

State of New Hampshire HOUSE RECORD

Second Year of the 156th Session of the General Court Calendar and Journal of the 2000 Session

Vol. 22 Concord N.H. Friday, February 18, 2000 No. 17

Contains: Hearings, Notices, Subcommittee Work Sessions, Reports and Amendments for February 24.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Thursday, February 24, at 10:00 a.m. We anticipate a lengthy session, as we will be working toward meeting the action deadline for bills going to a second committee.

All state offices will be closed Monday, February 21, in observance of Presidents' Day. There will be no House or Senate meetings the week of February 28 so that members may enjoy a winter break.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, February 24th at 9:15 a.m. in Representatives Hall.

Rep. Gene G. Chandler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, February 24 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

HOUSE DEADLINES

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

THURSDAY, FEBRUARY 24

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1181, establishing a study committee to examine the costs of private adoption. INEXPEDIENT TO LEGISLATE

Rep. Andre A. Martel for Children and Family Law: This bill was well intended for the study to examine the costs of private adoption. After much discussion about the purpose of the bill the majority voted to ITL the bill because it would be almost impossible to comprehend the real costs of a private adoption. In addition, many of the costs of private adoption are covered under RSA 170-B:10-a, effective January 1, 1997. Vote 12-0.

HB 1234, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Laura C. Pantelakos for Children and Family Law: This permits a non-ordained minister or an authorized individual residing out of state to seek a license from the Secretary of State to perform the marriage ceremony for a couple within the state of New Hampshire. This special one time license is restricted to the named couple. The license must be sought from the Secretary of State. Vote 11-1.

HB 1237, relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar. INEXPEDIENT TO LEGISLATE

Rep. Edward P. Moran for Children and Family Law: Parental animosity, custody litigation and child support problems have damaging long-term impact on children of divorce. The court has developed, with considerable expert input, child impact seminars that educate parents, using comprehensive, standardized information, on the effects of divorce on children, child support and custody suits. Counseling sessions, while probably advisable and constructive, offer no guarantee of providing a parent the same extensive base for understanding the consequences of divorce to the children. The New Hampshire Psychological Association opposes this legislation as not being in the best interest of children. Vote 12-0.

HB 1371, relative to allocation and distribution of incentive funds for juvenile diversion and abuse and neglect prevention programs. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes statutory criteria for the allocation and distribution of incentive funds used for developing child abuse and neglect prevention programs, court diversion, and other alternative disposition programs for juveniles. The bill addresses programs, procedures for publishing applications, and defines the

selection committee membership. It further creates a process whereby incentive funds not allocated, and not encumbered, shall be reallocated using clearly defined procedures. Lastly, it provides a formula for distribution of funds and outlines requirements for recipients of funds to demonstrate quality assurance according to specific criteria. Vote 13-0.

HB 1463, making technical corrections related to the mental health system and guardianship hearings. OUGHT TO PASS WITH AMENDMENT

Rep. Andre A. Martel for Children and Family Law: This bill assures that, in an involuntary commitment, the patient's attorney will receive a copy of the psychiatrist's report the day before the hearing rather than on the day of the hearing. It further allows for adolescents to be physically located in another building at the state hospital though both facilities shall be known as the Anna Philbrook Center. Should confidentiality be breached by any member of an interdisciplinary committee designated by the governor to review child fatalities or traumatic fatal injuries then said member shall be guilty of a violation. Vote 12-0.

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara H. Richardson for Children and Family Law: This bill deals with persons unable to control abusive behavior despite the issuance of orders of protection. When positive efforts to provide safe, supportive environments for children and families fail, those who violate orders of protection must be held accountable. Vote 12-0.

HB 1565-FN, relative to defining certain forms of psychological injury in the child protection act. INEXPEDIENT TO LEGISLATE

Rep. David A. Bickford for Children and Family Law: The issue of psychological injury is of great concern to the committee. The goal of the bill is to refine the definition of psychological injury. The current definition in statute is too vague and open to misinterpretation. However, the committee felt the bill fell short of its goal. The sponsors agreed to take it back and rework it. Vote 12-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Children and Family Law: The bill proposes a statutory committee to study foster parenting and establish a transitional housing program. The policy committee felt that these matters are within the scope of the existing statutory committee examining the entire field of foster care. A transitional housing pilot program is about to start utilizing grant funds obtained by DCYF. Vote 15-0.

COMMERCE

HB 1184, relative to minimum participation requirements for small employers REFER FOR INTERIM STUDY

Rep. Sheila T. Francoeur for Commerce: The committee felt that the subject matter of this bill concerning minimum participation requirements for small employers would be addressed in HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan. Vote 13-0.

HB 1545-FN-A, relative to the sale of furniture and bedding. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: The bill, as originally written, would only apply to furniture and bedding manufactured in the State of New Hampshire. The State Fire Marshal's Office is working on a voluntary program which would include 1) a labeling system that meets an appropriate "smoldering ignition" standard, 2) brochures promoting fire safe furniture, 3) training for retailers and sales personnel, 4) public service announcements in conjunction with the NH Fire Chiefs Association and the NH State Fire Marshal's Office, and 5) a joint effort between the state's furniture and bedding retailers and the state's fire protection community to put pressure on out-of-state manufacturers to adopt a comprehensive reliable upholstered furniture fire safety standard at the national level. Vote 13-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1140, establishing a committee to study the department of corrections. REFER FOR INTERIM STUDY

Rep. William V. Knowles for Criminal Justice and Public Safety: The committee would like to study the concerns presented in

this legislation since it is our responsibility to oversee the Department of Corrections. After our study by the full committee, we will then be in a position to make recommendations about any specific area of concern we may have a study committee with a more narrow focus than the present bill defines. Vote 17-0.

HB 1249, providing that critical incident reviews conducted by the department of corrections are privileged and protected from discovery in any proceeding. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Criminal Justice and Public Safety: The right to know law is the basic tool and key in the fair and open conduct of the government's operations and business. To exempt any part of reviews or investigations from discovery leads to the public's distrust and lack of confidence in fair and open governmental operations. There is nothing that prohibits any agency from conducting investigations of serious incidents free from the interference of the general public but the results of such investigations should be made public upon completion. This bill would grant to the commissioner of corrections the privilege to release only the facts and information that he or she desired to release in critical incident investigations. All the rest of the facts and information would be exempt from discovery. Vote 14-1.

HB 1296, establishing a committee to study the education and training curriculum developed by the police standards and training council. INEXPEDIENT TO LEGISLATE

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The prime sponsor raised several issues that she felt should be included in the police academy training. During testimony, it was discovered that all of the issues were already included in the current curriculum. The committee felt that since all of the sponsor's concerns were already being addressed that any refresher or additional training be covered during the mandatory yearly training required by police standards and training. For this reason the bill was voted inexpedient to legislate. Vote 16-1.

HB 1382-FN, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill, as amended, simply includes the throwing of bodily fluids at corrections officers or other personnel in RSA 642:9. Under RSA 642:9, an assault by an inmate that would constitute simple assault is already a class B felony. The throwing of blood, seminal fluid, urine or feces would now be specifically addressed in law. There is the possibility of infectious disease such as HIV, hepatitis or other disease being contracted by the individual struck by these fluids or material. There were several examples of incidents (4 in the past year) when corrections officers were struck with this material in areas of the anatomy that not only were offensive but potentially put the lives and health of the officers at risk. Vote 16-0.

HB 1429, relative to requirements for personnel employed in state corrections facilities which are operated by private entities. INEXPEDIENT TO LEGISLATE

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee felt that it is not wise to impose such restrictions on the theoretical premise that some correctional facility might, at sometime in the future, be operated by a private entity. If the privatization should come up for serious discussion that would be the time to discuss the status of the prospective employees for that institution. Vote 12-3.

HB 1480, making consent a defense under the sexual assault laws. INEXPEDIENT TO LEGISLATE

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill seeks to clarify that consent is a defense under the sexual assault laws. According to the sponsor, current legislation is confusing. Many people from various agencies testified that the current statute is clear. In addition, it was noted that consent is always a valid defense. The committee felt that the current statute relating to consent reasonably and judiciously addresses sexual assault laws. Vote 16-1.

HB 1493-FN, increasing minimum prison terms for felons. INEXPEDIENT TO LEGISLATE

Rep. William V. Knowles for Criminal Justice and Public Safety: Currently a person convicted of a felony, an element of which is the possession, use or attempted use of a firearm, may be sentenced for a maximum term of 20 years imprisonment in lieu of any other sentence prescribed for the crime. This legislation would increase the minimum mandatory sentence from 3 years to 5 years for a first offense and from 6 years to 10 years imprisonment if such person has been previously convicted of any state or federal offense with a penalty in excess of one year and an element of which was the possession, use or attempted use of a firearm. The legislation also imposes a minimum mandatory sentence of 20 years in prison if the firearm is discharged during the commission of a felony and if death or serious bodily injury occurs, the sentence would be 25 years to life imprisonment. Mandatory sentencing takes away the discretion of the court, which on many occasions is sterner than the mandatory sentence.

