMENDED ANALYSIS

This bill allows the governing body of a municipality operating under the municipal budget act to put an initial bond request not recommended by the budget committee on the warrant of a town meeting and override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

HB 569, relative to the tax credit for service-connected total disability. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony F. Simon for Municipal and County Government: The United States Department of Veterans' Affairs goes through a very detailed and exhaustive medical investigation before any veteran is rated as "totally and permanently disabled from service connection." There is a tax credit that the veteran may apply for and receive from the veteran's residential property. Assessors are the local entity who either approve or reject this tax credit. In some cases it may not be visible to the assessor that the veteran is "totally and permanently disabled from service connection." This amendment sets up a process for the assessor

and the veteran to use if a question of disability arises. The actions of the veteran, through any specific contrary evidence brought by the assessing officials, are at issue, not the rating received from the Department of Veterans' Affairs. Vote 14-0.

Amendment (2004h)

Amend the bill by replacing section 1 with the following:

1 Tax Credit for Service-Connected Total Disability. Amend RSA 72:35 to read as follows:

72:35 Tax Credit for Service-Connected Total Disability

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has [a] total and permanent service-connected disability, or who is a double amputee or paraplegic because of [a] service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$700 of property taxes on [his] ***the person's*** residential property.

II. The tax credit in paragraph I may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. ***(a) Any person applying for the tax credit granted in paragraph I shall furnish [sufficient proof] to the assessors or selectmen [that the disability on which the tax credit is based is service connected. The] certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.***

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

IV. ***(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has [a] total and permanent service-connected disability, or who is a double amputee or paraplegic because of a service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$1,400 of property taxes on [his] the person's residential property.***

(b) The tax credit in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to the taxes due on any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.

(c) [Any Person applying for the tax credit granted in subparagraph (a) shall furnish sufficient proof to the assessors or selectmen that the disability on which the tax credit is based is service connected. The] Applications for this credit shall be made in the manner prescribed by paragraph III. Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

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

HB 641-L, clarifying the value of public utility property for property tax purposes. REFER FOR INTERIM STUDY

Rep. Linda T. Foster for Municipal and County Government: The committee voted unanimously to refer this bill to interim study. The taxation of public utility property is a very important and complex issue which is addressed in HB 117. It is currently being discussed and debated by the Tax Equity and Fairness Commission which was established by that bill. The Committee and the prime sponsor agreed that acting on this piece of legislation at this time would be precipitous. Vote 16-0.

HB 696-FN-L, relative to the taxation of land held by municipalities for water supply purposes. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: This bill would have provided a formula for land located in one

municipality and held by another municipality for water supply purposes to be taxable. Since this may have affected some current payment in lieu of taxes the committee referred this bill to study. Then not knowing the outcome of the education funding and how land parcels will be taxed, and also knowing that the protection of our water resources is an important issue, the full committee decided to put this bill into Interim Study to keep our options open. Vote 14-0.

SB 86, relative to enforcement of the collection and payment of county taxes by the county treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Griffin for Municipal and County Government: The Committee agreed that there is a need to remove the obscurity relative to the county treasurer's authority to collect taxes from the individual towns (incorporated and unincorporated). Although, the Committee did not feel comfortable giving counties unlimited authority, it did opt to spell out a process whereby the county treasurer has the option of going to the superior court of the county of the community involved, to attach pecuniary assets. Vote 13-2.

Amendment (2017h)

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

1 County Treasurers and County Taxes; Tax Warrants; Enforcement. Amend RSA 29:11, I to read as follows:

I. The treasurer shall issue ~~his~~ **a** warrant to the selectmen of the several towns in the county liable to pay state taxes, requiring them to assess, collect, and pay to the treasurer, within such time as shall be therein directed, their just proportion of all taxes granted by the county convention according to their proportion of public taxes for the time being, and shall enforce the collection and payment thereof, together with interest at 10 percent a year from December 17 upon all taxes not then paid, ~~in the same manner as the state treasurer may enforce the collection of state taxes;~~ and the county tax assessed against any town shall not be deemed paid until the whole amount of the warrant together with said interest from December 17 to the date of payment has been received by said treasurer. If December 17 fall upon a Saturday, Sunday, or legal holiday, the due date for payment of taxes shall be the first business day following December 17. If December 17 falls upon a Saturday, Sunday, or legal holiday, the interest payment penalty on taxes not paid when due shall be computed from the first business day following December 17 to the date on which payment is actually made. ***If the county tax is not paid in full, the county treasurer may petition the superior court in the county in which the town is located, to attach the town's pecuniary assets in the amount owed to the county.***

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

AMENDED ANALYSIS

This bill grants the county treasurer the power to petition the superior court to enforce the collection of county taxes from towns.

SB 89-L, relative to library trustees. OUGHT TO PASS WITH AMENDMENT

Rep. Priscilla P. Lockwood for Municipal and County Government: This bill enables towns to appoint up to three alternate library trustees and authorizes payment schedules for library appropriations, as agreed to by the trustees and the governing board. Vote 16-0.

Amendment (2036h)

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

2 Public Libraries; Library Trustees; Alternates; Custody and Management of Appropriations. Amend RSA 202-A:6 to read as follows:

202-A:6 Library Trustees; Election; ***Alternates***. The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, ~~except~~ ***including appropriations held pursuant to RSA 202-A:11, III, but excepting*** trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified. ***There may be no more than 3 alternates as provided in RSA 202-A:10.***

3 Library Trustees; Vacancies; Alternates. Amend RSA 202-A:10 to read as follows:

202-A:10 Library Trustees; Vacancies; ***Alternates.*** Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:75. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of the notice by the remaining members of the board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. ***The board of library trustees may recommend to the appointing authority the names of no more than 3 persons who may serve as alternate members on the board when elected members of the board are unable to attend a board meeting. The alternate members shall be appointed to one-year terms.***

4 Library Trustees; Powers and Duties. Amend RSA 202-A:11, III to read as follows:

III. Expend all moneys raised and appropriated by the town or city for library purposes ***and shall direct that such moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council.*** All money received from fines and payments for lost or damaged books or for the support of a library in another city or town under contract to furnish library service to such town or city, shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a nonlapsing separate fund and shall be in addition to the appropriation;

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

AMENDED ANALYSIS

This bill requires library trustees to direct that funds raised and appropriated for library purposes be paid over by the town or city treasurer according to a payment schedule agreed upon by the library trustees and the town selectmen or city council.

This bill also allows the appointment of alternate library trustees.

SB 207-FN, relative to authorizing bonds for the construction and renovation of regional vocational education centers. INEXPEDIENT TO LEGISLATE

Rep. Edwin O. Smith for Public Works and Highways: This bill is not needed as it was similar to HB 413 and the committee incorporated everything into one bill. The subject matter is all in HB 413. Vote 17-0.

HB 212, relative to local ordinances or regulations affecting groundwater withdrawals. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, as introduced, would give municipalities the final say on the permitting of large groundwater withdrawals. During the hearing process and committee deliberations, there was little support for this change since aquifers often cross political boundaries and therefore lend themselves to regional or statewide control. However, there were many important related issues concerning groundwater withdrawals discussed during the process. These included possible fees or taxes on certain groundwater withdrawals, consideration of an allocation process for water, zoning issues, and several others. These issues are the subject of several bills introduced in the 2000 session. This bill was voted "Inexpedient to Legislate" overwhelmingly by the committee. Vote 14-0.

HB 539-FN, relative to public access to Squam Lake. REFER FOR INTERIM STUDY

Rep. Michael D. Whalley for Resources, Recreation and Development: Public access to Squam Lake has been and continues to be an issue of significant importance to the State of New Hampshire. This issue has been before the Legislature for well over twenty years and numerous attempts have been made by the state to locate and develop an access site. It would appear that the Fish and Game Department, with the cooperation of the Department of Transportation and other interested parties, is close to completing the plans and agreements for a public access site as defined by RSA 271:20-a on Squam Lake. (RSA 271:20-a is legal passage to any of the public waters of the state by way of designated contiguous land owned or controlled by a state agency, assuring that all members of the public shall have access to and use of the public waters for recreational purposes.) Because this latest attempt may still require the Legislature's involvement, the committee felt that interim study was the best recommendation. Vote 14-0.

HB 543, relative to fill and dredge permits for breakwaters. REFER FOR INTERIM STUDY

Rep. David M. Lawton for Resources, Recreation and Development: HB 543 would prohibit breakwaters on lakes other than Lake Winnepesaukee. The Department of Environmental Services has recently finalized rules relative to breakwaters that fulfill the intent of this bill. However, the committee did not have time to properly address other changes in the rules relative to

breakwaters and would like to further study this important lakes issue. Vote 13-0.

HB 386, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. REFER FOR INTERIM STUDY

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The problem of Internet service providers being deluged by unsolicited electronic mail appears to have occasionally disrupted service to customers. Several other states have enacted legislation attempting to remediate this problem. However, none of these efforts seem to yet solve the problem; to date, counter-measures have been too effective. The committee recommends interim study so we can continue to seek effective solutions before enacting legislation. Vote 17-1.

HB 407, relative to unsolicited telephone sales by competitive telephone and electricity providers. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: As amended, HB 407 establishes a study committee to review issues related to unsolicited commercial telephone solicitation calls. Among these issues are determining the effectiveness of existing rules and examining the need for increased public awareness of these rules; studying the costs, benefits and legality of restrictions and/or guidelines for such calls; examining whether any restrictions should apply to all businesses or just telephone and electric service providers, etc. The committee believes that many New Hampshire residents are frustrated with such calls and that it is appropriate to study the matter and consider options. Vote 16-2.

Amendment (2135h)

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

AN ACT establishing a committee to study unsolicited commercial telephone solicitation calls.

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

1 Purpose. The general court finds that:

I. Unsolicited commercial telephone solicitation calls are perceived by many residents of the state of New Hampshire as a nuisance.

II. Methods have been implemented to date for reducing the perceived nuisance of receiving such unsolicited calls, including caller identification and no-call lists. However, these methods have been viewed by many residents as inadequate because the telephone is the primary means of emergency communication for most people and residents still need to interrupt their current activities to check whether the call is from a friend or relative, possibly from a location not previously known.

III. A study committee should carefully examine various options for creating and enforcing restrictions on such unsolicited calls.

2 Committee Established. There is established a committee to study and review issues related to unsolicited commercial telephone solicitation calls.

3 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 science, technology and energy committee and at least one of whom shall be from the commerce committee, appointed by the speaker of the house. The speaker of the house may appoint up to 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.

4 Duties. The committee shall be responsible for the following:

I. Monitoring and assessing the effectiveness of existing and future methods of attempting to reduce or eliminate unsolicited commercial telephone solicitation calls to those residents of New Hampshire who do not wish to receive them.

II. Monitoring, assessing, and suggesting changes in public utilities commission information designed to inform customers of

their rights under telephone and electric service deregulation.

III. Studying the relative benefits, relative costs, legality under federal laws including federal telecommunications laws, and feasibility of restrictions on unsolicited commercial telephone solicitation calls, ranging from restrictions on the number and nature of such calls to prohibition of such calls.

IV. Examining whether penalties, if any, should include not only fines, but also the suspension of a violator's right to provide certain services, such as the provision of competitive telephone or electric service, within the state.

V. Examining whether restrictions, if any, on unsolicited commercial telephone solicitation calls should be placed on persons engaged in all businesses, or whether restrictions should be limited and placed only on persons engaged in businesses where restrictions could be more easily enforced, such as competitive telephone or electric service providers that must register with the state before providing service.

VI. Studying whether if restrictions are placed, residents not wishing to receive unsolicited commercial telephone solicitation calls should opt in to the restrictions, or whether residents wishing to receive unsolicited commercial telephone solicitation calls should opt out of the restrictions.

5 Chairperson. 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.

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, 2000.

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

AMENDED ANALYSIS

This bill establishes a committee to study and review issues related to unsolicited commercial telephone solicitation calls.

HB 611, relative to performance standards for telephone companies providing noncompetitive services. INEXPEDIENT TO LEGISLATE

Rep. Jacqueline A. Pitts for Science, Technology and Energy: House Bill 611 would have permitted the Public Utilities Commission to set performance standards for telephone utilities such as installation standards, etc. It was determined that the authority to set such standards currently exists and after reporting and data collection methods have been resolved by the utilities and the Public Utilities Commission, the committee felt that at this time further legislation was not necessary. Vote 18-0.

HB 560-FN, relative to the suspension or revocation of youth operators' licenses. REFER FOR INTERIM STUDY

Rep. Sherman A. Packard for Transportation: The committee received information from the Department of Safety that the numbers of suspensions of those under 20 years old is in decline, clearly indicating that this law is working. The Department of Safety is in the process of making rule changes to certain violations that will clear up suspensions of non-moving violations. The Department of Safety is evaluating new programs that may be used to substitute license suspension for under 20 year old drivers. In light of these developments, the committee felt that we should refer this bill to "Interim Study" to follow the progress of the Department of Safety regarding this issue. Vote 13-0.

HB 280-FN, establishing a point system for the annual moose permit lottery. REFER FOR INTERIM STUDY

Rep. Ronald J. Nowe for Wildlife and Marine Resources: The subcommittee for re-referred HB 280-FN met on several occasions to discuss and evaluate the merits of this proposal. After an extensive review of several state moose hunting regulations, the committee agreed that this bill had merit and should be studied further. The State of Maine has had a point system in effect for a little over a year and is still ironing out its problems. We would like to follow and evaluate their point system so we do not have to "reinvent the wheel" should we choose to implement a point system in New Hampshire. Vote 13-0.

regular calendar

HB 637-FN, including persons who make medical decisions as practicing medicine. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: The unanimous vote of support from the committee for the amendment to House Bill 637 is testimony to the commitment of the committee to provide greater protection for New Hampshire consumers enrolled in managed care plans. The amendment requires that managed care entities employ a medical director who shall be licensed as a physician in New Hampshire. In addition, it extends the jurisdiction of the Board of Medicine to medical directors in alleged cases of professional misconduct. The intent of such language is to insure that medical directors will be held to the same level of accountability and professional standards as any other physician holding a New Hampshire medical license. The amendment also requires that a medical director be added to the Board of Medicine's review committee to insure a fair and impartial review of any alleged professional misconduct complaint against any other medical director. The legislation also prohibits contracts between health carriers and participating providers from including financial incentives to deny medically necessary care. The remaining sections of the bill create an independent external consumer appeal process to review certain determinations made by managed care entities. As part of the internal and external appeal process, the amendment requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for healthcare treatment decisions. A significant change from earlier legislation is that the Commissioner of Insurance will now select the independent review organization for external grievances. Additionally the threshold below which a consumer will not be able to apply for a review has been lowered to \$400. Finally, the implementation date has been changed from January 1, 2001 to 180 days after passage so that consumers may have the chance to benefit from this legislation as soon as possible. Vote 12-0.

Amendment (2203h)

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

AN ACT establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

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

1 New Paragraph; Medical Directors. Amend RSA 329:17 by inserting after paragraph III-a the following new paragraph:

III-b. Any referral by the insurance commissioner under RSA 420-J:5-e, VII or any complaint alleging professional misconduct of a medical director shall be received and reviewed by the board in accordance with the provisions of this section for potential disciplinary action. For the purposes of this paragraph, "medical director" means a physician licensed under this chapter who is employed by a health carrier or medical utilization review entity and is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

2 Medical Review Subcommittee; Medical Director. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 7 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and 6 other persons, no more than 5 of whom shall be physicians, ***one of whom shall be a medical director as defined in paragraph III-b of this section.*** Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, ***except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed.*** Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

3 New Section; Medical Directors Required. Amend RSA 420-E by inserting after section 2 the following new section:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329.