Vote 13-3.

HB 1494-FN, establishing a penalty for attempt to purchase a firearm illegally. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill makes it a class A misdemeanor for a first offense and a class B felony for a subsequent offense of attempt to purchase a firearm when the person knows the purchase is illegal because he or she is subject to a protective order. Vote 14-0.

HB 1503, establishing a study committee to review the state's current parole and probation procedures. REFER FOR INTERIM STUDY

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee recognizes that it is worthwhile to look at some aspects of the parole and probation procedures. Rather than recommend ought to pass, however, the committee prefers to keep the bill, look further into the issues as a whole, and sharpen the focus before creating a chaptered study committee. Vote 16-1.

HB 1529-FN, establishing criminal penalties for aggressive driving (road rage). INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill creates a new section in our statutes titled "Aggressive Driving – Road Rage". Our committee felt this was not necessary because everything addressed in the bill is already a violation of our laws or in the case of the training and education programs referred to in Paragraph II, the court already has the power to require the attendance at those programs. So in effect, our "Road Rage" statute is already on the books as reckless operation. To strengthen this statute, we increased the maximum fine from \$500 to \$1,000 in HB 713, which the House already passed. Vote 13-0.

HB 1531, relative to the preemption of local regulations of firearms. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This proposal would prohibit political subdivisions from creating a patchwork quilt of local restrictions on firearms. State statutes on firearms are not all encompassing and the committee was of the opinion that only the general court should oversee the regulation of firearms in New Hampshire. Vote 13-0.

HB 1554-FN, prohibiting knowingly remaining in a place where alcoholic beverages or controlled drugs are unlawfully possessed. INEXPEDIENT TO LEGISLATE

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill would make it a crime punishable as a misdemeanor for a second offense to knowingly remain in a place where liquor or controlled drugs were illegally possessed. Legislation several years ago removed the prohibition against being knowingly present when a controlled drug was present. This bill would not only reinstate that penalty but extend it to alcohol as well. The committee felt that enforcement, especially concerning alcohol, would be difficult and result in confusion and problems with prosecution. Vote 16-0.

EDUCATION

HB 1188-FN-L, relative to alternative kindergarten programs. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Alger for Education: This bill as amended, simply adds another means for school districts to provide kindergarten through contracting with a privately owned kindergarten which is required to meet the same standards and requirements as a publicly owned kindergarten. Also, any district offering kindergarten is required to offer it to all eligible children in that district. This alternative will help some districts offer kindergarten. Vote 12-0.

HB 1303, establishing the freedom of education act. INEXPEDIENT TO LEGISLATE

Rep. Perley E. Davis for Education: This bill provides that no parent or other person shall be compelled to support any educational function of a religious nature, whether public or private. It also states that the general court found that in 1961, the United States Supreme Court proclaimed (in a footnote) that secular humanism is found to be among the religions in this country, and that the principles of secular humanism are promulgated in the curriculum and policy of the public schools of this state. The committee disagrees with the intent and direction of this legislation. Vote 16-0.

ENVIRONMENT AND AGRICULTURE

HB 1258-FN, relative to invasive plant, insect, and fungal species. OUGHT TO PASS WITH AMENDMENT

Rep. Leighton C. Pratt for Environment and Agriculture: The purpose of this bill is to recognize the adverse environmental and economic effects of invasive plants, insects and fungal species upon the state, and to promote research and educational activities dealing with invasive species. Vote 16-0.

HB 1344-FN, expanding the used oil program. OUGHT TO PASS

Rep. Peter R. Leishman for Environment and Agriculture: The committee feels this is an excellent bill that will permit private facilities to receive grants under the existing used oil collection program. Presently, political subdivisions and other government entities are eligible to receive grants not to exceed \$2,500 annually to establish or improve used oil collection facilities. Combined with the on-going educational effort, these additional used oil collection facilities will produce significant environmental and health benefits for years to come. Vote 17-0.

HB 1416-FN, establishing a brownfields cleanup revolving loan fund. OUGHT TO PASS

Rep. David M. Scanlan for Environment and Agriculture: This bill gives the state of New Hampshire authority to participate in the federally funded brownfields cleanup revolving loan fund. The federal funds will be administered by the Commissioner of the Department of Environmental Services. Vote 17-0.

HB 1418-FN-L, relative to mercury-containing products. REFER FOR INTERIM STUDY

Rep. Harold P. Melcher for Environment and Agriculture: Because of the complexity of this bill, the necessity of collaborating with other New England states, and the short time allowed to create a meaningful bill, the committee felt it should send it to Interim Study. Vote 14-0.

HB 1423-L, relative to regulation of junk yards. REFER FOR INTERIM STUDY

Rep. John S. Cobb for Environment and Agriculture: Due to the difficulty with the definition of "junk yard" in relationship to other RSAs, the committee recommends refer for interim study. Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1115-FN, relative to purchasing credit for prior service for certain employees in the retirement system. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: The practice has been that a member may or may not buy back prior service within 5 years. A letter was sent out to members approaching the five years and the retirement system received adverse comments. It was felt that if it was the consensus that 5 years was not desired, it was not practical to remove this limitation and make any payment be completed in full whenever a retiree desired to do so. If the 5-year limitation is removed, it makes the retirement system liable for picking up this retirement at any time. Vote 16-0.

HB 1380-FN, relative to compensation for time lost by state law enforcement officers injured in the line of duty. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: This bill provided a means for fish and game personnel to recover lost time if injured by a hostile act. It also revised the conditions currently referencing state police officers in the same situation. It was argued that the same coverage be extended to all state employees and this extension created major problems that could not be solved within the available time frame. The vote was to place the bill in interim study. Vote 13-1.

HB 1437-FN, relative to ayurvedic health care practice. REFER FOR INTERIM STUDY

Rep. Maurice E. Goulet for Executive Departments and Administration: Testimony during the public hearing revealed that no state licenses ayurvedic health care practitioners. ED&A has handled numerous bills relating to alternative or complimentary health practices. There are other approaches rather than to establish a specific board for individual practice and the committee would like the time to review them. Vote 15-0.

HB 1501, relative to public notice of all administrative rulemaking meetings. INEXPEDIENT TO LEGISLATE

Rep. William R. Zolla for Executive Departments and Administration: The committee felt that the agenda of items to be

addressed in rulemaking meetings were already being noticed on the rulemaking register as well as on the state website (Webster) and this bill would only be a duplication of effort. Vote 14-0.

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

Rep. Ray F. Langer for Executive Departments and Administration: The bill, as written, provides double COLAS for retirees or beneficiaries who earn a benefit less than \$8,400. There were so many questions that were unanswered that the committee agrees that it should be studied further. Vote 12-2.

HB 1550, establishing a bureau of tax law in the department of justice and transferring department of revenue administration hearing officers to the bureau. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee believes that the current tax law appeals process within the Department of Revenue Administration is functioning in a fair and efficient manner. This legislation would set a precedent of moving hearings from departments and agencies by transferring the function to the Department of Justice. The committee does not believe this to be in the best interest of the state. Furthermore, the cost associated with transferring this function would require a \$250,000 increase in the operating budget for FY 2001 and 2002. Vote 15-0.

HB 1558-FN-L, relative to payment of group health insurance premiums for eligible retired members of the retirement system. REFER FOR INTERIM STUDY

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is similar to SB 415-FN, now under consideration in the senate. The senate bill is more comprehensive than this bill but interim study will allow the ED&A committee to keep this as an open subject within the committee. Vote 17-0.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Michael O'Neil for Executive Departments and Administration: This bill, as amended, sets up a study committee to look at all facets of the New Hampshire port authority. The purpose of the study is to examine the operations and organizational structure of the authority. In addition, the committee will review the duties; functions and responsibilities of the authority to ensure the needs of the entire state economy are being addressed by the state port authority. Vote 14-0.

HB 1584-FN, relative to the licensing and regulation of child day care agencies. INEXPEDIENT TO LEGISLATE

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill would move the responsibility for supervising child day care licensing and monitoring from Health and Human Services to the Department of Education. The committee believes that the Department of Health and Human Services is providing the appropriate mix of incentive and enforcement. No information was presented which would suggest that the public would be better served by moving the responsibility to the Department of Education. Vote 16-0.

FINANCE

HB 1128, allowing enhanced 911 funds to be used for certain uniform costs. INEXPEDIENT TO LEGISLATE

Rep. Margaret A. Lynch for Finance: One cent (\$.01) of the PUC surcharge of forty-two cents (\$.42) per telephone line is dedicated to the support of the 911 system. The legislation establishing the 911 system specifically prohibited monies from this surcharge to be used for ". . .the purchase of uniforms or such similar wear or fashions." This bill would eliminate that prohibition. While the immediate anticipated expense is negligible (\$25,000), there is a definite anticipation that this expense would continually increase. During the public hearing, the original discussion centered on "T-shirts," but grew to anticipate the possible purchase of jackets, as well as outerwear.

It is the position of the majority on Finance that it is inappropriate to assess a surcharge on the public for anything other than the actual operation of the 911 emergency response system, as originally established. Vote 22-1.

HB 1178, relative to using state funds for changing the name of a state agency or department. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: The intent of this bill was to avoid costs of name changes in state agencies during the present fiscal constraints. The committee determined that the legislature would have to agree to any name change, so the bill does not

appear to be necessary. Vote 22-2.

HB 1199, establishing a study committee on funding for affordable housing. OUGHT TO PASS WITH AMENDMENT

Rep. Steve Vaillancourt for Finance: There was little question as to the need for more affordable housing and the need to study the dimensions of the problem. The amendment does two things. It expands the composition of the committee, three House and three Senate members, by noting that knowledge and expertise of relevant state agencies, local public housing authorities and regional and community-based organizations should be sought. Only the House and Senate members will be voting members of the committee. Also the amendment eliminates the specific suggestion that the study committee consider a surcharge on the real estate transfer tax as a possible source of funding for affordable housing. Since this tax was doubled last year, Finance did not feel it should be singled out as a funding source. Nothing would prevent the study committee from looking at that or any other funding source. Findings and recommendations for proposed legislation from the study committee are due November 1, 2000. Vote 23-1.

HB 1504, relative to submission of biennial budget estimates by agencies. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill repeals the definition of maintenance expenditure relating to the submission of budget estimates by agencies. This action will allow flexibility for the governor to present his or her priorities in the biennial budget process. Implementation of this legislation has no fiscal impact. Vote 22-1.

HB 1578-FN-A, relative to the joint promotional program and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: This bill called for an appropriation of \$1,000,000 in FY 2001 for in-state tourism development and development of products assisting tourism promotion. With the uncertainty of the actual shortfall from the state's funding of education for FY 2001, the committee feels it inappropriate to approve the expenditure of \$1,000,000 at this time.

Furthermore, with the exception of the sponsors, all the testimony to the Finance Committee was in opposition. The main thrust of this bill is for in-state tourism development. However, the Division of Travel and Tourism and the other speakers felt that any further monies should be spent for out-of-state promotions. Vote 24-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1155, excepting for-profit blood suppliers from limitations on strict liability. INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The prime sponsor requested that the original bill be replaced with an amendment requiring the testing of blood for hepatitis C virus. Blood and its components are traded interstate and are routinely tested under federal guidelines. The committee saw no need to duplicate. Both the amendment and the original bill were found Inexpedient to Legislate. Vote 16-0.

HB 1215, establishing a committee to study school nurse certification. INEXPEDIENT TO LEGISLATE

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The committee feels the subject of the bill is very important. However, it is believed that it would be difficult to have a study committee this year. The committee requests that the prime sponsor form an ad hoc committee to consider the subject and develop plans or legislation for next session. Vote 16-0.

HB 1441-FN-A-L, relative to establishing a pilot welfare-to-work program in rural communities and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: There was an amendment offered that removed the fiscal impact and reduced the scope of the pilot project. This amendment was defeated by a 8-9 vote. Although it was defeated, the committee felt it is a worthwhile program that can be replicated by other communities. Health and Human Services indicated an interest in this approach. However, the committee recommends that the issue be addressed by networking through the various agencies and organizations dealing with the hardcore unemployed without the formality of another study committee. Vote 16-0.

JUDICIARY

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. INEXPEDIENT TO LEGISLATE

Rep. James W. Craig for Judiciary: This bill seeks to establish a committee to study the feasibility of replacing the current administrative office of the courts (AOC) with one that would be independent from the supreme court. The committee felt that the suggestion cannot be feasible because the N.H. Constitution requires that the supreme court "shall be the administrative head of all the courts" [Part II, Art 73-a]. The committee also felt that there was no practical way for such a body to be independent of the supreme court and, therefore, there is no need to study the issue. Vote 14-1.

HB 1535-FN, establishing an appellate division of the courts. OUGHT TO PASS WITH AMENDMENT

Rep. John M. Pratt for Judiciary: The committee found that there is a clear need for expanded appellate review in New Hampshire. The system of discretionary review, in combination with the continued expansion of the appellate caseload, has seriously eroded access to appellate review for New Hampshire citizens and has undermined the supreme court's ability to develop law and to provide guidance to New Hampshire citizens, lawyers, and trial courts. This bill establishes a commission to study this need and directs the commission to report its findings and recommendations for long term solutions no later than November 1, 2000. Vote 13-0.

HB 1537-FN, increasing the fees charged by sheriffs for service of legal process. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary: The committee did not hear any compelling testimony that the present fees were inadequate or that counties were operating at a deficit. However, the committee felt that increases may be justified in the future when compelling testimony is presented. In addition, no one could agree on what the fees should be increased to. The fees suggested in the bill were definitely excessive – even the sponsors agreed that those could be reduced. The committee was given no data to show that present fees were inadequate to cover the costs of the services listed in the bill. Vote 15-0.

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. John M. Pratt for Judiciary: This legislation will grant immunity to non-profit agencies which provide psychiatrists for the secure psychiatric unit of the Dept. of Corrections. Vote 13-0.

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. INEXPEDIENT TO LEGISLATE

Rep. Martha S. Solow for Judiciary: The proponents of the bill argue that absence of religious education is equivalent to the teaching of secular humanism and are de facto religious schools. Proponents argue further that no state funding should go to such schools; i.e., the state should not fund public education. The committee rejected both the argument and the conclusion as unfounded in fact and unsupported by testimony. Vote 12-2.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1311, relative to payment of employer contributions for unemployment compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee unanimously agreed that collection of \$1 is more costly than the money to be collected. This bill allows the Department of Employment Security to forgive balances of \$1 and for employers to be exempt from sending in tax of \$1 or less. Vote 12-0.

HB 1450-FN, relative to the adoption of the fair pay act. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This amended bill corrects the existing statute, which originally protected only women from gender bias. In the spirit of cooperation in the fight for equality, the committee amended the bill so that men are now offered the same protection against gender bias in the workplace. The amendment also creates a hearing process in the Department of Labor for resolution of claims brought under this statute. Vote 12-0.

HB 1512-FN, allowing persons leaving employment under the federal family and medical leave act to be eligible for unemployment benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill, as amended, replaces the original bill,

which sought to take money from the Unemployment Compensation Trust Fund to fund a Family and Medical leave Program for New Hampshire workers. The amendment, supported by the sponsor, establishes a legislative committee to study the feasibility of implementing a New Hampshire Family and Medical Leave Program as well as attempting to identify any potential funding sources to support the program. A report of the study is due by December 1, 2000. Vote 12-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1151, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: Testimony received emphasized the deplorable state of many local town and city records. These records contain the history of these cities and towns and are very important and need to be preserved. It is hoped this Committee will find the best method of achieving this goal. The amendment added one additional Senator to the Committee and extended the reporting date to November 1, 2001. Vote 16-0.

HB 1173, relative to the optional veterans' tax credit. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The veterans tax credit is currently \$100 that is subtracted each year from the property tax on the veteran's residential property. The sponsors proposed increasing the tax credit to \$200. However, all of the veterans on our committee knew that this increase would cost shift the tax burden to the rest of the taxpayers in the community and therefore was not appropriate. Municipal & County Government acknowledges that the tax credit is a symbol of appreciation to all veterans for their service and thinks it is appropriate to continue this gesture at its current level. Vote 17-1.

HB 1421-L, relative to assessment of the land use change tax. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: The Committee recognizes this bill identifies an important issue (and potential loophole) in our current use change tax law. The Committee is recommending Inexpedient to Legislate because we understand the current use board is studying this issue in depth and will be making a recommendation to the next legislature if a statutory change is needed. Vote 16-2.

PUBLIC WORKS AND HIGHWAYS

HB 1254, establishing a committee to study the need to review and assess state-owned land managed by the fish and game department. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways: The sponsor filed this bill in response to complaints by constituents about a dilapidated World War II era Quonset hut owned by the Department of Fish and Game in her district. But one constituent testified at the hearing in opposition to the bill, agreeing that while the hut is a "disgrace", the bill as written is too broad to deal with the particular problem. Also in opposition was the Director of Fish and Game who testified that his department is presently undertaking efforts to fix up the hut in question. Vote 16-0.