4 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXV the following new paragraph:

XXV-a. "Medical director" means a physician licensed under RSA 329 and employed by a health carrier or medical utilization review entity who is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

5 New Paragraph; Medical Director Required. Amend RSA 420-J:6 by inserting after paragraph IV the following new paragraph:

V. Each health carrier that conducts utilization review shall employ a medical director who shall have responsibility for all utilization review techniques and methods and their administration and implementation. Nothing in this section shall be construed to preclude a medical director from consulting with or relying on the advice of a physician licensed in this state or any other state. Nothing in this section shall be construed as expanding the professional or personal liability of a medical director.

6 Information Provided to Covered Persons. Amend RSA 420-J:5, II(a) – (e) to read as follows:

(a) A description of the *internal* grievance procedure ***required under RSA 420-J:5*** for adverse determinations and other matters ~~[which]~~ ***and a description of the process for obtaining external review under RSA 420-J:5-a – RSA 420-J:5-e. These descriptions*** shall be set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons.

(b) A statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

(c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process ***and the process for obtaining external review. This statement shall also include a written explanation of any adverse determination, with the name and credentials of the health carrier medical director, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. If the person making the adverse determination is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts.*** (d) Staff assistance in filing *an internal* grievance.

(e) ~~[If requested by the consumer or health care provider acting on behalf of the consumer, a written explanation of any adverse determination, with the name and credentials of the health carrier medical director or designee, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts]~~ ***Any clinical review criteria that are used by the health carrier as the basis of a decision to modify, delay, or deny services in a specified case under review, shall be disclosed to the provider and the enrollee in that specified case. Such disclosure shall be accompanied by the following notice: "The materials provided to you are criteria used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract." The criteria used by the carrier, or any entity with which the carrier contracts for services that include utilization review or utilization management functions to determine whether to authorize, modify, or deny health care services shall be:***

- (1) Developed with involvement from actively practicing health care providers;***
- (2) Consistent with sound clinical principles and processes; and***
- (3) Evaluated and updated if necessary, at least annually.***

7 Second Level Grievance; Notice Required. Amend RSA 420-J:5, V(a)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA ~~[420-J:5, VII]~~ ***420-J:5-a – RSA 420-J:5-e. The statement of appeal rights shall include a description of the process***

for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.. 8 Review Panel; Notice Required. Amend RSA 420-J:5, V(b)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA [420-J:5, VIII] **420-J:5-a – RSA 420-J:5-e. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.**

9 Expedited Internal Grievance Review. Amend RSA 420-J:5, VI(e) to read as follows:

(e) In any case where the expedited review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person or the provider acting on behalf of the covered person may submit a written grievance, unless the provider is prohibited from filing a grievance by federal or other state law. A health carrier shall review it as a second level grievance. In conducting the review, the health carrier shall ~~adhere to time frames that are reasonable under the circumstances]~~ **make a decision and notify the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the grievance is submitted.** 10 New Paragraph; Notice Required. Amend RSA 420-J:5, by inserting after paragraph IX the following new paragraph:

X. If the covered person has requested first or second level, standard or expedited review and the health carrier has not issued a decision within the required time frames, then the health carrier shall promptly provide the covered person with a statement of the covered person's right to file an external appeal as provided in RSA 420-J:5-a – RSA 420-J:5-e. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.

11 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph III the following new paragraph:

III-a. "Authorized representative" means a person to whom a covered person has given consent to represent the covered person in an external review. Authorized representative may include the covered person's treating provider.

12 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "Independent review organization" means an entity that employs or contracts with clinical peers to conduct independent external reviews of health carrier determinations.

13 New Sections; External Review. Amend RSA 420-J by inserting after section 5 the following new sections:

420-J:5-a Right to External Review.

I. A covered person shall have the right to independent external review of a health carrier determination when all of the following conditions apply:

(a) The subject of the request for external review is an adverse determination;

(b) The covered person has completed the internal review procedures provided by the health carrier pursuant to RSA 420-J:5, III through VI, or the health carrier has agreed to submit the determination to independent external review prior to completion of internal review, or the covered person has requested first or second level, standard or expedited review and has not received a decision from the health carrier within the required time frames;

(c) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 180 days of the date of the health carrier's second level denial decision provided pursuant to RSA 420-J:5, V or VI, or if the health carrier has failed to make a first or second level, standard or expedited review decision

that is past due, within 180 days of the date the decision was due;

(d) The covered person's cost for the amount in controversy is, or is anticipated to be, equal to or in excess of a total of \$400;

(e) The health carrier determination does not relate to any category of health care services that is excluded from the external review provisions of this chapter pursuant to paragraph II; and

(f) The request for external review is not based on a claim or allegation of provider malpractice, professional negligence, or other professional fault excluded from the external review provisions of this chapter pursuant to paragraph III.

II. Determinations relating to the following health care services shall not be reviewed under this chapter, but shall be reviewed pursuant to the review processes provided by applicable federal or state law:

(a) Health care services provided through medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), medicare or services provided under these programs but through a contracted health carrier.

(b) Health care services provided to inmates by the department of corrections.

(c) Health care services provided pursuant to a health plan not regulated by the state, such as self-funded plans administered by an administrative services organization or third-party administrator or federal employee benefit programs.

III. The external review procedures set forth in this chapter shall not be utilized to adjudicate claims or allegations of health care provider malpractice, professional negligence, or other professional fault against participating providers or medical directors.

420-J:5-b Standard External Review. Standard external review shall be conducted as follows:

I. Within 7 business days after the date of receipt of a request for external review, the commissioner shall complete a preliminary review of the request to determine whether:

(a) The individual is or was a covered person under the health benefit plan;

(b) The determination that is the subject of the request for external review meets the conditions of eligibility for external review stated in RSA 420-J:5-a, I; and

(c) The covered person has provided all the information and forms required by the commissioner that are necessary to process a request for an external review.

II. Upon completion of the preliminary review pursuant to paragraph I, the commissioner shall immediately notify the covered person or the covered person's authorized representative in writing:

(a) Whether the request is complete; and

(b) Whether the request has been accepted for external review.

III. If the request is not complete, the commissioner shall inform the covered person or the covered person's authorized representative what information or documents are needed to make the request complete and to process the request. The covered person or the covered person's authorized representative shall submit such information or documentation within 10 days of being notified that the request was incomplete.

IV. If the request for external review is accepted, the commissioner shall:

(a) Include in the notice provided to the covered person pursuant to paragraph II a statement that if the covered person wishes to submit new or additional information or to present oral testimony via teleconference, such information shall be submitted, and the oral testimony shall be scheduled and presented, within 20 days of the date of issuance of the notice. However, the notice shall also explain that oral testimony shall be permitted only in cases when the commissioner determines, based on evidence provided by the covered person, that it would not be feasible or appropriate to present only written testimony.

(b) Immediately notify the health carrier in writing of the request for external review and its acceptance.

V. If the request for external review is not accepted, the commissioner shall inform the covered person or the covered person's authorized representative and the health carrier in writing of the reason for its non-acceptance.

VI. At the time a request for external review is accepted, the commissioner shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the external review. The commissioner shall not select the same independent review organization for each external review, but shall rotate among the certified independent review organizations, using all organizations equally. The commissioner may select an independent review organization regardless of the rotation if the commissioner determines that the use of such independent review organization is necessary for the fair adjudication of the case in question.

VII. Within 10 days after the date of issuance of the notice provided pursuant to subparagraph IV(b), the health carrier or its designated utilization review organization shall provide to the selected independent review organization and to the covered person all information in its possession that is relevant to the adjudication of the matter in dispute, including but not limited to:

- (a) The terms of agreement of the health benefit plan, including the evidence of coverage, benefit summary or other similar document;
- (b) All relevant medical records, including records submitted to the carrier by the covered person, the covered person's authorized representative, or the covered person's treating provider;
- (c) A summary description of the applicable issues, including a statement of the health carrier's final determination;
- (d) The clinical review criteria used and the clinical reasons for the determination;
- (e) The relevant portions of the carrier's utilization management plan;
- (f) Any communications between the covered person and the health carrier regarding the internal or external review; and
- (g) All other documents, information, or criteria relied upon by the carrier in making its determination.

VIII. Failure by the health carrier or the covered person to provide the documents and information required in paragraph IV(a) or VII within the specified time frame shall not delay the conduct of the external review.

IX. The selected independent review organization shall review all of the information and documents received from the carrier pursuant to paragraph VII and any other information submitted by the covered person or the covered person's authorized representative or treating provider with the request for external review or pursuant to subparagraph IV(a) and any testimony provided. In addition to the information provided by the health carrier and the covered person or the covered person's authorized representative or treating provider, the independent review organization may consider any applicable, generally accepted clinical practice guidelines, studies or research, including those developed or conducted by the federal government, national or professional medical societies, boards and associations. The independent review organization shall consider anew all previously determined facts, allow the introduction of new information, and make a decision that is not bound by decisions or conclusions made by the health carrier during internal review.

X. The selected independent review organization shall render a decision upholding or reversing the determination of the health carrier and notify the covered person or the covered person's authorized representative and the health carrier in writing within 20 days of the date that any new or additional information from the covered person is due pursuant to subparagraph IV(a). This notice shall include a written review decision that contains a statement of the nature of the grievance, references to evidence or documentation considered in making the decision, findings of fact, and the clinical and legal rationale for the decision, including, as applicable, clinical review criteria and rulings of law.

420-J:5-c Expedited External Review. Expedited external review shall be conducted as follows:

I. Expedited external review shall be available when the covered person's treating health care provider certifies to the commissioner that adherence to the time frames specified in RSA 420-J:5-b would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

II. Except to the extent that it is inconsistent with the provisions of this paragraph, all requirements for the conduct of standard external review specified in RSA 420-J:5-b shall apply to expedited external review.

III. At the time the commissioner receives a request for an expedited external review, the commissioner shall immediately make a determination whether the request meets the standard set forth in paragraph I for expedited external review, as well as the reviewability requirements set forth in RSA 420-J:5-b, I. If these conditions are met, the commissioner shall immediately notify the health carrier. If the request is not complete, the commissioner shall immediately contact the covered person or the covered

person's authorized representative and attempt to obtain the information or documents that are needed to make the request complete.

IV. The commissioner shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the expedited external review.

V. The health carrier or its designated utilization review organization shall provide or transmit the documents and information specified in RSA 420-J:5-b, VII to the selected independent review organization by telephone, facsimile or any other available expeditious method within one business day of receiving the commissioner's notice of the request for expedited external review pursuant to paragraph III.

VI. When handling a review on an expedited basis, the selected independent review organization shall make a decision and notify the carrier and the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the expedited external review is requested.

VII. If the notice provided pursuant to paragraph VI was not in writing, within 2 business days after the date of providing that notice, the selected independent review organization shall:

(a) Provide written confirmation of the decision to the covered person or the covered person's authorized representative and the health carrier; and

(b) Include the information set forth in RSA 420-J:5-b, X.

VIII. An expedited external review shall not be provided for determinations made by the health carrier on a retrospective basis.

IX. A covered person shall not be held liable to either the health plan, the hospital, the physician, or the services provider for the cost of services in excess of the applicable copayment, coinsurance, or deductible incurred, pending the independent review organization's determination of an expedited external review.

420-J:5-d Certification of Independent Review Organizations.

I. The certification of independent review organizations shall be conducted as follows:

(a) The commissioner shall certify independent review organizations eligible to be selected to conduct external reviews under this section to ensure that an independent review organization satisfies the minimum qualifications established under paragraph II.

(b) The commissioner shall develop an application form for initially certifying and recertifying independent review organizations to conduct external reviews.

(c) Independent review organizations wishing to be certified shall submit the application form and include all documentation and information necessary for the commissioner to determine whether the independent review organization satisfies the minimum qualifications established under paragraph II.

(d) The commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet or exceed the minimum qualifications established under paragraph II is sufficient for certification under this paragraph.

(e) The commissioner shall maintain and periodically update a list of certified independent review organizations.

(f) Whenever the commissioner determines that an independent review organization no longer satisfies the minimum qualifications established under paragraph II, the commissioner shall terminate the certification of the independent review organization and remove it from the list of certified independent review organizations that is maintained by the commissioner pursuant to subparagraph I(e).

II. To be certified under paragraph I to conduct external reviews, an independent review organization shall meet the following minimum qualifications:

(a) It shall develop and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process.

(b) It shall establish and maintain a quality assurance program that:

- (1) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;
- (2) Ensures the selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization with suitable matching of reviewers to specific cases;
- (3) Ensures the confidentiality of medical and treatment records; and
- (4) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this section.

(c) It shall agree to maintain and provide to the commissioner such information as may be required to fulfill the provisions and purposes of this section.

(d) It shall assign clinical peer reviewers to conduct external reviews who are physicians or other appropriate health care providers and who:

- (1) Are experts in the treatment of the covered person's medical condition that is the subject of the external review;
- (2) Are knowledgeable about the recommended health care service or treatment through actual clinical experience;
- (3) Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a specialty board recognized by the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review;
- (4) Have no history or disciplinary actions or sanctions that have been taken or are pending by any hospital, governmental agency, or regulatory body; and
- (5) Have agreed to disclose any potential conflict of interest.

(e) It shall be free of any conflict of interest. To meet this qualification, an independent review organization may not own or control or in any way be owned or controlled by a health carrier, a national, state or local trade association of health carriers, or a national state or local trade association of health care providers. In addition, in order to qualify to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial or financial interest in any of the following:

- (1) The health carrier that is the subject of the external review;
- (2) Any officer, director or management employee of the health carrier that is the subject of the external review;
- (3) The health care provider or the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;
- (4) The facility or institution at which the recommended health care service or treatment would be provided;
- (5) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review; or
- (6) The covered person or the covered person's authorized representative.

(f) Its charges for services provided shall be competitive and reasonable.

(g) For the purpose of allowing in-state health care providers to act as clinical peer reviewers in the conduct of external reviews, the commissioner may determine, in specific cases, that an affiliation with a hospital, an institution, an academic medical center, or a health carrier provider network does not in and of itself constitute a conflict of interest which is sufficient to preclude that provider from acting as a clinical peer reviewer, so long as the affiliation is disclosed to the covered person or the covered person's authorized representative.

(h) The following organizations shall not be eligible for certification to conduct external reviews:

- (1) Professional or trade associations of health care providers;
- (2) Subsidiaries or affiliates of such provider associations;
- (3) Health carrier or health plan associations; and
- (4) Subsidiaries or affiliates of health plan or health carrier associations.

420-J:5-e General Provisions Regarding External Review.

I. The health carrier against which a request for external review is filed shall pay the cost of the external review. Such costs shall not exceed \$1,500. The commissioner shall notify the independent review organizations of the cost limitation for conducting an external review. The cost for an external review may exceed \$1,500 if the commissioner determines an additional cost is necessary to ensure the fair adjudication of the case in question.

II. An independent review organization shall maintain all standards of confidentiality. The records and internal materials prepared for specific reviews by an independent review organization under this section shall be exempt from public disclosure under RSA 91-A.

III. An external review organization acting in good faith shall have immunity from any civil or criminal liability or professional discipline as a result of acts or omissions with respect to any external review, unless the acts or omissions constitute willful and wanton misconduct.

IV. The right to external review under this chapter shall not be construed to change the terms of coverage under a health benefit plan nor shall the health carrier retaliate against the covered person for exercising his or her right to an independent external review.

V. When requested by the covered person, the commissioner shall provide consumer assistance in pursuing the internal grievance procedures under RSA 420-J:5 and the external review process under RSA 420-J:5-a – 420-J:5-e.

VI. The commissioner shall report annually to the governor and the legislature on the number of grievances subjected to external review, the number of decisions resolved wholly or partially in favor of the covered person, and the number of decisions resolved wholly or partially in favor of the health carrier. Such reports shall also include a separate statement of the number of cases in which the external review was terminated as a result of a reversal by the health carrier of its adverse determination after the receipt of new or additional information from the covered person or the covered person's authorized representative and the number of cases in which the covered person and the health carrier agreed to resolve the dispute prior to a final determination by the independent review organization.

VII. If, based on the evidence presented during the external review process, the commissioner determines that the health carrier's medical director, in the conduct of his or her duties, may have committed professional misconduct within the meaning of RSA 329:17, VI, the commissioner shall document such findings and transmit them in a separate report to the board of medicine.

14 New Paragraphs; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph VII the following new paragraphs:

VIII. No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which creates an inducement for the provider to not provide medically necessary care to covered persons. Nothing in this section shall be construed to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation, withholds or other arrangements. IX. The health carrier shall provide to covered persons, in the evidence of coverage, a description for the types of financial arrangements contained in its contracts with participating providers. Such descriptions shall be set forth in clear, understandable language.

X. Every contract between a health carrier and a participating provider shall provide that the health carrier may not remove a health care provider from its network or refuse to renew the health care provider with its network for participating in a covered person's internal grievance procedure or external review. 15 Repeal. RSA 420-J:5, VIII and IX, relative to external process and annual report, are repealed.

16 Effective Date. This act shall take effect 180 days after its passage.

AMENDED ANALYSIS

This bill creates an independent external consumer appeal process to review certain determinations made by managed care entities. The bill requires health carriers that conduct utilization review and licensed utilization review entities to employ a medical director who shall be licensed as a physician. The bill prohibits contracts between health carriers and participating providers from including provisions that create financial incentives to deny medically necessary care. The bill requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for health care treatment decisions. The bill also extends the jurisdiction of the board of medicine to include disciplinary action over medical directors for professional misconduct.

Adopted.

laid on the table

Rep. Hunt moved that **HB 637**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system, be laid on the table.

Adopted.

regular calendar (cont'd.)

HB 662-FN, relative to the duties of the liquor commission. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: The majority of the committee felt that this legislation was not necessary and felt there were adequate checks and balances on the Liquor Commission. The one major concern of the sponsor appears to be taken care of by a decision of the Rockingham County Superior Court saying that the commission is bound by local zoning ordinances. Vote 9-7.

Adopted.

SB 147, relative to self-referrals for chiropractic care under managed care organizations. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: The committee heard testimony in a hugely attended public hearing about current problems with managed care's inability to manage effectively chiropractic benefits. Many healthcare consumers claimed that they are being denied access to chiropractic care for which they have already purchased coverage. The amendment to SB 147 stipulates that managed care plans that already sell chiropractic benefits must allow 12 self-referral chiropractic visits before utilization review of treatment will be required. It also requires a doctor of chiropractic services be consulted during such utilization review. The chiropractic doctor, after an initial consultation, must send documentation to the insurer and/or the primary care physician. A section of the Senate version would have required that insurers pay all chiropractic providers a comparable fee if they perform a comparable service. The Commerce Committee has substituted non-discrimination language instead, believing it to be the better solution. Vote 13-0.

Rep. Hunt moved Re-commit to Committee and spoke in favor.

Adopted.

HB 713-FN, relative to penalties for multiple DWI offenses. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill dealt with DWI penalties and alcohol interlock devices. The committee amended the entire bill with a new section for the use and regulation of alcohol interlocks. More work needs to be done on this bill before we believe it will be ready for passage. We will continue to work with the sponsor to make this the best piece of legislation we can and it is also our intention to ask for House Bill 713 to be recommitted so we may continue to make improvements and finalize this piece of legislation. Vote 17-0.

Amendment (2184h)

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

1 New Sections; Definition of Ignition Interlock Device and Provider. Amend RSA 259 by inserting after section 43 the following new sections:

259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition interlock device, which is a system or device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level. An ignition interlock device may not be sold or distributed in this state without the device being approved by the advisory committee on breath analyzer machines established in RSA 106-G, as provided in RSA 265:82-e.

259:43-b Interlock Service Provider. An approved interlock service provider means an entity that installs, services, calibrates, monitors, and provides reports as required by RSA 265:82-e, II(c) who is approved by the commissioner of the department of safety to do so; no person shall provide any of the services of an approved interlock service provider without such prior approval.

2 New Subdivision; Alcohol Ignition Interlock Program. Amend RSA 265 by inserting after section 82-d the following new subdivision:

Alcohol Ignition Interlock Program

265:82-e Alcohol Ignition Interlock Program Established. Any person whose license or permission to drive has been revoked or suspended for any reason in which alcohol was involved shall be required by the division of motor vehicles, or by the court, to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for the period of time prescribed by the division or the court, and as a condition to the issuance of a license to operate a motor vehicle after it has been suspended as a result of a conviction for any alcohol-related driving offense. A certificate proving installation of the device as described in paragraph (I)(c)(5) shall be provided to the division as a condition precedent to reinstatement of the individual's license to drive. The person placed under the requirements of this paragraph shall not drive any motor vehicle not equipped with this device and shall not endeavor to circumvent or tamper with the device, and any person so doing shall be guilty of a misdemeanor.

I. Except where otherwise specified in statute, the ignition interlock device shall be installed after license reinstatement for a period as long as the offender's license has been suspended or revoked, but for a minimum of six months in all cases. Minors convicted under this subdivision shall be required to retain the device until at least 21 years of age.

II. The advisory committee on breath analyzer machines shall establish rules, pursuant to RSA 541-A, for the approval of ignition interlock devices, and for the licensing of approved interlock service providers.

(a) The rules adopted for the approval of ignition interlock devices shall require them to, at a minimum:

- (1) Meet the April 7, 1992 National Highway Traffic Safety Administration standards published in the Federal Register;
- (2) Not impede the safe operation of the vehicle;
- (3) Minimize the opportunities for the ignition interlock device to be bypassed any anti-circumvention methods;
- (4) Work accurately and reliably;
- (5) Measure properly and accurately the person's blood alcohol levels by means of an alcohol-specific interlock device;
- (6) Minimize the inconvenience to a sober user;
- (7) Record driving times, distances and failures to take or pass the test during the period between recalibrations, and have a data-logger capable of retaining these events; and
- (8) Be programmable to restrict hours of use of the vehicle, or times between recalibrations in a fashion to be determined by the commissioner.

(b) The advisory committee on breath analyzer machines shall develop a warning label which shall be affixed to all ignition interlock devices used in the state to warn any person of the possible penalties for tampering with or attempting to circumvent the interlock device.

(c) The commissioner shall adopt rules and regulations to create an ignition interlock program protocol that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum;

- (1) Provide recalibration of each device monthly, unless otherwise ordered by the division or the court;
- (2) Maintain at least that number of locations for the installation, service, calibration and monitoring of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;
- (3) Provide service to all residents of the state required to install an ignition interlock device, which service shall be available within one hour's drive of every municipality with a population of 100,000 or more, and within a 90-minute drive of the center of every other municipality in the state;
- (4) Provide monthly reports based on the information required in subparagraph II(a)(7) to both the offender's probation office and, if applicable, treatment provider, in formats to be determined by the department's interlock service protocol;
- (5) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program, by developing a hardship credit equal to 2 percent of the gross receipts of each approved interlock service provider resulting from the rental of an interlock device to an offender, but not to include the revenues resulting from other services that may be rendered by the approved service provider; and
- (6) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock service protocol.

3 New Paragraph; Driving After Revocation or Suspension; Vehicle Immobilization. Amend RSA 263:64 by inserting after paragraph IV the following new paragraph:

IV-a. A person who violates this section may be required by a court to have the immediate installation either of a tire immobilizer, or boot, or an ignition interlock device as defined in RSA 259:43-a on any vehicle registered by the offender or by a member of the offender's household and used by the offender at any time. The ignition interlock device may be an alternative to immobilization by a boot when other household members must have access to the vehicle. Either device shall remain in place until the reinstatement of the offender's license, or until medical certification of that person's permanent physical inability to drive. The installation of the ignition interlock device does not constitute permission to drive for the person whose license has been revoked. If a boot has been used, the offender's license may only be reinstated after receipt by the division of a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 12 months.

4 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than \$500 and his license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. ***After any revocation in which alcohol was involved, the license shall not be reinstated until after the division receives a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 6 months.***

5 New Section; Administrative License Suspension; Ignition Interlock Device. Amend RSA 265 by inserting after section 91-d the following new section:

265:91-e Ignition Interlock Device. After an administrative license suspension imposed either because of refusal to take a test as provided in RSA 265:92 or because the test has revealed an alcohol concentration of 0.16% or more, an offender's suspended license shall not be reinstated until after receipt by the division of a certificate of installation of a qualified ignition interlock device provided by an approved service provider, as described in RSA 265:82-e, which shall remain in place for at least 12 months. If the alcohol concentration was .02% or more, the device shall remain in place for at least 24 months, or longer if so ordered by a court of competent jurisdiction.

6 Negligent Homicide. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another. ***An offender under this paragraph shall not have a license to drive reinstated until after the division receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 24 months, or longer if so ordered by a court of competent jurisdiction.***

7 Effective Date. This act shall take effect January 1, 2001.

Adopted.

Rep. Christie moved Re-commit to Committee and spoke in favor.

Adopted.

HB 349-FN-L, relative to revising annual grant amounts made for school building aid. INEXPEDIENT TO LEGISLATE

Rep. Robert E. McKinley for Education: This legislation revises the method of providing state aid for school building programs by including means testing for the individual districts. As a result of the formula, some communities receive no building aid; others receive less, while some receive more aid. Information for data needed to develop a formula is still being addressed by the Department of Education and the State Board of Education. Therefore, the committee agreed this legislation was not appropriate at this time. Vote 12-6.

Adopted.

HB 514-L, establishing open enrollment provisions in the school districts of the state. OUGHT TO PASS WITH AMENDMENT

Rep. John R. M. Alger for Education: The amendment replaces the bill. This amended bill requires school boards to establish change of public school assignment based on the best interest of the pupil, giving superintendents authority to implement the policy up to annual limits of students (1 percent maximum) for a school district, 5 percent for an individual school. Superintendents would be authorized to establish tuition rates and inform parents and legal guardians of the policy on an annual basis. Vote 16-1.

Amendment (2194h)

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

AN ACT relative to change of school assignment and transfers of public school pupils.

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

193:3-a Change of School Assignment; Best Interest of Pupil.

I. Each school board shall establish a change of school assignment policy based on the best interest of the pupil, to authorize the superintendent to re-assign a pupil from the public school to which he or she is currently assigned to another public school, or to approve a request from another superintendent to accept a transfer of a pupil from a school district that is not part of the school administrative unit, without further approval from the school board, provided that the total changes in any one year do not exceed one percent of the average daily membership in residence of the school district, or 5 percent of any single school, whichever is greater, and provided that:

(a) The pupil's parent or legal guardian requests the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change, and

(b) The superintendent determines that such a change would be in the pupil's best interest.

II.(a) In accordance with the policy established by the school board and with the number of pupils authorized in paragraph I of this section, the superintendent may approve reassignment of a pupil:

(1) To a public school within a school district, or

(2) To a school district within the school administrative unit, or

(3) To a school district in another school administrative unit, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the other superintendent.

(b) Where such reassignment exceeds the percentage limitations established in paragraph I of this section, the approval of the school board shall be required to reassign a pupil.

III. In the event that a pupil is assigned to a school district under the provisions of paragraph II (a)(2) and (3) of this section, the

superintendents shall establish a tuition rate for each pupil. Notwithstanding any law to the contrary, some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown, or based on the school board policy. The amount of the state average per pupil cost of an adequate education shall be considered as part of the tuition payment. Transportation shall be the responsibility of the parent or legal guardian.

IV. Superintendents shall notify the department of education of any reassignment of pupils under this section.

V. Superintendents shall provide annual notice of this change of school assignment policy based on the best interest of a pupil to parents or legal guardians of all pupils in their administrative unit.

VI. A parent or legal guardian who is aggrieved by a decision of a superintendent or a school board under this section may, within 30 days of such decision, appeal in writing to the state board of education which shall review the case and constitute the final administrative appeal.

VII. Educationally disabled children as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

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

AMENDED ANALYSIS

This bill:

I. Authorizes superintendents of school districts to approve requests for changes in school assignment where such changes are in the best interest of the pupil.

II. Authorizes superintendents to negotiate the apportionment of tuition costs associated with a change in school assignment to another school district.

Adopted.

Report adopted and ordered to third reading.

SB 170-FN-A, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor.
OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: The amendment changes the bill so that the money would flow through the Department of Health and Human Services as it is already involved in early childhood issues. It also requires the school district to work with the Parent Information Center, which offers this program in a few places in the state. The goals of the program are to enhance parental knowledge of child development so those children come to school ready and eager to learn. Vote 14-1.

Amendment (2033h)

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

AN ACT establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor.

1 New Subdivision; Parents as Teachers Program. Amend RSA 193 by inserting after section 33 the following new subdivision:

Parents as Teachers Program

193:34 Policy and Purposes.

I. This act recognizes the importance of the early childhood years upon children's brain development. Given appropriate stimulation, babies develop critical cognitive and social skills from birth to age 3. These early years provide a window of opportunity to enrich a child's cognitive and social development. The least intrusive and most successful way to impact early childhood experiences is to educate parents as to how they can best teach their children. Studies have shown that parents who are trained as to how to interact with their children can help their children enter school ready to learn and are more likely to stay involved with their child's educational process throughout the school years.

II. The Parents as Teachers Program was established in 1981 and has a presence in 49 states, including New Hampshire. The New Hampshire program is operated at eight sites in New Hampshire by the Parent Information Center with funds from Goals

2000. The Parents as Teachers Program creates a partnership between parents and early childhood development professionals. Early childhood development professionals conduct monthly home visits and group meetings to help parents understand what to expect from their children in each stage of development and to teach parents how to encourage learning, manage challenging behavior and strengthen parent-child relationships.

III. The purpose of this subdivision is to expand the Parents as Teachers Program in New Hampshire by developing 2 school district based programs, one of which shall be in a rural community and one in an urban community.

193:35 Parents as Teachers Program Established.

I. The department of health and human services shall establish the school district based Parents as Teachers Program for a rural community in Sullivan county in cooperation with School Administrative Unit 6 and the Parent Information Center. Sullivan county will be the rural site for the program because of its unique demographic profile, including the high number of risk factors affecting its children, the demonstrated interest of its public officials in the program, and the capacity to link the program to existing programs within the county including Good Beginnings, the Parent Information Center, and department of health and human services programs in Sullivan county.

II. The department shall, consistent with available funding and the expressed commitment of an urban community, establish a school district based Parents as Teachers Program in an urban community on or before January 1, 2002.

III. The programs established by this subdivision shall serve parents of children aged birth through 3 years of age. The programs shall utilize at least 1/2 of the appropriated funds to serve areas with high concentrations of low income families in order to serve parents who are educationally or economically disadvantaged.

193:36 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, necessary to carry out the provisions of this chapter.

193:37 Report and Recommendation. On or before October 1, 2004, the department of health and human services shall prepare and submit to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate education committees an evaluation and report of the school district based Parents as Teachers Programs established pursuant to this subdivision, and recommendations for the expansion of the program statewide.

2 Appropriation. There is hereby appropriated the sum of \$65,000 for the biennium ending June 30, 2001, to the department of health and human services to implement and administer the provisions of this act by establishing the school district based Parents as Teachers Program in Sullivan county. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill creates a Parents as Teachers Program in New Hampshire. There shall be 2 school district based programs, one in an urban community and one in a rural community in Sullivan county. The commissioner of the department of health and human services shall establish rules for the implementation of the program in these 2 communities.