HB 1355-FN-A, authorizing funding for a hydrodynamic study of the Hampton/Seabrook harbor and estuarine system. OUGHT TO PASS

Rep. William P. Brennan for Public Works and Highways: This study is necessary to create a plan for the Hampton/Seabrook harbor. Without such a plan in place, the federal agencies concerned will not issue any more permits of any kind for any purpose. This would be very detrimental to the whole Seacoast and certainly not a situation that we should be in. Vote 17-0.

HB 1357-FN, relative to the sale of state-owned property in the towns of Belmont and Laconia. OUGHT TO PASS WITH AMENDMENT

Rep. Candace W. Bouchard for Public Works and Highways: This bill, as amended, authorizes the sale of the land previously acquired by the state in 1998 in Belmont and Laconia. The Department of Transportation testified this land acquired for future highway use is no longer needed due to wetlands. This bill allows the property to be sold through the normal surplus property process. Vote 16-0.

HB 1420-FN-L, relative to the port in the city of Portsmouth, New Hampshire. REFER FOR INTERIM STUDY

Rep. John P. Gleason for Public Works and Highways: Following testimony, the committee recognized that there are some issues that need to be explored relating to the city of Portsmouth and the New Hampshire State Port Authority. To that end, the committee recommended interim study. Vote 15-1.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1127, establishing a committee to study the application and appeal procedures for excavating and dredging permits. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill provides for a committee of three members of the house and three members of the senate. Its responsibility will be to study the application and appeal procedures for excavating and dredging permits under RSA 482-A. This bill originally limited the review to wetlands but the committee felt that the scope of the research should not be so narrow. Therefore, the amendment deleted the term wetlands. The testimony revealed that obtaining a permit to dredge or excavate from Department of Environmental Services could be a costly and time consuming process . The committee felt an in-depth review was in order. Vote 13-0.

HB 1158, relative to state park campground reservations. INEXPEDIENT TO LEGISLATE

Rep. H. Charles Royce for Resources, Recreation and Development: After consultation with the Commissioner of the Department of Resources and Economics Development (DRED), the sponsor of this bill feels that his concerns on the reservation system with our state park campgrounds has been resolved, allowing New Hampshire residents to mail in reservations to be processed first on day one of accepting reservations, and limiting the number of reservations to five (5) with any request. The Department will continue to review the reservation system, using new technology. Using the internet while planning family vacations is one consideration. Vote 12-0.

HB 1235, relative to fill and dredge in wetlands. OUGHT TO PASS WITH AMENDMENT

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The amendment to this bill includes language from House Bill 1289 broadening the definition of surface waters. The remaining parts of the bill will be the subject of House Bill 1127 which will study the application and appeal process for excavating and dredging under RSA 482-A. Vote 13-0.

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. INEXPEDIENT TO LEGISLATE

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill was extensively reviewed by a subcommittee and the sponsor and other interested parties. The language which broadens the definition of surface water is now part of House Bill 1235. The portions of the bill relating to septage and sludge have not previously been the purview of this committee and should be topics for future legislation. Therefore this bill was no longer necessary. Vote 14-0.

HB 1350, relative to interbasin and interstate transfers of water. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill was introduced at the request of the Department of Environmental Services (DES). It proposes regulation on interbasin and interstate transfers of water. Although this activity is not planned or expected in the near future, the proponents felt a pro-active approach to regulations on these activities would be appropriate at this time. The committee felt that these actions may be necessary in the future, but now is not the time. Next session would be more appropriate when these new initiatives could be given the time they deserve. Vote 9-4.

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. INEXPEDIENT TO LEGISLATE

Rep. Timothy D. O'Connell for Resources, Recreation and Development: It is the opinion of the committee that this dam should continue to be owned by the town of Harrisville. The dam has been generally well maintained. Testimony revealed that any needed repairs and upgrades are within the capabilities of the town. At this time there is little public benefit to the citizens of New Hampshire in ownership of this dam. Vote 12-1.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1312, establishing a committee to study federal regulation of minority ownership of television, radio, and cable outlets.

INEXPEDIENT TO LEGISLATE

Rep. James A. McDonald, Sr. for State-Federal Relations and Veterans Affairs: The committee was made aware that the Federal Communication Commission (FCC) has adopted new Equal Employment Opportunity (EEO) rules which promote anti-discrimination efforts, broad outreach and industry flexibility. The new rules require broadcast licenses to widely disseminate information about job openings to all segments of the community, to ensure that all qualified applicants, including minorities and women have sufficient opportunities to compete for jobs in the broadcast industry. The National Cable Television Association supports the FCC new EEO rules, which include a detailed record keeping procedure that will facilitate the program. The committee does not feel that a study committee is necessary now that the FCC has adopted the new EEO program. Vote 13-0.

HCR 31, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day. OUGHT TO PASS

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: The only port of entry between Canada and New Hampshire is in the town of Pittsburg, New Hampshire. This border crossing is closed at 4:00pm every day causing those people re-entering New Hampshire after 4:00pm to drive an additional 40 miles to a border crossing in Vermont. Keeping this border crossing open 24 hours a day will benefit individuals, commercial enterprises, trade and cultural exchanges between New Hampshire and Canada. This action will also benefit those people crossing with recreation vehicles such as snowmobiles, ATVs, snowshoes, and skis. It is currently manned 24 hours a day. Vote 13-0.

THURSDAY, FEBRUARY 24

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1383, relative to child support payments. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Children and Family Law: This bill would require the person receiving child support payments to track every dollar spent on behalf of the children, including rent, lights, meals, etc. and to report such accounting to the court and to the obligor every 6 months. If the obligor or the court felt that funds were spent inappropriately then a hearing would be held. Every parents' expenses are different, no standards are in place, and the courts dockets would multiply with more domestic issues. Vote 13-1.

HB 1547-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. REFER FOR INTERIM STUDY

Rep. L. Randy Lyman for Children and Family Law: This bill would reverse a change in the law that was made less than 4 years ago. Before the committee can recommend that the law be reversed, more facts need to be determined and additional data must be assessed. The committee intends to ascertain the information necessary and needs more time to do so. Vote 12-4.

COMMERCE

HB 1587-FN, relative to payment of health insurance costs for certain child day care agencies. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will create a three year pilot program to assist in providing health insurance coverage to child care workers in child care facilities that accept state subsidized children. The committee heard compelling testimony on the crisis in the day care industry. Knowing that day care is a vital part of the welfare-to-work initiatives and the continued economic development in New Hampshire, the committee agreed that this pilot program would be an incentive for child care agencies to continue to accept state subsidized children. This is also an incentive for private providers to get licensed. This pilot program will terminate July 1, 2003 unless the legislature acts to extend the program. The amendment removes the funding of the program from the budget and requires the Department of Health and Human Services to seek outside sources. Vote 11-3.

EDUCATION

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. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Clair A. Snyder for the Majority of Education: This CACR would remove from the New Hampshire Constitution the prohibition of public money going to religious schools or institutions. The majority of the committee felt that this CACR would open the door to state support to all kinds of institutions that are not accountable to the public. Further, the federal constitution and case law raise concerns about state support of religious institutions. Vote 9-7.

Rep. David E. Larrabee for the Minority of Education: When the original section, Part II, Article 83, of the Constitution of New Hampshire was drawn up, it did not discriminate against Part II, Article 83, paying money raised by taxation to schools or institutions of any religious sect or denomination. Eliminating this line, "provided nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination" will not change how tax dollars are distributed, unless future legislation allows. However, it would give the people the right or option to decide. This CACR will give the people a chance to eliminate discrimination against religious organizations from the New Hampshire Constitution.

HB 1320, establishing a committee to study the rights and duties of parents to educate their children. INEXPEDIENT TO LEGISLATE

Rep. Russell N. Cox for Education: The study committee contemplated in the bill would require a general evaluation of parental rights under the Federal constitutional vs. the New Hampshire Constitution. It would also study the effect of removal of statutory regulations of private schools. It was felt that this was too broad a study to be useful for the guidance of education policy for the state. Questions raised about taxation for funding public schools, while interesting, were not deemed to warrant a study and had no relevance to the duties of a parent to educate children. Vote 14-2.

ENVIRONMENT AND AGRICULTURE

HB 1166, relative to confidentiality and information collection by the department of agriculture, markets, and food. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill will encourage maple syrup producers to submit to inspections and to receive updated information on standards. Vote 13-1.

HB 1227, relative to universal waste. REFER FOR INTERIM STUDY

Rep. Donald R. Philbrick for Environment and Agriculture: The Department of Environmental Services has the authority to adopt rules relative to universal waste. There is currently a subcommittee within the Environment and Agriculture Committee studying the universal waste issue and if future legislation is needed, it can address it. The majority of the committee felt this bill was unnecessary, but supported the minority interest of seeing the issued studied further and voted to send it to Interim Study. Vote 13-0.

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. OUGHT TO PASS

Rep. Peter R. Leishman for Environment and Agriculture: This bill will provide \$20,000 for the continuation of groundwater research monitoring at reclamation sites. The continuation of this research is timely and important to provide sound, objective scientific information and is supported by the Department of Environmental Services (DES), the University of New Hampshire (UNH), the Sludge Management Advisory Committee (SMAC), and the New Hampshire Municipal Association (NHMA). Vote 14-2.

HB 1369-FN-L, clarifying authority to regulate asbestos. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The committee agreed to give the Department of Environmental Services the ability to help citizens of Nashua and Hudson, who find themselves owners of sites contaminated by previously deposited asbestos from John Mansville and Company, to safely manage their property in the least restrictive way. Vote 13-1.

HB 1395-FN-A-L, establishing an advance disposal fee and establishing grants to fund municipal waste management programs

and activities. REFER FOR INTERIM STUDY

Rep. Peter R. Leishman for Environment and Agriculture: This bill would have assessed an advance disposal fee on specified products such as automotive coolants, fluorescent lamps, nickel-cadmium batteries and mercury thermostats. There was some concern there may not be any environmental benefit from this legislation and the consumer would just cross the border to avoid paying these new fees. However, questions were raised that this proposed legislation could be beneficial as it may discourage the use of products that may be environmentally unsound. Because of this the Committee supported Interim Study. Vote 16-1.

HB 1483, permitting owners to choose certain health care providers for their animals. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson for Environment and Agriculture: It is the feeling of the Committee that the problems associated with an individual's having the right to select alternative medical care for their animal was caused by the addition of the word "lameness" in the final version of SB 83. This bill removes the word "lameness". Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1307, relative to certification of food protection managers. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson for Executive Departments and Administration: While this bill has much to recommend it, the majority of the committee feels strongly that the subject of "food protection manager" should be studied further during the interim. Such questions, as the definition of "potentially hazardous foods" and what "food service establishments" are covered by the requirement to employ a certified food protection manager is not clear. This bill needs further work if it is going to effect all establishments both public and private serving food in New Hampshire, but not licensed by cities and towns. Vote 10-5.

HB 1345-FN, relative to the salary of licensed practical nurses employed by the state. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill elicited much discussion regarding the thousands of classes of employees in state service. The committee discussed the level of qualifications established by the Department of Personnel and felt that this issue is best resolved by the Personnel Department. Vote 11-5.

HB 1468-FN, relative to the registration of pharmacy technicians. OUGHT TO PASS

Rep. Nancy C. Stickney for Executive Departments and Administration: HB 1468-FN requires that the Board of Pharmacy register pharmacy technicians. This bill defines the term pharmacy technician and establishes the necessary rulemaking authority for the Board of Pharmacy. Pharmacy technicians have become an integral part of the operation of most pharmacies and it is time to require registration for the purpose of establishing standards, duties and functions thereby addressing the interest of public safety. Vote 9-5.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The committee amended the original bill establishing a medical savings account for state employees when allowed by changes in federal law. The amendment is enabling legislation to allow the state to offer this type of plan when permitted. This amendment does not mandate this option but permits it to be discussed during the collective bargaining process. Vote 15-0.

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: In 1987, the legislature gave the counties legislative authority to place their correctional line personnel into group II of the New Hampshire Retirement System from group I. This was optional to the counties and could only be done by affirmative vote of the county delegation upon recommendation of the county commissioners and the executive committee. Most counties have done this but at different times after the effective date of July 24, 1987. This bill will allow the individual who had been a member of group I after the effective date up to the date of transfer to purchase his group I time into the group II section of the retirement system. The amendment specifies the time in group I must have been served while in the employment of the present employer. The amendment further requires a member desiring to purchase such time obtain an actuarial accrual statement of the cost from the actuary and to pay this cost. In addition, the member is limited to a one time purchase of all of the time in group I between the enabling date and the date the county transferred its member into group II and the buy in must be paid in full. There will be no additional cost to the county

for this transfer nor is there any cost effect on further county contributions on behalf of the members for current time in group II. There will be no cost to state or local funds if this bill is enacted. Vote 10-5.

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. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: A number of factors prevented committee support including article 28-a conflict, inflated costs of state contracts, preferential treatment in labor negotiations and two tiered minimum wage rates. The committee believes that minimum wage should be a subject of federal legislation so the effect on poverty level benefits can be addressed at the same time. While some members supported the idea of the study committee described in the bill, the responsibilities of this study were so all encompassing as to include most of the current social and economic problems in the country. We could not realistically justify such a mandate. Vote 13-3.

HB 1575-FN, relative to the licensure of interpreters for the deaf. REFER FOR INTERIM STUDY

Rep. Carolyn A. Virtue for Executive Departments and Administration: The committee believes this is an important piece of legislation and that licensure of deaf interpreters may have merit. However, the committee did not have sufficient time to complete its work on the bill and so voted to refer the bill to interim study. Vote 8-6.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1514-FN-L, requiring a death record for an aborted fetus. INEXPEDIENT TO LEGISLATE

Rep. Lawrence A. Emerton for Health, Human Services and Elderly Affairs: Present law requires that whenever a fetal death occurs, the attending physician shall fill out a death record and it is solely a statistical report. This bill would add aborted fetal deaths. At the hearing, the sponsor requested we withdraw the original bill and replace it with an amendment to establish a committee to study the fiscal effects of fetal alcohol syndrome on state agencies. The proposed amendment was substantially different and would require a public hearing under the House rules. Even though the amendment was well intentioned and perhaps merits further study, it could not be considered. As the original bill was withdrawn by the sponsor, the committee voted ITL. Vote 16-0.

JUDICIARY

HB 1408, relative to appointment of non-attorneys as judges. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary: Under current statutes there is no requirement for a judge to be a lawyer or member of the bar. The governor may indeed nominate any citizen he or she feels has appropriate qualifications and temperament for the responsibility. This bill is not well written in that we cannot be sure who is eligible – a member of the bar/non- practicing, law degree/non-practicing, or none of the above. A common complaint today is that the judge does not apply the law accurately. If that is true, this legislation will only complicate the situation. Vote 15-1.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1111, relative to the adoption by reference of the International Property Maintenance Code for municipalities. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Paul A. McGuirk for the Majority of Municipal and County Government: RSA Chapter 674 governs local land use planning and regulatory powers. Section 674:52 cites eight (8) building codes a municipality may adopt by reference. HB 1111 simply adds an additional code, the International Property Maintenance Code (IPMC). Municipalities can already adopt the IPMC in whole or in part, now, without this bill. The bill simply addresses the manner in which it can be adopted. Finally, this bill does not affect the adoption or enforcement of the IPMC in those municipalities, which adopted all, or a part of that IPMC prior to the effective date of this bill. Vote 9-7.

Rep. Thomas E.P. Rice for the Minority of Municipal and County Government: We have an aversion to any code that smacks of "international", i.e. foreign origin. We believe that all laws of this sort shall be of local genesis because we believe in local control, which cannot be effective if not locally generated. A code this restrictive needs to be understood by the voters and acceptance by reference tends to be overlooked.

PUBLIC WORKS AND HIGHWAYS

HB 1485-FN, relative to a certain toll booth and establishing a committee to study road tolls along the state's highways. OUGHT TO PASS WITH AMENDMENT

Rep. Richard F. Ahern for Public Works and Highways: This bill as amended eliminates a proposed toll booth in Nashua. This toll booth was part of the original circumferential highway, and part of the portion not being considered at this time due to environmental concerns. Toll booths cost money to construct, and if there was not going to be the potential to collect tolls for some time into the future, the need for it did not seem to be necessary. The intent of the committee was in no way intended to affect any other toll facilities in the state. If other situations occur that need this type of attention, we will address them at that time. The Department of Transportation supported the amended bill. Vote 13-4.

RESOURCES, RECREATION AND DEVELOPMENT

SB 46-FN, relative to the applicability of mooring permit requirements MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: At present, the six largest lakes in New Hampshire are covered by the moorings program. This bill would add all lakes over 500 acres (37 additional lakes) to the program over a number of years. In addition, other lakes could be petitioned to be in the program by 25 residents. The supporters of this bill argue that this is a pro-active approach to prevent potential abuses of the use of moorings. Testimony in support of the bill was primarily limited to the sponsor and representatives of the New Hampshire Lakes Association. The bill would give the Department of Safety the authority to determine the number of moorings on these lakes and who would get them. Municipalities would have additional control over public mooring fields through local regulations. The committee feels this is a big government solution to a problem yet to exist on these additional lakes. Vote 12-4.