Adopted.

Report adopted and referred to Finance.

HB 51, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson, Jr. for Environment and Agriculture: This bill is an act to provide commercial producers, packers, and distributors with the opportunity to voluntarily register with the Department of Agriculture, Markets and Food. This bill also defines producers and distributors and states what information will be on the registration form. Vote 15-2.

Amendment (2185h)

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

AN ACT providing for the voluntary registration of commercial maple producers and maple packers.

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

1 New Paragraph; Definitions; Commercial Sugarmaker. Amend RSA 429:13 by inserting after paragraph III the following new paragraph:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple production and sale.

2 New Paragraph; Definitions; Maple Packer. Amend RSA 429:13 by inserting after paragraph VII the following new paragraph:

VII-a. "Maple packer" means a person who purchases and packs or further processes maple syrup for sale.

3 New Section; Registration. Amend RSA 429 by inserting after section 13 the following new section:

429:13-a Registration.

I. The commissioner shall design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

II. A commercial sugarmaker or maple packer who agrees to voluntarily register for a period of 6 years shall complete a registration form supplied by the commissioner. The information on the form shall be limited to the name of the owner or operator, the farm or business name, the address and phone number of the farm or business, and whether the registrant is a commercial sugarmaker or maple packer.

III. Commercial sugarmakers and maple packers agreeing to voluntarily register shall be placed on a list of voluntary registrants by the commissioner. Use of the voluntary registration list by the department shall be limited to disseminating information relative to the maple industry, conducting surveys on topics that are timely and important to the maple industry, and emergency notification to commercial sugarmakers and maple packers of conditions or practices found to adversely impact the quality of maple products.

4 Labels; Information Required. Amend RSA 429:14, I(a) to read as follows:

(a) The name, address, and zip code of the packer, ***distributor or producer***;

5 New Paragraph; Adulteration. Amend RSA 429:15 by inserting after paragraph II the following new paragraph:

III. Maple syrup and maple products which are labeled as being pure maple products and which are produced, packaged, handled, or sold in this state shall not in any way be adulterated by the addition or introduction of any substance that would change the essential characteristics of the maple product or render the maple products unsafe.

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

AMENDED ANALYSIS

This bill requires the commissioner of agriculture, markets, and food to design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

Adopted.

Report adopted and referred to Finance.

Rep. Scanlan declared a conflict of interest and did not participate.

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

Rep. Peter R. Leishman for Environment and Agriculture: The committee had difficulty reaching a consensus on the bill. Strong arguments were made to support and oppose the growing of industrial hemp. The first vote of "Ought to Pass with Amendment" failed by a vote of 10-9. The second vote of "Inexpedient to Legislate" failed by a vote of 7-12. The committee by a vote of 14-5 is recommending "Interim Study" looking forward to bringing both sides closer together. Vote 14-5.

Rep. Owen spoke against and yielded to questions.

Rep. McRae spoke in favor and yielded to questions.

Rep. Musler spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 172 NAYS 176

YEAS 172

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Millham, Alida	Pilliod, James	Rosen, Ralph
Turner, Robert	Wendelboe, Francine		

CARROLL

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Mirski, Paul

Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien
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HILLSBOROUGH

Alukonis, David	Arthur, Rose	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Calawa, Leon Jr	Chabot, Robert
Clegg, Robert Jr	Craig, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Flora, Kathleen	Foster, Linda
Gagnon, Eugene	Hall, Betty	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Keye, Harvey	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Thulander, O Alan	White, Donald	Withee, Dennis

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Davis, Francis
Feuerstein, Martin	Hoadley, Elizabeth	Langer, Ray	Lavoie, Gerard
Leber, William	Marple, Richard	Marshall, Kenneth	Soltani, Tony
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Case, Margaret
Christie, Andrew Jr	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
Mikowski, Walter	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald

Packard, Sherman	Pantelakos, Laura	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Shelton, Richard
Stritch, C Donald	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Callaghan, Frank	Dunlap, Patricia	Lundborn, Raymond	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Franklin	Wall, Janet
Woods, Phyllis			

SULLIVAN

Allison, David	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Young, David		

NAYS 176

BELKNAP

Holbrook, Robert	Lawton, David	Rice, Thomas	Wood, Jane
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CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

COOS

Gallus, John	Glines, Sara	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Harmon, Hobart	Johnson, Gary	Nordgren, Sharon	

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Beaupre, Roland	Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond
Burkush, James	Christiansen, Lars	Clemons, Jane	Cote, David
Cote, Peter	Desrosiers, William	Drabinowicz, A Theresa	Fenton, James
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Herman, Richard
Hunter, Bruce	Jean, Claudette	Jean, Loren	Johnson, Lionel
Konys, Christine	LaPorte, George	Lasky, Bette	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McColgan, Philip Jr
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Mosher, William
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, John			

MERRIMACK

Bouchard, Candace	Chase, George	Daneault, Gabriel	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Clark, Vivian	Corbin, C David	Flanagan, Natalie
Hutchinson, Karen	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	McKinney, Betsy	Norelli, Terie
Noyes, Richard	O'Keefe, Patricia	Pitts, Jacqueline	Putnam, Ed II
Rabideau, Marie	Sabella, Norma	Schanda, Frank	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Cossette, Larry	Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the report failed.

Rep. Owen moved Ought to Pass.

Rep. Soltani spoke against and yielded to questions.

Rep. Robb-Theroux spoke in favor and yielded to questions.

Rep. Owen requested a roll call; sufficiently seconded.

The question being the motion of Ought to Pass.

YEAS 181 NAYS 167

YEAS 181

BELKNAP

Czech, Stanley	Holbrook, Robert	Lawton, David	Rice, Thomas
Wood, Jane			

CARROLL

Babson, David Jr	Dickinson, Howard	Sullivan, P Judith
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CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

COOS

Gallus, John	Glines, Sara	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Harmon, Hobart	Johnson, Gary	Mirski, Paul
Nordgren, Sharon			

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bergin, Peter	Bruno, Pierre	Buckley, Raymond
Chabot, Robert	Clemons, Jane	Cote, David	Cote, Peter
Daigle, Robert	Desrosiers, William	Drabinowicz, A Theresa	Dwyer, Paul Sr
Dyer, Merton	Fenton, James	Fields, Dennis	Fletcher, Richard
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Herman, Richard
Jean, Claudette	Jean, Loren	Johnson, Lionel	Konys, Christine

LaPorte, George	Lasky, Bette	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McColgan, Philip Jr	McRae, Karen
Mendenhall, Leslie	Messier, Irene	Mosher, William	Reidy, Frank
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, John	

MERRIMACK

Bouchard, Candace	Chase, George	Daneault, Gabriel	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Kennedy, Richard	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Clark, Martha	Clark, Vivian	Corbin, C David
Cox, Russell	Flanagan, Natalie	Gibbons, Paul	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, William
McKinney, Betsy	Norelli, Terie	Noyes, Richard	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard
Rubin, George	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shultis, Elizabeth	Splaine, James	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Heon, Richard
Johnson, Nancy	Keans, Sandra	Lent, Donald	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

NAYS 167

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Johnson, James
Millham, Alida	Pilliod, James	Rosen, Ralph	Turner, Robert
Wendelboe, Francine			

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Torressen, Gary			

CHESHIRE

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hinman, Harry
MacNeil, Allen	Marshall, Gene	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Burkush, James	Calawa, Leon Jr
Christiansen, Lars	Clegg, Robert Jr	Craig, James	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan
Emerton, Lawrence	Flora, Kathleen	Ford, Nancy	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Keye, Harvey
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McDonald, James Sr	McGough, Tim	Melcher, Harold	Mercer, Robert
Milligan, Robert	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Tate, Joan	Thulander, O Alan
White, Donald	Withee, Dennis		

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Davis, Francis
Feuerstein, Martin	Hess, David	Hoadley, Elizabeth	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Poulin, Dave	Soltani, Tony
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Case, Margaret	Christie, Andrew Jr
Cooney, Richard	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman	Putnam, Ed II

Quandt, Marshall	Reardon, Neil	Ruffner, Walter	Shelton, Richard
Stickney, Nancy	Stritch, C Donald	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Callaghan, Frank	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Tsiros, William	Woods, Phyllis	

SULLIVAN

Jones, Constance	Kibbey, David	Leone, Richard	Young, David
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and the motion was adopted.

Referred to Finance.

HB 648-FN, relative to a sludge testing program. OUGHT TO PASS WITH AMENDMENT

Rep. John S. Cobb for Environment and Agriculture: This bill was re-referred to the Environment and Agriculture Committee and after much consideration, it was decided to amend the bill emphasizing the reporting procedure. We put a cap on the sludge testing fee for generators satisfying a concern of municipalities. Coordination was established between both the sponsor, the Department of Environmental Services, and authorities at the University of New Hampshire. Funding comes from State Aid Grant Programs which will not have an adverse impact for present budgets. Vote 18-0.

Amendment (2178h)

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

1 Waste Disposal; Duties of Department; Sludge Testing Program. RSA 485-A:4, XVI-c is repealed and reenacted to read as follows:

XVI-c.(a) To design and implement a program for state or independent third party sampling and testing of sludge or biosolid materials that are intended for land application. The department shall design the sampling methodology, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, to provide a statistical evaluation of the contaminant levels contained in sludge or biosolids. The department shall concentrate its testing on those contaminants that pose greater risks to public health and the environment due to their toxicity, potential availability, concentration levels, or concentration uncertainty. The department shall maintain a database of testing results and prepare, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, and make available to the public and the general court, an annual report by November 1 of each year which analyses the compiled test results, including data from prior years, as appropriate. The analysis shall detail contaminant concentrations on both a statewide and generator level and shall indicate the statistical degree of certainty in the results of the analysis. The department shall attempt to present the report in terms that are understandable to the layperson including practical examples such as the probability that any given load of untested sludge exceeds a contaminant standard.

(b) The department shall establish a fee of \$500, to be paid by sludge quality certificate holders by January 1 of each year. The fee shall be deposited in a special, nonlapsing sampling and analysis of sludge or biosolids samples fund, for exclusive use by the department to implement the program established in subparagraph (a).

2 New Paragraph; Duties of Department; On-Site Inspections. Amend RSA 485-A:4 by inserting after paragraph XVI-c the following new paragraph:

XVI-d. To conduct on-site inspections of sludge or biosolid application sites to monitor adherence to all state and federal requirements for such activity.

3 Testing Method Evaluation. In preparation for and as part of the annual report required by November 1, 2000 under RSA 485-A:4, XVI-c(a), the department, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, sludge quality certificate holders, and other interested parties, shall evaluate whether the overall financial resources dedicated to sludge testing in the state are being optimally allocated between regulatory testing and statistical testing. As part of the evaluation, the department shall consider what short and long-term financial, environmental, or assurance benefits there may be to the department, the public, and sludge or biosolid generators in having sampling conducted by a party other than the generator.

4 Transfer of Appropriation. The remainder of available funds, up to \$85,000, that were appropriated for state aid grants by 1999, 159:1, PAU 03-04-02-01-02 shall be transferred at the end of fiscal year 2000 and at the end of fiscal year 2001 to the nonlapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all approved state aid grant payments have been made to eligible municipalities in each fiscal year.

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

AMENDED ANALYSIS

This bill allows sampling and testing of sludge and biosolid materials to be conducted by independent third parties as well as the state. The sampling methodology designed by the department shall be with the consultation of university of New Hampshire statisticians and sludge and biosolids experts. The department shall make available to the public and general court a report by November 1 each year which analyzes the compiled test results.

This bill provides that as part of the annual report required by November 1, 2000, the department shall evaluate whether the overall financial resources dedicated to sludge testing in the state are being optimally allocated between regulatory and statistical testing.

This bill also appropriates certain funds to the sampling and analysis of sludge or biosolids samples fund.

Adopted.

Report adopted and referred to Finance.

HB 613-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission.
INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee agreed that the Pari-Mutuel Commission and the Sweepstakes Commission are working well and see no compelling reasons for change. Each commission has a very distinct responsibility with little in common. The Sweepstakes Commission is a marketing driven organization promoting the sale of lottery designated games. The Pari-Mutuel Commission is a regulating body with oversight responsibility for the horse and dog racing industry. Vote 12-4.

Adopted.

HB 725, relative to rulemaking under the administrative procedures act. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill improves the process by which rules are adopted and updates the "Drafting and Procedure Manual" for rulemaking. JLCAR (Joint Legislative Committee on Administrative Rules) meets once a month and is provided services and staff from the Office of Legislative Services. This bill puts into statute a division of administrative rules established within the Office of Legislative Services which shall provide services, staff and specially designated committee legal counsel as it does now. There is no FN consideration. This bill changes the definition of "rule" to include a sentence that clarifies that rules adopted by the Director of Personnel relative to the state employee system must be adopted under RSA 541-A. This bill requires JLCAR to notify chairmen of committees when JLCAR recommends statutory changes after reviewing proposed rules; puts in new language requiring agencies to accept public comment in electronic format if practicable and extends the period for accepting public comment after a public hearing on proposed rules from 5 to 10 days; establishes a new "conditional approval" process to allow for the approval of proposed rules under the condition that the agency makes specified changes agreed to during the JLCAR meeting; duration of emergency rules extended from 120 to 180 days and numerous gender neutral changes. These changes reflect a streamlining of the rules process, a more

efficient and long overdue improvement yet keeps legislative oversight in place. Vote 17-0.

Amendment (2192h)

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

1 Findings and Purpose. It is the understanding of both the legislative and executive branches of state government that administrative rules and the rulemaking process are important and that both branches are committed to providing the necessary resources and expertise to prepare, review, and enforce administrative rules, with the understanding that rules have the force and effect of law and profoundly impact the lives and livelihoods of every citizen of New Hampshire.

2 Definition of Rule; State Employee Personnel System. Amend RSA 541-A:1, XV to read as follows:

XV. "Rule" means each regulation, standard or other statement of general applicability adopted by an agency to (a) implement, interpret or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters or other explanatory material which refers to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against ~~him~~ **such employee**, (d) declaratory rulings, or (e) forms. ***The term "rule" shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system.***

3 Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:2 to read as follows:

541-A:2 Joint Legislative Committee on Administrative Rules.

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and 4 alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; 2 alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than one of whom shall be from the same party; and 2 alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than one of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the ~~chairman~~ **chair** shall designate an alternate member to serve ~~in his place~~ regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a ~~chairman~~ **chair** and a ~~vice-chairman~~ **vice-chair** from among its members, provided that the ~~chairmanship~~ **chair** shall rotate biennially between the house and senate members.

II. The committee shall meet at least once each month and more often as necessary for the prompt discharge of its duties ~~and may use the staff and services of the director of legislative services~~. ***The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services, to the extent the committee deems necessary.*** The committee shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

III. The committee may hold public hearings on a proposed or previously adopted rule on its own initiative. The committee shall give public notice of any hearing at least 7 days in advance in the rulemaking register. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views. ~~[As appropriate,]~~ The committee may consult with the standing legislative committee having jurisdiction in the area of the rule under review.

IV. In addition to its ongoing review of proposed and adopted rules, the committee shall:

- (a) Petition an agency under RSA 541-A:4 to adopt rules if the agency has clear rulemaking authority which it has not used.
- (b) Review statutory passages granting rulemaking authority. On the basis of this review, the committee shall, before each

regular legislative session, make written recommendations to the president of the senate and the speaker of the house as to how such passages should be amended to eliminate confusing, inefficient, or unnecessary statutory language.