Rep. MaryAnn N. Blanchard for the Minority of Resources, Recreation and Development: In the 1999 Session, the House killed a mooring bill in anticipation of SB 46-FN. At that time, the committee recognized the complexity of issues on this subject and were hopeful that working on this bill would resolve them. Unfortunately, the day of the public hearing was snowy and attendance by both committee members and concerned parties was limited. Nor was this bill put into a subcommittee for further review. At the executive session, several legislators expressed lack of a clear understanding of the bill and its issues. The Minority believes this bill did not receive the scrutiny it deserved.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1330, relative to telephone special contracts. INEXPEDIENT TO LEGISLATE

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill sought to restrict special pricing contracts for telephone utilities. The Public Utilities Commission (PUC) grants special contracts for telephone services not covered by established tariffs. The PUC requires a showing of special circumstances, and then determines whether the special contract is just, and in the public interest. The majority of the committee feels that this legislation is not needed. Most of the concerns of the sponsor are now addressed in a recent PUC order. The PUC issued an order on 12-2-99 requiring all parties seeking special contracts to prove that pricing guidelines are competitive, that the same pricing arrangements are available to others and that the special contract will not be predatory in nature and therefore restrict competition. Issues identified during committee hearings will be referred to the telecommunications oversight committee for discussion and follow up. Vote 12-3.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill as amended addresses two distinct issues: 1) fees collected by the department of environmental services (DES) from air polluters to administer air pollution control and 2) technical corrections to last session's HB 625 which dealt with mercury emissions reduction from municipal waste combustors. 1) The bill authorizes the department to collect its fees at different rates for different pollutants, as opposed to present practice which treats all pollutants the same regardless of toxicity or comparative risk. DES already collects a \$47 fee per ton of air pollutant as authorized by federal law. The committee agreed with the sponsor that charging different amounts for different pollutants was desirable, but the committee limited the department's authority by clearly requiring that the enactment of this bill will not change total fees collected, will not assess fees on additional pollutants, and will not increase the number of

categories of pollutants currently compiled by the department. The committee also limited the range of fees among different categories of pollutants to not more than a ratio of 4 between the largest and the smallest, and phased in this change in two steps. In addition, the bill authorizes DES to waive collection of all fees less than a de minimus amount. As a result, DES stated that this bill would not significantly change the cost of administering this program. The bill then also provides for a study to examine possible changes to these limits. 2) When HB 625 (mercury emissions reduction from municipal waste combustors) was signed into law in January instead of last July, certain technical corrections became necessary to give DES until September 1 to study ash landfills instead of February 1 and to state that the study will accompany, rather than precede, implementation of the first mercury controls. The remaining technical corrections, in section 3 of the bill, clarify the language enacted last year and allow a minimum of 6 months for a combustor newly covered by federal rules to submit a plan for eventual compliance. The date required for eventual compliance is clarified but unchanged. While subsequent legislation now being discussed in the Senate could further change this program, the committee believes these technical corrections and clarifications should be made promptly. Vote 13-2.

HB 1470, relative to divestiture of electric utility assets. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: This legislation address several concerns raised in the proposed settlement in regard to the divestiture of PSNH generation assets. While responding to the concerns of a great many of the non-settling parties, it codifies several of the policies adopted by the Electric Restructuring Oversight Committee. Foremost among the issues raised is that of PSNH conducting the sale of generation assets while PSNH affiliates are allowed to bid on these same assets. If PSNH or an affiliate or a potential affiliate because of a pending merger intends to be allowed to bid, the sale of these assets will be administered through the PUC by an independent and qualified entity. The bill urges the PUC to require a more rapid amortization of the proceeds of the asset sale than is outlined in the settlement. The bill also encourages the PUC to delay the sale of the hydroelectric facilities allowing interested municipalities a greater opportunity to bid a fair market price on these facilities. Vote 14-0.

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: This initiative was the result of a two-year telecommunication roundtable process comprised of the governor's office, members of the legislature, Public Utilities Commission (PUC), telecommunications industry and the private sector. Whereas high tech workers are a significant part of our employment community and high tech industries are a large part of New Hampshire's economy, the committee found that the initiative should create a new position within the Department of Resources and Economic Development. This position's goals should be to identify, promote and enhance and publicize the telecommunications infrastructure in the state for the purpose of economic development. An advisory committee shall be formed and be composed of a broad range of members from the governor's office, the legislature, PUC, education community, small and large business, municipal and county government, economic development organizations, residential sector and the telecommunications industry. Funding for the first year until June 30, 2001 shall be provided through an assessment by the PUC on the certified telecommunications providers. Possible subsequent funding, if this position is to be continued, could be provided from the general fund, a line access charge, or an assessment on certified telecommunications providers. Vote 13-2.

HB 1569-FN, relative to contamination of state water resources and the health and environmental effects of certain gasoline components. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: The committee has considered several bills relating to the gasoline additive, methyl tertiary butyl ether (MtBE) over the past two years. This bill, as introduced, would have prohibited the sale of reformulated gasoline (rfg) in certain parts of the state, limited conventional gasoline to 87 octane and required testing of gasoline and water supplies. There was testimony that certain motor vehicles require gasoline with an octane rating greater than 87. In addition, an octane rating of 87 means that it has a minimum rating of 87, making this requirement impractical. Last year the legislature passed SB 70 which gives the commissioner of the Department of Environmental Services the authority to ban MtBE in all or any part of the state after a public hearing and approval of governor and council. Further, it required that there be a readily available, reasonably priced, less hazardous alternative available. The committee felt that these requirements included in SB 70 were in the best overall interests of the public. The committee believes SB 70 is the most proactive legislation of any state in the nation. Therefore, as amended, this bill does not include provisions for an octane cap or for a ban of reformulated gasoline. Should this voluntary water testing program prove to be inadequate, a proposal for mandatory testing can be resubmitted and considered in the next budget cycle. Testing costs for the 306 municipally owned water systems was estimated by the Department of Environmental Services to cost \$42,000 annually. Testing for other public water systems was estimated to be \$220,000 annually. DES testified that nearly half of all public water systems are required to

perform routine testing in the next calendar year. With the budget constraints that currently exist, the committee felt a voluntary testing program for all public water systems was appropriate. As amended, this bill institutes a voluntary testing program and requires that the department provide a certificate stating whether the water meets the MtBE standard. In addition the department shall report their findings to the MtBE study committee that can suggest legislative changes if deemed necessary. The intent of the gasoline testing was to determine whether reformulated gasoline is currently being sold in the six counties not required to use rfg under the Clean Air Act. The bill was amended to require DES to sample gasoline in this area and to report their findings to the MtBE study committee, contingent upon the receipt of sufficient grant money to pay the lab fees for the samples. The department testified that they have already approached the US Environmental Protection Agency for such a grant. Vote 13-1.

LAID ON TABLE – 1999 session

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

LAID ON TABLE – 2000 session

- CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes. (Pending question is reconsideration.)
- HB 637-FN*, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. (Pending question is the adoption of the committee report.)
- HB 1375*, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (Pending question is he adoption of the committee report.)

HOUSE BILLS AMENDED BY THE SENATE

- HB 75*, changing the number required for a quorum on the commission for human rights.
(House Nonconcurrent; C-of-C 2/3/00)
- HB 97*, relative to the right to farm. (SJ for 2/3/00)
- HB 228*, clarifying permissible political expenditures. (House Nonconcurrent; C-of-C 2/17/00)
- HB 422*, relative to advertising by rent-to-own business. (House Concurred 2/3/00)
- HB 553-FN-A*, establishing a commission on the status of men. (House Nonconcurrent; C-of-C 2/17/00)

HB 640-FN, relative to grievance procedures of managed care organizations. (House Concurred 2/17/00)

HB 690-FN-L, relative to charter schools and open enrollment districts. (SJ for 2/3/00)

HB 1105, ratifying article 9 of the 1999 Seabrook annual town meeting and the 1999 Epping annual town meeting. (House Concurred 2/10/00)

HJR 6, encouraging the revitalization of the northern rail line from Concord to Lebanon. (House Concurred 2/3/00)

COMMITTEE OF CONFERENCE

HB 75, changing the number required for a quorum on the commission for human rights. (Reps. O'Neil, Mercer, Zolla and Murphy)

HB 228, clarifying permissible political expenditures. (reps. Clegg, Horton, Letourneau and Clemons)

HB 553-FN-A, establishing a commission on the status of men. (Reps. Sapareto, Zolla, Boyce and Burkush)

SB 143, relative to penalties for incest. (Sens. Pignatelli, Squires and Brown; Reps. Welch, Lozeau, Tholl and Knowles)

SB 186-FN, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. (Sens. J. King, F. King and Wheeler; Reps. Dyer, Mercer, Holbrook and Lynch)

COMMITTEE HEARINGS

TUESDAY, FEBRUARY 22

CHILDREN AND FAMILY LAW, Room 206, LOB

9:45 a.m. Subcommittee work session on **HB 1238**, relative to the collection and disbursement of support orders by the department of health and human services.

10:30 a.m. Subcommittee work session on **HB 1102**, relative to accessibility of veterans' disability payments in divorce cases.

Noon Subcommittee work session on **HB 1242**, relative to the standard for modification of a child custody order.

1:00 p.m. Subcommittee work session on **HB 1333-LOCAL**, relative to the establishment of parenting plans.

COMMERCE, Room 302, LOB

10:00 a.m. **HB 1278**, establishing a committee to investigate bank foreclosures on homeowners' properties and bank overdraft fees.

11:00 a.m. **HB 1373**, relative to payments of first and second mortgage home loans.

1:15 p.m. **HB 1534**, relative to availability of funds on cash and checks deposited.

2:00 p.m. **HB 1403**, relative to ownership of property appraisals.

2:30 p.m. Rescheduled public hearing on **HB 1481**, requiring managed care organizations to offer prescription drug plans.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Subcommittee work session on ***HB 1346-FN***, relative to certain acts of felonious sexual assault.

10:00 a.m. ***HB 1430***, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow.

1:30 p.m. ***HB 1460***, making the playing of an individual's car stereo in excess of 50 decibels disorderly conduct.

2:00 p.m. ***HB 1516-FN***, relative to prosecutorial conduct.

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

EDUCATION, Room 207, LOB

10:00 a.m. ***HB 1388***, establishing a commission to study the statewide delivery of special education programs and services.

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

ELECTION LAW, Room 308, LOB

9:45 a.m. Subcommittee work session on ***HB 1331***, relative to campaign contributions by corporations.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

1:00 p.m. Subcommittee work session on ***HB 1201***, creating a committee to study incentives for regionalization of sludge and septage facilities.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:30 a.m. Subcommittee work session on ***HB 1195***, making technical changes to the law regulating acupuncture.

10:00 a.m. Subcommittee work session on ***HB 1612-FN***, establishing a state office of privacy.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH SENATE PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Representatives Hall

2:30 p.m. Joint public hearing on ***HB 1410***, relative to the joint health council and ***SB 326***, eliminating the joint health council.

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

FINANCE - (DIVISION II), ROOM 209, LOB

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

HB 1387-L, relative to pre-existing school districts within a cooperative school district.

HB 1446-FN, establishing a citizens' investment trust account.

HB 1472-FN-A-L, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax.

HB 1491-FN, granting an adjustment to the business enterprise tax paid by transportation companies that contract for the transportation of public school pupils.

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.

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

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

HB 1434, relative to processing applications under the medicaid waiver.

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.

HB 1599-FN-A-L, establishing a prescription drug payment assistance program and making an appropriation therefor.

HJR 22, relative to the unintended consequences of the Balanced Budget Act of 1997.

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

10:00 a.m. Subcommittee work session on ***HB 1244***, establishing a committee to study requiring health care workers to use retractable needles.

1:00 p.m. Subcommittee work session on ***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.

2:00 p.m. Subcommittee work session on ***HB 1525***, establishing a legislative oversight committee to review the procedures of the health services planning and review board, and ***HB 1426***, establishing an appeals board to review decisions of the health services planning and review board.

JUDICIARY, Room 208, LOB

9:00 a.m. Subcommittee work session on ***HB 1239***, relative to durable powers of attorney.

10:00 a.m. ***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.

11:00 a.m. ***HB 1366***, limiting civil liability of firearms manufacturers and dealers.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

8:30 a.m. Subcommittee work session on ***HB 1189-FN***, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

9:30 a.m. Subcommittee work session on ***HB 1422-FN***, relative to the composition of and procedures for the appellate board of the department of employment security.

1:00 p.m. Subcommittee work session on ***HB 1182***, relative to eligibility for unemployment benefits for school employees.

3:00 p.m. Subcommittee work session on ***HB 1475-FN***, relative to the applicable minimum wage for hourly employees.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

Full committee work session on remaining pending legislation immediately following the executive session, if necessary

PUBLIC WORKS AND HIGHWAYS, Rooms 201-203, LOB

1:30 p.m. Informational meeting on procedures under T21 Highway Funding (10-Year Plan). Open to all legislators.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 231**, relative to termination of water service from a water utility in the town of Pittsfield.

11:00 a.m. **SB 331**, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation.

1:30 p.m. **SB 72**, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on **HB 1406**, relative to transition service, **HB 1281**, relative to disqualification of public utility commissioners, **HB 1329**, limiting the system benefits charge and **HB 1412**, relative to electric customer-generators.

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

TRANSPORTATION, Room 203, LOB

10:00 a.m. **SB 348**, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

10:45 a.m. **SB 314**, establishing a committee to study the feasibility of driver education programs by correspondence schools.

11:15 a.m. **SB 362**, relative to the length of buses and single unit vehicles.

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

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. **SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

10:30 a.m. **SB 356**, extending the committee to study and identify or establish the duties of the fish and game commission.

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

WEDNESDAY, FEBRUARY 23

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

8:30 a.m. Regular meeting.

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:15 a.m. Executive session on pending legislation.
- 6:30 p.m. Public hearing on **HB 200-FN-L**, relative to restructuring the juvenile justice system in New Hampshire.

COMMERCE, Room 302, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 1589**, prohibiting the use of genetic testing for certain insurance policies.
- 11:00 a.m. Rescheduled public hearing on **HB 1335**, requiring hospitals to disclose certain information to the attorney general.
- 1:15 p.m. Rescheduled public hearing on **HB 1317**, relative to rights of rental applicants.
- 2:00 p.m. Rescheduled public hearing on **HB 1401**, requiring manufactured housing sellers to provide a breakdown of purchasing costs.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Subcommittee work session on **HB 1432**, prohibiting active law enforcement personnel from obtaining a license to sell confiscated or seized firearms and ammunition.
- 10:30 a.m. Subcommittee work session on **HB 1431**, relative to protective orders in domestic violence cases.

EDUCATION, Room 207, LOB

- 10:00 a.m. Subcommittee work session on **HB 1427**, relative to the calculation of the days of school in the school year.

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Room 304, LOB

- 1:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 1:00 p.m. Subcommittee work session on **HB 1417-FN-A-LOCAL**, setting priorities for the disposal of certain components of the solid waste stream.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

- 10:00 a.m. Subcommittee work session on **HB 1467-FN**, relative to the licensing of mail-order pharmacies and **HB 1347-FN**, relative to review of administrative rules by the legislature prior to adoption.
- 10:30 a.m. Subcommittee work session on **HB 1286**, relative to relicensure by the pharmacy board of a certain pharmacist and **HB 1288**, relative to the rulemaking hearing process for state agencies.
- 11:00 a.m. Subcommittee work session on **HB 1203-LOCAL**, relative to the cost to municipal libraries of access to services of the state library and **HB 1253**, establishing a 4-year term for the commissioner of the department of corrections..

FINANCE, Rooms 210-211, LOB

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

FINANCE - (DIVISION II), ROOM 209, LOB

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

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

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

JUDICIARY, Room 208, LOB

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

11:00 a.m. Executive session on pending legislation.

1:00 p.m. Subcommittee work session on **HB 1241**, relative to third person liability under the workers' compensation law.

LEGISLATIVE ADMINISTRATION, Room 205, LOB

1:30 p.m. **HB 1447**, establishing a legislative oversight committee on judicial conduct.

2:00 p.m. **HB 1231**, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction.

2:30 p.m. **HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities.

3:00 p.m. **HB 1596**, establishing a committee to study deadlines for the completion of work in the legislative process.

Executive session on pending legislation.

LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

11:00 a.m. Regular meeting.

House Facilities will meet immediately following Legislative Facilities..

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. **HB 2000-FN-LOCAL**, relative to a 10-year transportation plan.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Air Pollution subcommittee work session on **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, **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, **HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology and **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.

THURSDAY, FEBRUARY 24

FINANCE, Rooms 210-211, LOB

Executive session may be held 15 minutes after the conclusion of the House session.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Immediately following the House session, executive session on pending legislation.

FRIDAY, FEBRUARY 25

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Rooms 210-211, LOB

9:30 a.m. Regular meeting.

MONDAY, MARCH 6

TAX EQUITY AND EFFICIENCY COMMISSION (HB 117, Chapter 17:55, Laws of 1999), Rooms 210-211, LOB

1:30 p.m. Regular meeting.