(c) Make written recommendations, when appropriate, to the president of the senate and the speaker of the house as to how the legislative oversight of rulemaking might be improved. These recommendations may include proposed amendments to RSA 541-A.

(d) Have the authority to amend and provide the final approval of the drafting and procedure manual developed by the director of legislative services and the commissioner of administrative services under RSA 541-A:8.

(e) Notify the chairpersons of appropriate standing committees of the general court in writing when committee recommendations are made to agencies relative to legislation as a result of reviewing proposed and adopted rules.

(f) Make written recommendations, when appropriate, to the president of the senate, the speaker of the house of representatives, and the chairs of standing committees of the general court having jurisdiction over the subject matter of an agency concerning the amendment or repeal of the statutory authority of an agency that has enforced rules which are not effective or not otherwise valid, or that has not commenced rulemaking or adopted rules as required by statute.

4 Petition for Adoption of Rules. Amend RSA 541-A:4 to read as follows:

541-A:4 Petition for Adoption of Rules.

I. Any interested person may petition an agency to adopt, amend, or repeal a rule. Within 30 days of receiving the petition, the agency shall determine whether to grant or deny the petition and notify the petitioner. If the agency decides to deny the petition, the agency shall notify the petitioner of its decision in writing and shall state its reasons for denial. If the agency grants the petition, it shall notify the petitioner and commence the rulemaking proceeding by requesting a fiscal impact statement pursuant to RSA 541-A:5 within 120 days of receipt of the petition and continuing the proceeding as specified in RSA 541-A:3.

II. Notwithstanding paragraph I, if the committee petitions an agency to adopt, amend, or repeal a rule, and the agency does not notify the committee that rulemaking has commenced within one year of receiving the petition, or does not file a final proposal under RSA 541-A:12 within 2 years of receiving the petition, the committee may file legislation to repeal the agency's rulemaking authority or otherwise amend the agency authority.

5 Gender Neutral. Amend RSA 541-A:5, I and II to read as follows:

I. The agency shall provide the legislative budget assistant with adequate details of the intended action and supporting data to enable ~~him~~ ***the legislative budget assistant*** to prepare a fiscal impact statement.

II. The legislative budget assistant shall develop a form which shall specify the details and supporting data necessary ~~for him~~ to assess the fiscal impact of the proposed rule.

6 Gender Neutral. Amend the introductory paragraph of RSA 541-A:5, IV to read as follows:

IV. The fiscal impact statement issued by the legislative budget assistant shall not be limited to dollar amounts, but shall include a discussion of the methodology used ~~by him and the agency~~ to reach any stated amounts. In addition, the fiscal impact statement shall consist of:

7 Gender Neutral. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if ~~he~~ ***the director*** determines that there is significant noncompliance with the requirements of paragraph I ~~above~~.

III. The agency shall send notice to the director of legislative services, to the president of the senate, to the speaker of the house of representatives, to the ~~chairman~~ ***chair*** of the fiscal committee, to the ~~chairmen~~ ***chairs*** of the legislative committees having jurisdiction over the subject matter, and to all persons who have made timely request for advance notice of rulemaking proceedings and to all persons regulated by the proposed rules who hold occupational licenses issued by the agency. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11. Notice to occupational licensees shall be by U.S. Mail, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner deemed sufficient by the committee.

8 Drafting and Procedure Manual. Amend RSA 541-A:8 to read as follows:

541-A:8 Drafting and Procedure Manual.

I. Each agency shall conform to a drafting and procedure manual for rules, developed by the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the committee. ***The manual shall be submitted for approval by the committee no later than March 31, 2000. If no manual is submitted by such date, the committee shall have the authority to develop, amend, and approve the manual. In either case, the committee shall provide final approval of the drafting and procedure manual no later than June 30, 2000. After June 30, 2000, the committee may propose further amendments to the manual. Any further amendments shall be subject to final approval by the committee.*** The director may require any agency to rewrite any rule submitted for filing to conform to this manual until that rule is adopted and filed under RSA 541-A:14 or RSA 541-A:19.

9 New Subparagraph; Rulemaking Register; List of Proposals. Amend RSA 541-A:9, I by inserting after subparagraph (i) the following new subparagraph:

(j) A list of proposals filed under RSA 541-A:12, I and proposed interim rules filed under RSA 541-A:19, II, and placed on the agenda for committee review at a regularly scheduled or special committee meeting.

10 Submission of Materials to Board or Commission. Amend RSA 541-A:11, I to read as follows:

I. Each agency shall hold at least one public hearing on all proposed rules and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing ***or, if practicable for the agency, in electronic format***, in accordance with the terms of the notice and the provisions of this section. ***The legal counsel designated to the committee shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the hearing.*** For rules proposed by a board or commission, a period of at least [5] 10 days after the hearing shall be provided for the submission of [such-written] materials ***in writing or in electronic format***, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of [written] ***such*** materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least [5] 10 days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of [written] materials ***in writing or in electronic format*** shall be extended.

11 Public Comment; Extension of Deadlines. Amend RSA 541-A:11, III to read as follows:

III. To provide reasonable opportunity for public comment, the agency may continue a public hearing past the scheduled time or to another date, ***or may extend the deadline for submission of written comment***. If the agency continues the hearing ***or extends the deadline***, it shall notify the public by any means it deems appropriate, including notice in the rulemaking register whenever practicable.

12 New Paragraph; Filing Final Proposal; Placement on Agenda. Amend RSA 541-A:12, I to read as follows:

I. After ***fully*** considering [fully] public comment ***and any committee or designated legal counsel comments*** received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the agency shall file the final proposal no earlier than 21 days and no later than 150 days after the date of publication of the notice in the rulemaking register. If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal. The agency shall file the final proposal with the director of legislative services. Final proposals filed no later than 14 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than 14 days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting.

I-a. If an agency chooses to receive and respond to comments before the committee meeting as specified in RSA 541-A:13,II(a) and (b), the agency shall file the final proposal with a request that the final proposal be reviewed by the committee legal counsel and placed on the agenda for the next regularly scheduled committee meeting or special

meeting that is at least 28 days but no more than 60 days after the date that the final proposal is filed. The final proposal and request shall be filed at least 14 days prior to the first regularly scheduled committee meeting at which the request may be considered. The committee shall notify the agency in writing of its approval or denial of the request.

13 Procedure Changed; Review by Joint Legislative Committee on Administrative Rules. RSA 541-A:13 is repealed and reenacted to read as follows:

541 -A:13 Review by the Joint Legislative Committee on Administrative Rules.

I. Within 45 days of the filing of a final proposal with the director of legislative services, the committee may approve the rule or object under paragraph V, except that if an agency has filed a final proposal under RSA 541-A:12, I-a, the time shall be extended to 60 days. Objections to a rule may be made only once.

II.(a) If an agency has filed a final proposal and the committee has granted the agency's request, pursuant to RSA 541-A:12, I-a, the director of legislative services shall notify the agency of any potential bases for committee objection identified by committee legal counsel by forwarding a copy of the final proposal with the counsel's comments noted thereon at least 14 days prior to the committee meeting at which the proposal will be considered.

(b) In response to the comments, an agency may then file a proposed amended final proposal with the director for review by the committee and request that the committee approve the rule as amended. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda.

(c) The committee may:

(1) Approve the rule as originally filed;

(2) Approve the rule with amendment; or

(3) Act under paragraph V.

(d) If the committee approves the rule as filed pursuant to RSA 541-A:12, or with amendment, it shall notify the agency in writing of its approval.

(e) Failure to give notice of either approval, conditional approval, or objection at the end of the 45-day or 60-day period under paragraph I shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (e), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature;

(c) Determined not to be in the public interest; or

(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections:

(a) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, it shall so inform the agency. In lieu of a preliminary objection, the committee may vote to conditionally approve the rule with an amendment, provided that the committee specifies in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a

preliminary objection on the date of the conditional approval. If the committee legal counsel determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the committee legal counsel shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present.

(c) The agency shall respond to the preliminary objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

(d) After submitting its preliminary objection response and prior to the final committee vote on the final proposal, and in all cases, prior to the adoption of the rule by the agency, the agency may request that the committee approve the rule with further amendment or issue a revised objection. The committee may approve the rule with further amendment only if the agency submits the request and proposed amendment, in writing to the committee at least 7 days prior to the committee meeting at which the agency presents the rule. Submission of such a request shall not preclude the agency from requesting a revised objection if the committee does not approve the rule as requested.

(e) A revised objection may be made only once by the committee and may be made only at the request of the agency. The agency shall respond and the committee may review the response in the same manner as a preliminary objection. No further amendment may be made by the agency after it responds to the committee except as provided in RSA 541-A:14, II.

(f) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services for publication in the next issue of the rulemaking register.

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

VII.(a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 45 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

14 Final Adoption of Rules. Amend RSA 541-A:14, I and II to read as follows:

I. An agency may adopt a properly filed final proposed rule after:

(a) The passage of 45 days from filing of a final proposal under RSA 541-A:12, ***I, or 60 days from filing under RSA 541-A:12, I-a***, without receiving notice of objection from the committee;

(b) Receiving ~~[notice of]~~ approval from the committee;

(c) Written confirmation is sent to the agency by committee legal counsel relative to agency compliance with the committee's conditional approval pursuant to RSA 541-A:13, V(a);

~~[(e)]~~ ***(d)*** Passage of the 45-day period for committee review of the preliminary objection response, or revised objection response, if applicable, provided that the committee has not voted to sponsor a joint resolution pursuant to RSA 541-A:13, VII; or

~~[(d)]~~ ***(e)*** Final legislative action, as defined in RSA 541-A:1, VI-a, is taken on the joint resolution sponsored pursuant to RSA 541-A:13, VII(b) or the passage of the 90 consecutive calendar days specified by RSA 541-A:13, VII(c), whichever occurs first.

II. The text of the adopted rule shall be the same as the text of the final proposed rule submitted under RSA 541-A:12, ~~[except that any specific change may be made]~~ ***unless revised*** by the agency in direct response to the committee's written objection ***or as otherwise provided in RSA 541-A:13***. The director of legislative services may refuse to accept for filing any final rule which contains changes, other than minor editorial changes, that are not specifically ~~[authorized in the committee's written objection]~~ ***made in accordance with the procedures provided in RSA 541-A:13, II(b) or RSA 541-A:13, V***. The agency shall identify each minor editorial change in writing to the director of legislative services.

15 Time Limit; Reference to Manual Added. Amend RSA 541-A:17, I to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the

agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, ***in conformance with the drafting and procedure manual adopted under RSA 541-A:8***.

16 Emergency Rules. Amend RSA 541-A:18, II to read as follows:

II. Notwithstanding RSA 541-A:16, III, emergency rules adopted under this section shall not remain in effect for more than ~~[(20)]~~ ***180*** days from the date and time of filing with the director of legislative services. An agency may propose a permanent rule on the same subject at the same time that it adopts an emergency rule, but it shall not adopt the same emergency rule when the emergency rule expires.

17 Committee Procedure on Interim Rules. RSA 541-A:19, VIII is repealed and reenacted to read as follows:

VIII. The following procedures shall govern committee review of interim rules: (a) The director of legislative services shall notify the agency of any potential bases for committee objection identified by committee legal counsel by forwarding a copy of the proposed interim rule with counsel's comments noted thereon to the agency at least 7 days prior to the committee meeting at which the rule will be considered. Following receipt of the comments an agency may amend its interim rule to address the noted potential bases for objection. The agency may present the amended proposal to the committee for approval at the committee meeting. The committee may approve the rule as originally proposed or as amended. (b) If the committee objects to the proposed interim rule as filed or as amended, it shall so inform the agency. In lieu of an objection, the committee may vote to conditionally approve the rule with an amendment, provided that the committee specified in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to

submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the committee legal counsel determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the committee legal counsel shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

(c) If the committee objects to the proposed interim rule as filed or as amended pursuant to subparagraph VIII(a), the committee shall send the agency a written objection stating the basis for the objection. An objection or a conditional approval shall require the assent of a majority of the votes cast, a quorum being present. (d) If the committee makes an objection to the proposed interim rule pursuant to subparagraph VIII(c), the agency may cure the defect or withdraw the interim rule. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee prior to its next regularly scheduled meeting. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed interim rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule, provided the conditions in paragraph I are met. (e) The committee shall review the response and vote to approve the response or continue the objection. (f) The committee's objection shall not preclude the agency from adopting the substance of an interim rule by meeting the requirements of RSA 541-A:3.

18 Adoption of Proposed Interim Rule; Effective Period Increased. Amend RSA 541-A:19, IX and X to read as follows:

IX. No proposed interim rule shall be adopted unless within 90 days of publication of the notice the committee votes to approve **or conditionally approve** the proposed interim rule.

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule **or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b).** An adopted interim rule shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval. Interim rules shall be effective for a period not to exceed ~~[120]~~ **180** days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

19 Gender Neutral; Executive Orders. Amend RSA 541-A:28 to read as follows:

541-A:28 Executive Orders and Opinions of the Attorney General. The secretary of state shall transmit each executive order received from the governor to the director of legislative services, who shall publish the text of the executive order in the **rulemaking** register ~~[of notice of rulemaking proceedings]~~. The attorney general shall transmit a copy of every non-confidential opinion relative to rulemaking or rulemaking authority issued by ~~him~~ **the attorney general** or in ~~his~~ **the attorney general's** name to the director of legislative services. The director shall publish such opinions in the rulemaking register.

20 Gender Neutral. Amend RSA 541-A:31, V(b) to read as follows:

(b) In order to facilitate proceedings and encourage informal disposition, the presiding officer may, upon motion of any party, or upon ~~his~~ **the presiding officer's** own motion, schedule one or more informal prehearing conferences prior to beginning formal proceedings. The presiding officer shall provide notice to all parties prior to holding any prehearing conference.

21 Gender Neutral. Amend RSA 541-A:35 to read as follows:

541-A:35 Decisions and Orders. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed promptly to each party and to ~~his~~ **a party's** recognized representative.

22 Gender Neutral; Suspension of Provisions. Amend RSA 541-A:40, I to read as follows:

I. To the extent necessary to avoid a denial of funds or services from the United States which would otherwise be available to the state, the governor may suspend, in whole or in part, one or more provisions of this chapter. When the governor determines that a suspension is no longer necessary to prevent the loss of funds or services from the United States, ~~he~~ **the governor** shall

issue an order specifying the dates of termination of a suspension.

23 Validity of Existing Rules. All rules adopted and effective on the effective date of this act shall remain valid until amended, repealed, or expired.

24 Required Information By Office of Legislative Services. The office of legislative services shall provide, as soon as possible, information to all agencies having rulemaking authority of the procedural and other changes required by this act in order to facilitate rulemaking by agencies.

25 Effective Date.

I. Section 8 of this act shall be effective upon its passage.

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

Adopted.

Report adopted and referred to Finance.

HB 279-FN-A, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. OUGHT TO PASS WITH AMENDMENT

Rep. Avis B. Nichols for Finance: This bill as amended eliminates tolls on the Cheshire Bridge starting in 2001. This is a fairness issue. Since 1992, users of the Cheshire Bridge have been paying a toll designed to pay off the bond that was used to purchase and renovate the bridge. The Cheshire Bridge is not only the sole toll bridge in the state, it is also the only bridge where the tolls are used not only for retirement of the debt, but pay for maintenance of the bridge as well as all operating expenses.

If the toll is removed in 2001 the additional cost to the state highway fund is approximately \$500,000 more than it would be if we waited until 2005 when the surplus in the account would be sufficient to pay off the bonds. Vote 15-7.

Amendment (2051h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2001.

Adopted.

Rep. MacGillivray spoke against.

Reps. Phinizy and Wallin spoke in favor.

Report adopted and ordered to third reading.

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: The policy established by the Judiciary Committee was left intact with the exception of the effective date. The amendment changed the January 1, 2000 date to read "upon passage." It was the opinion of the Finance Committee that this bill has minimal financial impact, therefore we deferred to the policy committee on content. Vote 24-0.

Amendment (2008h)

Amend the bill by replacing section 2 with the following:

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

Adopted.

Report adopted and ordered to third reading.

HB 303-FN-A, relative to the preservation of and access to legislative records and making an appropriation therefor.
INEXPEDIENT TO LEGISLATE

Rep. Robert G. Holbrook for Finance: Finding \$140,000 of new, general funds at this time is just out of the question. We are all aware of the tremendous crowding and stacking of files and records and hope to see funding requested in the regular budget process. Vote 22-2.

Adopted.

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

Rep. David J. Alukonis for Finance: This bill calls for the rehabilitation and reconstruction of the Walker Building, which is an 80-year-old, 108,000 square foot building located on the campus of the New Hampshire State Hospital. The building has been vacant for many years and is experiencing serious decay. The Finance Committee believes that returning this state-owned building to a constructive and positive use would be a fiscally sound decision given that the state currently leases over 300,000 square feet from private landlords at a cost of over \$3 million annually.

The committee amendment creates the opportunity and ability for the state to accomplish the reconstruction using a "construction management" technique whereby the state could hire a firm which would design, build, and finance the proposed project in return for an agreed-upon payment stream over the next twenty years.

The committee will continue to work on this concept throughout November and December and it is anticipated that the committee will ask that the bill be recommitted to the Finance Committee in order to incorporate further refinements into the bill. Vote 20-1.

Amendment (2071h)

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

1 Design for Rehabilitation of New Hampshire Hospital's Walker Building.

I. The department of transportation shall develop and issue a request for proposals from experienced and qualified construction firms for the design, rehabilitation, reconstruction, and financing of the Walker building at New Hampshire hospital.

II. Proposals shall be submitted on or before April 30, 2000.

III. Notwithstanding the provisions of RSA 228:4, 228:4-a and 21-I:22, the department of transportation shall develop criteria for awarding the bid.

IV. The project may be built under the construction management process, provided that selection and award are based on an objective standard and that there are measurable criteria for evaluation.

V. The department of administrative services shall have responsibility for the administration of the Walker building, including the determination of appropriate rents to be paid by an agency occupying the Walker building. The commissioner of administrative services shall have the authority to expend the sums necessary to make any rent payments to the firm selected, which shall be continually appropriated for said purpose.

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

AMENDED ANALYSIS

This bill authorizes the department of transportation to develop and issue a request for proposals for the design and rehabilitation and financing of the Walker building at New Hampshire hospital and to establish criteria for the bidding process.

Adopted.

Rep. Kurk moved Re-commit to Committee and spoke in favor.

Adopted.

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

Rep. Margaret A. Lynch for Finance: This bill, as referred to Finance, had several components. First, the bill re-directed approximately \$750,000 of unrefunded road toll revenue from the general fund to the harbor dredging and pier maintenance fund. Second, it established new fees on boats registered in tidal waters and new slip fees. Combined, the fees are estimated to generate \$60,000 that would be deposited into the harbor dredging and pier maintenance fund. Third, the bill transfers the commercial fish piers at Portsmouth, Rye and Hampton from the Department of Resources and Economic Development to the NH Port Authority. Finally, the bill established two studies and required an additional report be filed.

The amendment eliminated the redirection of the unrefunded road toll revenue and replaced it with a study of unrefunded road tolls. The amendment made no changes related to the new fees. The amendment modified the language used in Department of Resources and Economic Development and Port Authority statutes to clarify the House Public Works policy that DRED would retain control of the recreational activities at the piers after the transfer to the Port Authority. Finally, the amendment struck out the two study committees and the additional report because they passed in the trailer bill in the 1999 session Vote 21-1.

Amendment (2058h)

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

1 State Treasurer and State Accounts; Application of Receipts; General Revenue Exceptions; Reference Changed. Amend RSA 6:12, I(vvv) to read as follows:

(vvv) Moneys deposited in the **harbor** dredging [~~projects~~] **and pier maintenance** fund established in RSA 271-A:21.

2 Department of Resources and Economic Development; Bureau of Marine Services; Exception Added. Amend RSA 12-A:7-a to read as follows:

12-A:7-a Bureau of Marine Services. There is hereby established in the division of parks and recreation of the department of resources and economic development, a bureau of marine services, which shall have the responsibility for and jurisdiction over **recreational activities at** state-owned [~~commercial~~] fishing piers and facilities.

3 Navigation; Vessel Registration and Numbering; Registration Required; Application; Tidal and Coastal Waters. Amend the introductory paragraph of RSA 270-E:3, III to read as follows:

III. Application for registration shall be in such form and contain such information as the commissioner shall determine. The fees required by RSA 270-E:5 shall accompany the application. The application shall request the principal use of the vessel **and ask whether the vessel is to be registered for tidal and coastal waters**. The application shall also contain the following statements:

4 New Subparagraph; Navigation; Vessel Registration and Numbering; Registration Fees; Surcharge for Vessels Registered for Tidal or Coastal Waters. Amend RSA 270-E:5, II by inserting after subparagraph (d) the following new subparagraph:

(e) \$2 for each registration for tidal or coastal waters. The surcharge collected under this subparagraph shall be paid into the harbor dredging and pier maintenance fund established under RSA 271-A:21.

5 Navigation; New Hampshire State Port Authority; Powers and Duties; Fees for Mooring and Slip Permits. Amend RSA 271-A:3, V(a) to read as follows:

(a) Be authorized to set and collect fees for mooring and slip permits and waiting lists for such permits. **The authority shall establish fees for slips in harbors and tidal rivers that are equal to or proportional to the fees for moorings in harbors. Fees shall not be charged for slips at industrial piers along the Piscataqua River or at state-owned piers in harbors. The fees for slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 271-A:21.**

6 New Paragraph; Navigation; New Hampshire State Port Authority; Powers and Duties; Piers in Portsmouth, Rye Harbor, and Hampton Harbor. Amend RSA 271-A:3 by inserting after paragraph VI the following new paragraph:

VII. Have the responsibility for and jurisdiction over the state-owned commercial fishing piers and facilities at Portsmouth, Rye Harbor, and Hampton Harbor except as provided in RSA 12-A:7-a.

7 Navigation; New Hampshire State Port Authority; Dredging Projects Fund Changed to Harbor Dredging and Pier Maintenance Fund. Amend RSA 271-A:21 to read as follows:

271-A:21 **Harbor** Dredging [~~Projects~~] **and Pier Maintenance** Fund Established.

I. There is hereby established a **harbor** dredging [~~projects~~] **and pier maintenance** fund to be used by the New Hampshire state port authority to meet its obligation to initiate and implement dredging projects to maintain channels and harbors, **and to initiate projects to maintain public piers in safe and efficient condition.**

II. The fund shall be nonlapsing and continually appropriated for the purposes of initiating and implementing **harbor** dredging projects **and maintaining public piers.** The New Hampshire state port authority shall, in each biennium, request annual appropriations to the fund in an amount sufficient to provide for the funding of the authority's periodic **harbor** dredging **and pier maintenance** efforts. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. The New Hampshire state port authority shall not encumber, obligate, or expend any funds from the **harbor** dredging [~~projects~~] **and pier maintenance** fund without the prior approval of the capital budget overview committee.

8 Commercial Fish Piers in Portsmouth, Rye Harbor, and Hampton Harbor; Transfer from Department of Resources and Economic Development to New Hampshire State Port Authority. The department of resources and economic development shall transfer the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor to the New Hampshire state port authority. Upon such transfer, the port authority shall have responsibility for and jurisdiction over each such pier and shall assume control of the management, operation, and maintenance of each respective pier. The transfer of the commercial fish pier in Portsmouth shall be completed within 60 days of the effective date of this section and after proper coordination with the city of Portsmouth and the commercial fishing industry lessees of the pier. The transfer of the commercial fish piers in Rye Harbor and Hampton Harbor shall be completed by June 30, 2001 and after a plan is developed by the port authority, the department of resources and economic development, and the long range capital planning and utilization committee to separate the recreational and commercial elements in the use of these facilities. The port authority shall certify to the secretary of state the date that each transfer is completed pursuant to this section.

9 Applicability. The provisions of RSA 271-A:3, VII, as inserted by section 6 of this act shall take effect with respect to each of the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor as the New Hampshire state port authority assumes control of the management, operation, and maintenance of each respective pier pursuant to the provisions of section 8 of this act.

10 Committee to Study Unrefunded Road Tolls.

I. Committee Established. There is established a committee to study unrefunded road tolls.

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 unrefunded road tolls, including, but not limited to, the calculation, distribution, and uses of unrefunded road toll balances.

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, 2000.

11 Effective Date.

I. Sections 1 and 4 of this act shall take effect July 1, 2000.

II. Section 10 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Changes the dredging projects fund to the harbor dredging and pier maintenance fund.

II. Establishes a surcharge for boats registered for tidal and coastal waters to be paid into the harbor dredging and pier maintenance fund.

III. Requires the port authority to set slip fees equal to mooring fees.

IV. Transfers the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor from the department of resources and economic development to the port authority.

V. Establishes a committee to study unrefunded road bills.

Adopted.

Report adopted and ordered to third reading.

HB 618-FN-A, establishing a voucher program for smoking cessation and continually appropriating a special fund. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Finance: This bill establishes a three-year smoking cessation voucher pilot program for persons receiving temporary assistance to needy families. This program is funded at \$150,000 per year from the tobacco use prevention fund. The pilot program will identify those persons on assistance who smoke and will encourage and provide cessation assistance methods not currently covered under medicaid. Future health and financial benefits to the individual and the state can be anticipated. Vote 18-1.

Amendment (2123h)

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

AN ACT establishing a voucher program for smoking cessation.

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

1 New Chapter; Smoking Cessation Voucher Program. Amend RSA by inserting after chapter 126-M the following new chapter:

CHAPTER 126-N

Smoking Cessation VOuCHER Program

126-N:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

126-N:2 Program Established; Rulemaking.

I. There is established the smoking cessation program which shall be administered by the department. The department shall make available to persons receiving temporary assistance to needy families, vouchers which may be issued to persons for smoking cessation aids and educational programs. Vouchers shall not be issued for pharmaceuticals which are covered under medicaid.

II. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

(a) An application process and manner of distribution of vouchers.

(b) Authorized smoking cessation aids and educational programs.

(c) Any other matter necessary to the administration of this chapter.

2 Appropriation. There is hereby appropriated, the sum of \$150,000 for the fiscal year ending June 30, 2001, and \$150,000 for each of fiscal years 2002 and 2003, from the moneys received under RSA 126-K:15, the tobacco use prevention fund.

3 Repeal. RSA 126-N, relative to a smoking cessation voucher program, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

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

AMENDED ANALYSIS

This bill establishes a smoking cessation voucher program to be administered by the department of health and human services and funded from the tobacco use prevention fund.

Adopted.

Report adopted and ordered to third reading.

HB 699-FN-A, establishing the granite state scholars program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill establishes a scholars program recognizing highly qualified New Hampshire high school graduates. Funds are to be awarded to these students who pursue degree programs at public colleges and universities in the state. The bill had a general fund appropriation of \$5 million to be matched by private funds. The Finance Committee recognized the benefits of this scholarship program, but reduced the appropriation to \$1 because of state school funding shortfall, thus keeping the idea alive. Vote 20-1.

Amendment (2056h)

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2000, and the sum of \$1 for the fiscal year ending June 30, 2001, are hereby appropriated to the postsecondary education commission for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes the granite state scholars program which recognizes highly qualified high school graduates and provides a state match for private funds raised by public institutions of higher education to be used for incentive grants to granite state scholars pursuing degree programs at public colleges and universities within the state. The bill makes an appropriation of \$1 for the program.

Adopted.

Report adopted and ordered to third reading.

HB 735-FN-A, establishing a contributory judicial retirement plan. INEXPEDIENT TO LEGISLATE

Rep. Margaret A. Lynch for Finance: This bill establishes a contributory judicial defined contribution retirement plan. This is a major change to present policy. While this issue has been under consideration and study for a long period of time, it was acknowledged, even by the sponsors of the bill, that the bill was not ready to be enacted in its present form.

The Finance Committee has a strong interest in investigating this subject matter further and in securing the additional facts and figures impacting changes to the present judicial retirement plan. In an attempt to avoid sending the wrong message to House members (i.e., the present bill is ready for passage) the committee voted Inexpedient to Legislate with the anticipation that a motion to recommit will be offered to the full House membership. Vote 18-6.

Rep. Kurk moved Re-commit to Committee and spoke in favor.

Adopted.

SB 176-FN-A, relative to technology support for individuals and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: The bill as amended establishes a committee to study the NH Assisted Technology Partnership Project. The study is to be completed by April 1, 2000. This project will be losing federal funding in the near future and the study will make recommendations to the legislature as to future direction of this project. Vote 18-0.

Amendment (2124h)

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

AN ACT relative to technology support for individuals and establishing a committee to study certain assistive technology services provided statewide.

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

1 Purpose and Intent. The purpose of this legislation is to insure that individuals with disabilities will continue to be supported through assistive technology. In 1988, the federal Technology Related Assistance Act was passed to create systems changes at the state and local level to assist individuals affected by disabilities or the aging process. Since 1991, the New Hampshire Assistive Technology Partnership Project has been committed to impacting change through a partnership with ATECH services, which is a statewide program providing centralized service for assistive technology information, training, and equipment refurbishment and redistribution. Currently, thousands of individuals in New Hampshire have physical, sensory, or cognitive impairments and are able to maximize independence through the benefits of assistive technology information and services. Without this support, more state and local dollars would be spent on nursing home or institutional support. A reduction in federal funding jeopardizes the continuance of the current ATECH programs and this legislation seeks to continue the important work now in progress. The study committee included in this act shall evaluate the general operations and procedures of ATECH services focusing on the overall effectiveness and integrity of ATECH services statewide to determine the need for continued funding.

2 Committee Established. There is established a committee to study the general operations of ATECH services, a statewide program providing centralized assistive technology services and information.

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) Three 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 study the general operations of ATECH services including, but not limited to, issues related to funding, equipment refurbishment and redistribution procedures, training programs, and other areas of ATECH operations deemed in furtherance of the objectives of the committee.

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. Four members of the committee shall constitute a quorum.

6 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 April 1, 2000.

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

AMENDED ANALYSIS

This bill establishes a committee to study the provision of certain statewide assistive technology services and information.

Adopted.

Report adopted and ordered to third reading.

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

Rep. David J. Alukonis for Finance: This bill was introduced at the request of the Business Finance Authority (BFA) and the Berlin Economic Development Corporation. The proposal allows for the governor and council to award a state guaranty on BFA-approved loans to local non-profit community development organizations which provide capital for economic development. The bill expands the BFA's scope of guaranties but does not increase the current level of guaranty authority of the BFA. Additionally, the bill does not carry a state appropriation.

At the urging of the BFA, the Finance Committee amendment deletes a section of the bill which was inadvertently included when the bill was drafted. Vote 21-0.

Amendment (2064h)

Amend the bill by deleting section 2 and renumbering the original sections 3-6 to read as 2-5, respectively.

Amend the bill by replacing section 2 with the following:

2 Public Safety and Welfare; Business Finance Authority; Programs for Public Purpose, Required Findings; References Added.
Amend the introductory paragraph of RSA 162-A:18, I to read as follows:

I. The authority shall not take any action described in RSA 162-A:7, IV, 162-A:9, III, 162-A:10, IV, or 162-A:12, V, and the governor and council shall not award any guarantee under ***RSA 162-A:7-a***, RSA 162-A:8, ***RSA 162-A:10, III***, ~~[or]~~ RSA 162-A:13, ***or RSA 162-A:13-a*** unless the governor and council have made the following findings:

AMENDED ANALYSIS

This bill establishes state guarantees of loans to local development organizations.

Adopted.

Report adopted and ordered to third reading.

SB 85-FN, including the judiciary as a public employer under the public employee labor relations act. REFER FOR INTERIM STUDY

Rep. John M. Pratt for Judiciary: This bill would make it possible for employees of the Judiciary branch of state government to choose whether to unionize and consequently to engage in collective bargaining. The committee believed that the costs and details of such an action were significant and needed to be fleshed out in greater detail before such a bill comes to the floor. Vote 13-5.

Adopted.

HB 730-FN, establishing a pilot program for the recording of committee proceedings of the general court. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Legislative Administration: The bill, as amended by the committee, will establish a committee to study audio and/or audio/visual recording of committee meetings. The committee, working with state officials knowledgeable with digital audio or visual recording, will research various methods of recording and will be allowed to rent or lease, for a short time, various electronic devices to see if they will produce a good recording. Various standing committees will be asked to try the equipment in their committee rooms for a very short time. This will be a hands-on, try-it program. Vote 12-0.

Amendment (2197h)

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

AN ACT establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor.

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

1 Findings and Purpose. The general court finds that it is in the best interest of both the public and the legislature to maintain the best possible records of the public proceedings conducted by the legislature. Accurate records provide the public with a means for understanding the work performed by their legislative representatives and are vital in determining legislative intent. The general court recognizes that new developments in digital recording and storage may be the basis for new methods for recording legislative proceedings. In order to determine whether new technologies will improve the recordkeeping of the New Hampshire General Court, it is necessary to establish a research and development program to allow for experimentation with various methods of recording public proceedings.

2 Committee Established. There is established a committee to determine the feasibility of recording legislative proceedings digitally. If such recording is determined to be feasible, the committee is further charged with selecting the appropriate method for making and storing such recordings.

3 Membership; Chairperson; Meetings; Quorum. The speaker of the house of representatives shall appoint 5 members of the house to serve on the committee. 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 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.

4 Duties; Request for Proposals.

I. The committee shall issue a request for proposals to companies that manufacture digital recording equipment. The committee shall select 3 to 5 proposals for recording and storing the records of legislative proceedings. The committee shall have the authority to lease or rent the appropriate equipment and the selected options shall be used to record house committee proceedings on a temporary basis. House standing committee chairpersons shall be asked to participate in the trial recording program and to assist the committee in assessing the equipment tested. The committee shall consult representatives from the office of the general court information systems, the division of information technology management, the records management and archives division of the department of state, and industry representatives in the development of the trial recording program.

II. If a digital recording program is determined to be feasible, the committee shall select the appropriate method for making and storing such recordings.

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, 2000.

6 Appropriation. There is hereby appropriated the sum of \$1,500 from the general fund for the purposes of leasing or renting digital recording equipment on a trial basis. These funds shall not be used to hire consultants. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a house committee to determine the feasibility of recording legislative proceedings digitally, and to issue a request for proposals to begin a trial recording program of certain house committee proceedings. The bill makes an appropriation for the purpose of leasing or renting equipment.

Adopted.

Report adopted and ordered to third reading.

HB 507-L, relative to the taxability of certain appurtenant land to a taxable building. INEXPEDIENT TO LEGISLATE

Rep. Roger T. Zerba for Municipal and County Government: For private colleges and boarding schools, buildings used for dormitories, dining rooms and kitchens are taxed on their value in excess of \$150,000. This value was established in 1907; it

excludes the land upon which the building(s) sit. Currently, there are 21 such institutions that pay these annually. HB 507 seeks to tax that land underneath the buildings used for dormitories, dining rooms and kitchens. None of the host cities or towns of those educational institutions expressed any concerns with the current taxation law to the committee. In fact, the committee was advised that excellent relationships exist between these institutions and their host towns. A majority of the committee concurred that the existing taxation method is agreeable and acceptable to both sides, and thus voted 12-4 to recommend this. Vote 12-4.

Adopted.

HB 86-A, making a capital appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. OUGHT TO PASS WITH AMENDMENT

Rep. James A. Whittemore for Public Works and Highways: The full Committee on Public Works and Highways voted unanimously to support the renovation and preservation of the Daniel Webster Birthplace buildings in Franklin. By renovating the Sawyer House this will make it possible for caretakers to live there and provide supervision of the property for school children and tourists who visit this state historic site. The funding in the amendment is one third private and two thirds from the Conservation Plate Trust Fund under RSA 261:97-6. Vote 16-0.

Amendment (2082h)

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

AN ACT making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

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

1 Appropriation; Department of Resources and Economic Development; Renovation of Sawyer House.

I. The sum of \$105,180 is appropriated to the department of resources and economic development for the biennium ending June 30, 2001, for the purpose of renovating the Sawyer House for year-round use. The Sawyer House is located at the Daniel Webster Birthplace in the city of Franklin.

II. The sum appropriated to the department of resources and economic development in paragraph I shall be nonlapsing. The source of funds for the sum appropriated shall be as follows:

(a) \$75,000 from the funds distributed to the department of resources and economic development from the conservation plate trust fund under RSA 261:97-b.

(b) \$30,180 from public and private donations made to the state for purposes of renovation of historic properties.

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

AMENDED ANALYSIS

This bill makes an appropriation to the department of resources and economic development for renovation of the Sawyer House as a year-round residence. The Sawyer House is located at the Daniel Webster Birthplace in the city of Franklin.

Adopted.

Report adopted and referred to Finance.

HB 305-A, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. OUGHT TO PASS WITH AMENDMENT

Rep. Richard F. Ahern for Public Works and Highways: This bill provides a lease purchase between Cheshire County (bonding agency) and the state for a new district court house serving the Jaffrey and Peterborough District Court. The current facility is in an old manufacturing building leased at a cost of \$48,000 per year. The land for the new court is being donated by a private family with a four-year time limit for construction of a court facility expiring in 2001. So if the state does not act soon, the donors may rescind their gift. This gift weighed very heavily in committee deliberations. This is the first priority solely for a district court from the judicial branch. The design is generic and as such would cost less to construct. This project has been ongoing for more than 12 years. The donation of the land moved the project along and then Cheshire County agreeing to bond

the project helped the forward progress. The town has done environmental tests and engineering studies at its own expense so everything would be ready when the state was ready. Now seems to be the correct time. Vote 15-1.

Amendment (2126h)

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

AN ACT relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

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

1 Cheshire County; Department of Administrative Services; Lease-Purchase Agreement for Construction of District Courthouse Authorized.

I. The department of administrative services and Cheshire county are authorized to enter into a lease-purchase agreement for the construction of a new district courthouse to be located in the town of Jaffrey in Cheshire county.

II. If Cheshire county and the department of administrative services enter into such an agreement, the county shall issue bonds in an amount up to \$2,600,000 to pay the costs of construction of the courthouse. No portion of this bond issue shall be used to fund any project other than the courthouse. The bonds shall be 20-year bonds.

III. Cheshire county shall lease the building to the state. The lease-purchase agreement shall include a requirement that the state pay the annual amortization charges, meaning principal and interest, on the original costs resulting from the construction of the courthouse from the general fund. The term "original costs", as used in this section, shall mean the entire cost of the construction of the courthouse. When all amortization charges have been paid by the state, the state shall be deemed to have purchased the courthouse.

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

AMENDED ANALYSIS

This bill authorizes a lease purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

Adopted.

Report adopted and referred to Finance.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.
OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: In the early 70s, funds for regional vocational schools were approved and with one exception all were built. Now 25+ years later, most of these schools need upgrading or replacement. Some schools have made upgrades with their own funds while others need to start from scratch. To a member all could see the benefit from those facilities, however larger capital expenditures outside of the capital budget are difficult. We are talking in dollar terms of \$6+ million and over time could reach in excess of \$100 million. The committee amendment directs the Commissioner of the Department of Education to submit capital budget request and priority list of facilities and programs eligible for funds. It also provides 75 percent state and 25 percent local funding. This solution allows the regional vocational schools to be eligible for funding on a regular basis not requiring special consideration. Vote 15-2.

Amendment (2137h)

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

1 Regional Vocational Education; Appropriation for Renovation and Expansion; Approval and Funding. RSA 188-E:10 is repealed and reenacted to read as follows:

188-E:10 Appropriation for Renovation and Expansion.

I. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of regional vocational education centers or regional vocational education programs provided that:

- (a) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion;
- (b) Each request for funding follows the capital budget procedure which includes capital budget overview committee approval for each project;
- (c) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and
- (d) The state provides no more than 75 percent of the funding for projects approved pursuant to this paragraph.

II. The renovation and expansion reserve funding required by subparagraph I(c) may be funded through local community funds, vocational education tuition payments, gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions.

2 Applicability; Funding Limitation. Any regional vocational education center or regional vocational education program which received approval from the state board of education for initial construction before July 1, 1997 and which has not commenced construction prior to the effective date of this act shall be exempt from the funding requirements of RSA 188-E:10, I(c). This exemption shall not apply to any other cost-sharing requirements of RSA 188-E or rules of the department of education.

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

AMENDED ANALYSIS

This bill establishes requirements for state funding of renovation and expansion of regional vocational education centers and regional vocational education programs.

Adopted.

Report adopted and referred to Finance.

SB 178-FN-A, relative to appropriations to the port authority for dredging projects. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: The original bill would amend a previous appropriation to the Port Authority for improvements to permit up to \$1 million for dredging and associated mitigation projects. The committee amendment identifies specific projects needed in harbor and port operations. The committee received information that the federal government will not issue any more wetlands permits until the \$400,000 hydrodynamic study of Hampton and Seabrook harbors and waterways is done. This affects both public and private (homeowners within the area) projects. The committee felt that it was very important to proceed with this project so that things would not come to a complete standstill in the area. The other part of the bill deals with improvements to the fishing piers that may be transferred to the Port Authority for \$600,000. Vote 16-0.

Amendment (2191h)

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

1 1991 Appropriation; Port Authority; Dredging Projects Added. Amend 1991, 351:5, as amended by 1992, 260:20 and 1994, 204:1 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, ~~and~~ the construction of a 750-foot pier, ***dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, and renovation of any commercial fish piers that may be transferred to the port authority***. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion \$18,300,000

Total state appropriation section 5 \$18,300,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. ***\$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study.*** The remaining [~~\$15,000,000~~] ***\$14,600,000*** is designated for construction, ***renovation and dredging projects including associated mitigation.*** This appropriation shall be nonlapsing until the project is completed. ***The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000.***)

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

AMENDED ANALYSIS

This bill makes certain money appropriated to the New Hampshire port authority available for dredging projects including associated mitigation, a hydrodynamic study of Hampton and Seabrook, and renovation of any commercial fish piers that may be transferred to the port authority.

Adopted.

Report adopted and referred to Finance.

HB 580-FN-A-L, creating a new tourism district and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill, as amended, would enable the Commissioner of the Department of Resources and Economic Development, for one time only (during the biennium ending June 30, 2001), to award from the Joint Promotional Program funded at \$600,000, a grant of up to \$25,000 to an organization whose purpose is to promote tourism in the Connecticut River area. The grantee shall coordinate its marketing efforts with existing tourism organizations in New Hampshire, Vermont and communities along the river. This bill does not create a new tourism district; rather, it is to provide an incentive to Connecticut River organizations to develop real initiatives for marketing their area. This bill does not create any ongoing entitlement to Joint Promotional Program funds for the Connecticut River area. Future projects for the Connecticut River area would go through the screening committee on the same competitive footing as other applicants from around this state. Vote 12-2.

Amendment (2152h)

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

AN ACT authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.

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

1 Department of Resources and Economic Development; Joint Promotional Program; Grant for Marketing of Connecticut River Area.

I. Notwithstanding RSA 12-A:1-e, the commissioner of resources and economic development may award, in the form of a grant, a sum of up to \$25,000 during the biennium ending June 30, 2001 from funds appropriated to the joint promotional program to an organization whose purpose is promoting tourism in the Connecticut river area. The commissioner may develop written guidelines or requirements for grant applicants that are consistent with the provisions of this act.

II. The grantee shall be either not-for-profit or community-based, and shall have as its primary mission the marketing of the Connecticut river area. Prior to receiving the grant, the grantee shall demonstrate to the commissioner a strong capacity to sustain its activities, accomplish its mission, and coordinate disparate promotional efforts.

III. The grantee shall coordinate its marketing efforts with those of existing tourism organizations, the states of New Hampshire and Vermont, and the communities along the Connecticut river. The grantee's marketing efforts shall include the

promotion of future Connecticut river valley development and travel initiatives, such as the reintroduction of excursion rail.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of resources and economic development to award a grant from funds appropriated to the joint promotional program to an organization whose purpose is promoting tourism in the Connecticut river area.

Adopted.

Report adopted and referred to Finance.

SB 135-FN, relative to water supply land protection grants. OUGHT TO PASS WITH AMENDMENT

Rep. H. Charles Royce for Resources, Recreation and Development: Senate Bill 135-FN, as amended, develops a grant program with the Department of Environmental Services for not-for-profit water supply companies and municipal drinking water systems to acquire land over and adjacent to their water supplies. The state may grant up to 25 percent of the water supply land acquisition costs. Land could be acquired by the grantee through conservation easements, gifts or fee simple purchases with willing donors or sellers. Towns or cities will be responsible for the stewardship of lands acquired by reporting annually to the Department of Environmental Systems. A provision of this bill requires the Department to report biannually to the Legislature, listing all land and land rights acquired under this program and also expenditures for each land stewardship activity. This insight will be helpful if modifications are necessary in future years. Following New Hampshire tradition, land protection through this bill is voluntary and it provides strong incentives to encourage cities and towns to protect their water resources in a cost-share program. Vote 14-0.

Amendment (2142h)

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

1 Water Management and Protection; Aid to Public Water Systems; Water Supply Land Protection Grants Added. Amend RSA 486-A:1-8 to read as follows:

486-A:1 Purpose. The purpose of this chapter is to provide a state contribution to aid all public water systems in achieving compliance with the requirements of the surface water treatment rules of the federal Safe Drinking Water Act ***and to protect sources of public drinking water that serve community or non-transient non-community water systems and associated natural resources through the acquisition of land or conservation easements within source water protection areas.***

486-A:2 Definitions. In this chapter:

I. "Construction" means:

(a) The installation or building of:

(1) new wells or well buildings; or

(2) filtration systems and associated pump stations, pump equipment, chemical treatment systems, telemetry and metering equipment, and storage tanks; and

(3) distribution mains and valves needed to interconnect the new wells or filtration system to the existing system as may be required by the department and the EPA.

(b) Altering, improving or adding to existing water treatment or water source, storage or transmission main facilities in order to meet the requirements of the surface water treatment rules.

(c) Engineering services related to the activities identified under this paragraph.

I-a. "Community water system" means a community water system as defined in RSA 485:1-a, I.

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

III. "Eligible **surface water treatment** costs" means the actual cost of construction and related services necessary for a municipality to comply with the surface water treatment rules of the department of environmental services and the EPA, but shall not include the following:

- (a) Land acquisition, except for land which shall be an integral part of a well system or filtration system;
- (b) Easements and rights-of-way necessary to the project;
- (c) Distribution systems and any improvement thereto not necessary for the municipality to achieve compliance with the surface water treatment rules; and
- (d) Any administrative, legal, and fiscal costs related to the project.

III-a. "Eligible water supply land protection costs" means the actual cost of permanently conserving substantially undeveloped land within one or more source water protection areas for active or proposed sources of public drinking water supplying a community or non-transient non-community water system, including the cost of land or conservation easement acquisition and associated legal and transaction costs.

IV. "EPA" means the United States Environmental Protection Agency.

V. "Non-transient non-community water system" means a non-transient non-community water system as defined in RSA 485:1-a, XI.

VI. "Source water protection area" means the area around a source of public drinking water, such as a well or surface water intake, through which water is likely to flow towards the source.

VII. "Stewardship" means ongoing surveillance of water supply protection land acquired pursuant to this chapter to ensure that the conservation intent is maintained.

VIII. "Water supply land protection grantee" means an entity that receives a water supply land protection grant to acquire and maintain in perpetuity land or easements for the purpose of protecting a drinking water source. A water supply land protection grantee shall be a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code and having public water supply as its principal mission or a municipality.

486-A:3 State Contribution; **Surface Water Treatment Costs; Water Supply Land Protection Costs.**

I.(a) Any public water system which is or was required, beginning in 1986, to achieve compliance with the surface water treatment rules of the EPA or the rules of the New Hampshire department of environmental services adopted to implement the federal Safe Drinking Water Act amendments of 1986 shall be eligible for a state contribution. As its contribution, the state shall pay 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible **surface water treatment** costs resulting from the construction of new wells or a filtration system to meet the requirements of the surface water treatment rules.

~~[H.]~~ (b) To be eligible under ~~[this chapter]~~ **RSA 486-A:3, I(a)**, construction shall be necessary in order for the public water system to comply with the surface water treatment rules of the department or the EPA, or both. Plans for construction shall be approved in accordance with the provisions of RSA 485:8.

II. The state may pay up to 25 percent of the eligible water supply land protection costs.

486-A:4 Additional State Contribution.

I. In addition to any other state contribution provided in this chapter, the commissioner of the department ~~[of environmental services]~~, with the approval from the governor and council, may, upon review of plans submitted by a public water system and within the limits of available appropriations, pay 10 percent of the annual amortization charges, meaning principal and interest, on the eligible **surface water treatment** costs resulting from the installation and construction of water supply facilities required by the surface water treatment rules of the Safe Drinking Water Act.

II. This additional contribution may be provided when such installation or construction will result in user fees that are 20 percent above the statewide average for residential customers.

486-A:5 Equitable Allocation of Costs. The department shall not approve any contribution **for surface water treatment** under

this chapter unless it shall first have determined that the applicant:

I. Has adopted or will adopt a system of charges to assure that each recipient of water service within the applicant's jurisdiction, as determined by the department, will pay ~~his~~ **its** proportionate share of the costs of operation and maintenance, including replacement, of water services provided by the applicant.

II. Has legal, institutional, managerial, and financial capability to ensure adequate construction, operation, and maintenance of water works throughout the applicant's jurisdiction.

486-A:6 Application for Funding. Application for payments under the provisions of this chapter shall be made in accordance with rules adopted by the commissioner under RSA 541-A, and, **for surface water treatment projects**, shall be based upon reports filed with the commissioner prior to January 31, in the calendar year for which payment is being requested.

486-A:7 Applicant Agreement.

I. Applications for state grants ~~[under this chapter]~~ **for surface water treatment** shall contain an agreement that the applicant:

~~[H.]~~ **(a)** Has installed the water works facilities in accordance with the plans and specifications approved by the department;

~~[H.]~~ **(b)** Will provide proper and efficient operation and maintenance of facilities;

~~[H.]~~ **(c)** Agrees that failure to install the facilities in accordance with the approved plans and specifications or to provide proper and efficient operation and maintenance of such facilities shall result in loss of payments of the annual grant installment next following such failure. The loss of payment of the annual grant installment shall continue in effect until such time as the applicant has completed the steps necessary to install the facilities in accordance with plans and specifications approved by the department, or made provisions for proper and efficient operation and maintenance of the facilities in accordance with department instructions or both.

II. Applications for water supply land protection grants shall contain a statement that the applicant shall comply with the following conditions:

(a) The applicant shall purchase the land or conservation easement from a willing seller, and the purchase shall include only land within the source water protection area of an active or proposed public drinking water source supplying a community or non-transient non-community water system or only small portions of land beyond the source water protection area under circumstances which make subdivision impractical;

(b) The land or conservation easement shall be owned, in perpetuity, by a water supply land protection grantee;

(c) The land shall be maintained in perpetuity to protect the drinking water source and no land use or development shall occur that would diminish the quantity or quality of the drinking water;

(d) The land, if purchased in fee simple, shall not be posted to prohibit hiking, hunting, and fishing, unless the department deems such posting necessary to protect the associated water supply or other natural resources;

(e) The applicant shall provide required stewardship and submit annual stewardship reports to the department.

486-A:8 Priority of Applications.

I. For surface water treatment projects, the department ~~[of environmental services]~~ shall establish and maintain a priority list of projects eligible to receive grants under RSA 486-A:3. The priority list shall include the highest priority projects ready for construction and anticipated to receive grants from appropriated funds within the next fiscal year. ~~[The commissioner or designee shall hold an annual public hearing to receive testimony on the projects recommended by the department to receive grants in the next fiscal year. After considering the testimony offered at the hearing, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly.]~~ The list required by this section shall not be considered rules subject to the provisions of RSA 541-A.

II. For water supply land protection projects, the department shall prioritize projects in accordance with rules established under RSA 486-A:11. Prioritization factors shall include, but not be limited to:

(a) Distance from and relation to the drinking water source.

- (b) Size of the area proposed for protection relative to the size of the source water protection area.*
- (c) Natural resource values, including wetlands, habitat protection, and recreational uses.*
- (d) Current protection status of the source water protection area.*
- (e) Ability of the applicant to pay for water supply land protection.*

2 New Section; Public Notice. Amend RSA 486-A by inserting after section 8 the following new section:

486-A:8-a Public Notice.

- I. For surface water treatment projects, the commissioner of environmental services or designee shall hold an annual public hearing to receive testimony on the projects recommended by the department, in accordance with RSA 486-A:8, to receive grants in the next fiscal year. After considering the testimony offered at the hearing, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly.
- II. The department shall provide notice by certified mail to the municipality in which the land is located of each water supply land protection project recommended by the department, in accordance with RSA 486-A:8, to receive a grant, and shall wait 20 days for a hearing request. Upon request of the governing body of the municipality in which the land is located, the commissioner of environmental services or designee shall hold a public hearing to receive testimony on any project recommended to receive a grant. The department shall provide notice of any such hearing at least 30 days prior to the hearing by notices posted in at least one public place in the municipality and in at least 2 newspapers of general circulation in the region, and by certified mail to the governing body of the municipality. After considering the testimony offered at all of the public hearings requested for that year's recommended projects, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly. If no hearing is requested, the department shall select projects for funding without a public hearing.

3 Administration. Amend RSA 486-A:9 to read as follows:

486-A:9 Administration.

I. The department shall perform the following functions related to the administration of the provisions of this chapter applicable to surface water treatment:

- ~~[I.]~~ **(a)** Assist public water systems to:
 - ~~[(a)]~~ **(1)** Develop an acceptable grant application for funding under RSA 486-A.
 - ~~[(b)]~~ **(2)** Conduct pre-construction conferences.
- ~~[II.]~~ **(b)** Review the defined project and confirm that it meets the surface water treatment rule requirements of the state of New Hampshire and the EPA in accordance with the requirements of 40 ~~[CFR Subpart H]~~ **C.F.R., part 141, subpart H.**
- ~~[III.]~~ **(c)** Review and approve preliminary and final facilities' plans for the defined project.
- ~~[IV.]~~ **(d)** Review construction plans and specifications in accordance with RSA 485:8.
- ~~[V.]~~ **(e)** Process grant applications for state approval.
- ~~[VI.]~~ **(f)** Approve construction plans and specifications and issue authorizations to advertise contracts for bids.
- ~~[VII.]~~ **(g)** Review and approve any revisions to plans and specifications prior to formal advertisement by the public water system.
- ~~[VIII.]~~ **(h)** Review and approve formal addenda to plans and specifications during the formal advertising process.
- ~~[IX.]~~ **(i)** Review bid documentation to establish the low responsive and responsible bidder.
- ~~[X.]~~ **(j)** Issue authorization to award the construction contract to the lowest responsive and responsible bidder.
- ~~[XI.]~~ **(k)** Perform periodic site inspections to ensure compliance with executed construction contract documents.

~~[XII.]~~ **(l)** Review and approve operation and maintenance manuals.

~~[XIII.]~~ **(m)** Review and approve change orders during the construction period.

~~[XIV.]~~ **(n)** Review all invoices related to the project submitted to the grantee on a monthly basis.

~~[XV.]~~ **(o)** Conduct a final inspection of completed facilities and certify substantial completion.

~~[XVI.]~~ **(p)** Based upon a satisfactory final project inspection, review and approve final eligible ***surface water treatment*** costs and authorize release of retainage.

II. The department shall perform the following functions related to the administration of this chapter applicable to water supply land protection grants:

(a) Assist applicants with water supply land protection grant applications.

(b) Review defined projects and confirm that they meet eligibility criteria.

(c) Prioritize projects in accordance with the procedures established under RSA 486-A:8.

(d) Select projects for funding and administer grant funds.

(e) Review all invoices related to the project submitted to the department by the grantee.

(f) Prepare a biennial activity report listing all land and land rights acquired under this program, the expenditure for each acquisition, and stewardship activities; copies of the report shall be forwarded to the speaker of the house of representatives, to the senate president, to the governor and council, and to the chairpersons of the senate environment and the house resources recreation, and development committees.

4 New Sections; Water Supply Land Protection Grants. Amend RSA 486 by inserting after section 10 the following new sections:

486-A:11 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, relative to providing water supply land protection grants. Such rules shall include, but not be limited to:

I. Appraiser and surveyor standards.

II. Eligibility determination criteria and procedures.

III. Application requirements and procedures.

IV. Project selection and prioritization requirements and procedures.

V. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

486-A:12 Water Supply Land Protection Grant Match. The percent match supplied by the water supply land protection grantee for water supply land protection projects shall consist of cash, expenses necessary to complete the transaction including associated legal and transaction costs, donations of source water protection lands or conservation easements assessed at fair market value and protected in perpetuity, or a combination of cash, transaction expenses, and such donations. Gifts of land and interests in land must be held by a water supply land protection grantee.

486-A:13 Public Trust.

I. The lands and interests in lands acquired by the state or other public entity with a water supply land protection grant under this chapter shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any land or interest in land so acquired to uses or purposes not consistent with the purposes of this chapter shall be permitted. The sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited except when the conditions of RSA 486-A:13, II or III are met.

II. Land may be released from public trust in order to be converted to another use if:

(a) The municipality, holding title to the land or conservation easement proposed for release from the program, votes in favor of

such a release by a two-thirds vote its legislative body;

(b) A public hearing is held prior to the municipal vote, after the municipality provides notice of such hearing at least 30 days prior to the hearing by notices sent to the department, notices posted in at least one public place in the municipality, certified notice to any other municipality whose water supply might be affected by the proposed release, and notices in at least 2 newspapers of general circulation in the region;

(c) All other municipalities using the water supply protected by the land or conservation easement vote to release the land by a two-thirds vote of their legislative bodies and after holding a public hearing noticed according to the procedures set forth in subparagraph (b);

(d) The land proposed for release from the program will be publicly owned after its release from the program; and

(e) The municipality proposing to release the land or conservation easement from the program repays the department the amount of the water supply land protection grant plus interest compounded annually at the rate of 10 percent, which repayment shall be used by the department to further the water supply land protection purposes of this chapter.

III. Land may be released from public trust due to termination of use if:

(a) The grantee has successfully demonstrated to the department that the source of drinking water that the land or conservation easement is intended to protect is not and will not be viable due to the inability to remediate contamination or to provide treatment which improves water quality so that it is suitable for human consumption; and

(b) The municipality voting to release the land or conservation easement from the program repays the department the amount of the water supply land protection grant plus interest compounded annually at the rate of 3.5 percent, which repayment shall be used by the department to further the water supply land protection purposes of this chapter.

486-A:14 Administrative Fines.

I. The commissioner of the department, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$500 for each offense upon any person who violates the reporting requirement of RSA 486-A:7, II(e). Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to procedures for notice and hearing prior to the imposition of an administrative fine.

II. The proceeds of administrative fines levied pursuant to paragraph I shall be used by the department to further the water supply land protection purposes of this chapter.

5 Applicability. The department of environmental services shall not award any water supply land protection grants prior to adopting rules under RSA 486-A:11, as inserted by section 4 of this act.

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

AMENDED ANALYSIS

This bill establishes a water supply land protection grant program to assist in the acquisition of land and easements for the purpose of protecting drinking water sources.

Adopted.

Report adopted and referred to Finance.

HB 304, relative to the confidentiality of criminal history records checks. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: The amendment replaces the bill and streamlines the process of a criminal history check for school personnel. This bill, as amended, increases the offense that an individual, if convicted of specific violations or attempted violations, would be prohibited from being employed by or volunteering in a New Hampshire school district. The bill also designates the Division of State Police as the sole repository for criminal records required for educational hiring procedures. The State Police shall be required to notify the State Department of Education if any applicant for hire or volunteer has been convicted of any of the enumerated offenses. The school district is required to destroy within 30 days any criminal history record information that indicates a criminal record. Vote 18-0.

motion to special order

Rep. O'Hearn moved that **HB 304**, relative to the confidentiality of criminal history records checks, be made a Special Order for Thursday, January 6, 2000 in the regular calendar order.

Adopted.

regular calendar (cont'd.)

HB 505-FN, establishing a special license plate for veterans. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: The majority of the Transportation Committee felt that the financial goals of this bill would not be met. The subcommittee met with and spoke to many veterans who were opposed to this legislation and would not participate in the program. The sponsors of this bill were notified and did not attend the subcommittee meetings. The language of the bill in regards to cost was vague. It is questionable that this bill would meet its financial goals thereby raising the issue of creating a possible financial loss for the state. Vote 12-1.

Rep. John Flanders moved Re-commit to Committee and spoke in favor.

Adopted.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 6, 2000 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 162, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.

HB 254-L, relative to restricting the fire marshal's authority in certain municipalities.

HB 312, relative to the carrying of firearms in courthouses.

HB 522, relative to the public's access to sex offender registry information.

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students.

SB 29-L, relative to the proper sheltering of dogs.

HB 273-FN-L, establishing a school building aid oversight committee.

HB 246, relative to personnel transfers at the department of safety.

HB 630-FN-L, relative to the Skyhaven airport transfer plan.

HB 568, establishing a program for performance evaluations of judges.

HB 226-L, establishing municipality bond payment schedules and percentages.

HB 521-L, allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

HB 569, relative to the tax credit for service-connected total disability.

SB 86, relative to enforcement of the collection and payment of county taxes by the county treasurer.

SB 89-L, relative to library trustees.

HB 407, establishing a committee to study unsolicited commercial telephone solicitation calls.

HB 514-L, relative to change of school assignment and transfers of public school pupils.

HB 279-FN-A, relative to refinancing the cost and rehabilitation of the Cheshire Bridge.

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

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

HB 618-FN-A, establishing a voucher program for smoking cessation.

HB 699-FN-A, establishing the granite state scholars program and making an appropriation therefor.

SB 176-FN-A, relative to technology support for individuals and making an appropriation therefor.

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

HB 730-FN, establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor,

unanimous consent

Rep. Weyler addressed the House.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 3:20 p.m.

RECESS