TUESDAY, MARCH 7

EDUCATION, Room 207, LOB

10:00 a.m. Rescheduled public hearing on **HB 1285**, establishing a committee to study the feasibility of assessing taxes for special education at the county level.

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

UPGRADE OF ROUTES 11 AND 140 STUDY (HB 541, Chapter 145:1, Laws of 1999), Rooms 201-203, LOB

1:30 p.m. Regular meeting. Highway access management briefing. All legislators are urged to attend.

WEDNESDAY, MARCH 8

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

9:00 a.m. Regular business.

9:30 a.m. Audit: Management letter of the State of New Hampshire for the year ended June 30, 1999.

FRIDAY, MARCH 10

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Rooms 210-211, LOB

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Cheshire County Delegation will meet on Monday, March 13 at 7:00 p.m. in the Jury Room of the County Courthouse to receive and vote on the Executive Committee’s recommendation for the County Budget for the coming year.

Rep. John M. Pratt, Chairman

Cheshire County Delegation

COUNTY DELEGATION NOTICE

Coos County Delegation will meet on Friday, February 25th at 10:00 a.m. at the Berlin Nursing Home.

Rep. Lynn C. Horton, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on the following day to approve the 2000 Merrimack County Budget. The meeting will be held in the Lower Level Conference Room, McDonnell Building, 4 Court Street, Concord

Monday, March 6 at 10:00 a.m.

Final approval.

Rep. Ray F. Langer, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

The Rockingham County Executive Committee will be meeting on the following schedule to finalize the 2000 County budget:

Friday, March 10 at 9:30 a.m. Executive Committee meeting

Saturday, March 11at 10:00 a.m. Full Delegation meeting to adopt 2000 budget

Rep. Jon P. Beaulieu, Chairman

Rockingham County Executive Committee

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 86, 273, 305, 405, 413, 417, 514, 522, 553, 580, 605, 615, 625, 630, 637, 648, 699, 730, 733, 1191, 1419, 1511, 1522, 1535, 1536, 1537, 1540, 1541, 1543, 1544, 1546, 1547, 1548, 1549, 1551, 1553, 1554, 1555, 1556, 1557, 1558, 1560, 1561, 1562, 1563, 1564, 1566, 1567, 1568, 1569, 1571, 1572, 1573, 1575, 1584, 1586, 1591, 1595, 1602, 1606, 1608 and 1616.

Leo J. Callahan, Assistant Clerk

MEMBERS’ NOTICES

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

the event.

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

Rep. Gene G. Chandler

Legislators are cordially invited to attend meetings of the Citizens for Inheritance Tax Equity (CITE). Meetings are held on the first Tuesday of each month at the Nashua Public Library at 7:00 p.m. Please join us for a discussion of the Legacies and Succession Tax, RSA 86.

Rep. Paul A. McGuirk

Copies of an informational packet on proposed 3-step solution to the educational funding issue are available at the Sergeant-at-Arms desk. Included are a detailed description of the plan, a breakdown of the effect on each town in the state and an analysis of why an income tax would not be a viable solution.

Reps Lars T. Christiansen

Any member interested in forming an ad hoc committee to study adverse effects of childhood vaccinations contact Rep. David Hall at 632-5463.

Rep. David A. Hall

The Main Street Republicans will sponsor a review of the recent developments relative to the education funding issue. Doug Hall will be the guest speaker and commentator. The meeting will be held Tuesday, February 22nd in Rooms 305-307, LOB from noon to 1:30 p.m. All representatives and senators are welcome to attend.

Rep. Richard C. Leone

Legislators for Limited Spending will meet on Wednesday, February 23 at noon in the Upham Walker House. Bring your lunch, coffee will be served.

Rep. Donald B. White

All legislators are invited to attend a breakfast forum on Pension reform on February 24 from 7:30-9:00 a.m. in Rooms 306-308, LOB. The breakfast and forum are being sponsored by the American Legislative Exchange Council (ALEC). Vermont Treasurer, Jim Douglas, will be the guest speaker. ALEC is a nationwide, bi-partisan organization of state legislators and private sector representatives that provides various opportunities for the public and private sector to come together to discuss the issues of the day.

Rep. Gary L. Daniels
NH ALEC State Chairman

President Victor Montana from the College of Lifelong Learning invites all members of the Hillsborough and Merrimack County Delegations to a breakfast briefing on the state of CLL as it begins the new year. The breakfast will be held on Thursday, February 24 from 7:30 to 8:30 a.m. at the CLL Ammon Center, 175 Ammon Drive Unit D, in Manchester.

Rep. David E. Larrabee, Sr.

In response to requests from members of the Manchester Delegation and in conjunction with the Hillsborough County Delegation chairman, I have arranged for legislators to tour the Hillsborough County Jail (on Valley Street) on Friday, February 25 at 1:00 p.m. Space may well be limited, so please inform me at 627-9047 if you wish to be included in the tour.

Rep. Steve Vaillancourt

The Manchester Delegation will next meet with Mayor Bob Baine’s Legislative Liason, David Scannell at 1:00 p.m. on Monday, March 6 in the Walter Stiles Conference Room on the second floor of City Hall. Please bring copies of bills you wish to discuss. If you have any other ideas for the meeting, contact me at 627-9047.

Rep. Steve Vaillancourt

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on Wednesday, March 8 and Wednesday, March 22. Refreshments will be served.

Rep. Paul M. Mirski

President Leitzel and the University of New Hampshire Parent and Alumni Association invite all members of the General Court to a breakfast briefing on the state of the University as it begins the new year. The breakfast will be held at 7:30 a.m.– 9:00 a.m. on Thursday, March 9th at St. Paul’s Church in Concord.

Rep. Mary Jane Wallner

The Legislative Tourism Caucus will hold a meeting at the Eagles Nest Restaurant (directly across from the State House) from 3:30 to 5:30 p.m. on Tuesday, March 14th. Wine and cheese will be served courtesy of a generous sponsor and the New Hampshire Travel Council and the New Hampshire Lodging and Restaurant Association. Topic of this meeting will be "Director's Report on the Newly-Created "Division" and Advisory Committee on Travel and Tourism". Speaker will be Lauri Ostrander Klefos, Director, New Hampshire Division of Travel and Tourism Development.

Reps. Stephen G. Avery and Martha Fuller Clark

Ski New Hampshire will be hosting its **8th Annual Legislative Ski Day on March 19th and 20th** at **Mount Sunapee Ski Resort**. On Sunday, members will be able to buy an all-day ticket for only **\$15**. There will also be an apres-ski reception at the mountain. A full day of activities for skiers and non-skiers will take place on Monday. Again, this year's event is a fundraiser for **Keep Kids S.A.F.E.** and we hope you can attend.

Rep. Gene G. Chandler

The Department of Transportation will hold the following meetings:

Feb 22 – Town House, 1 Grove Street (across from Granite Bank), Peterborough, 7:00 p.m. Peterborough selectmen's meeting, Jaffrey-Peterborough, US 202 rehabilitation.

Feb 25 – NHDOT, 1 Hazen Drive Room 3, Concord, 10:00 a.m. Commission meeting, Holderness-Plymouth, NH Route 175A.

Mar 6 – Southern New Hampshire Planning Commission, 438 Dubuque Street, Manchester, 3:00 p.m. Public hearing of the committee, Congestion Mitigation and Air Quality Advisory Committee meeting.

Mar 8 – Room 201. Legislative Office Building, Concord, 2:00 p.m. Public hearing of the committee, Transportation Enhancement Advisory Committee meeting.

Mar 13 – Room 201. Legislative Office Building, Concord, 3:00 p.m. Public hearing of the committee, Transportation Enhancement Advisory Committee meeting.

Mar 20 – Southern New Hampshire Planning Commission, 438 Dubuque Street, Manchester, 4:00 p.m. Project selection meeting of the committee, Congestion Mitigation and Air Quality Advisory Committee meeting.

Mar 22 – Room 201. Legislative Office Building, Concord, 3:00 p.m. Project selection meeting of the committee, Transportation Enhancement Advisory Committee meeting.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in February 2000. These listings will replace individual notifications in an effort to reduce

paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors’ Center for further information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
Feb 21	10:30 & 11:45	Stratham Memorial School	4/45
Feb 22	9:30 & 11:00	Weston School – Manchester	4/55
Feb 23	9:30 & 11:00	Parker Varney School – Manchester	4/55
Feb 24	9:30 & 11:00	Parker Varney School – Manchester	4/55
Feb 24	1:00	Amherst Area Newcomers	Adults/15
Feb 25	9:30	Deerfield Community School	4/20
Feb 28	9:30 & 11:00	Northwood Elem School	4/60
Feb 29	9:30 & 11:00	Towle School – Newport	4/50

THURSDAY, FEBRUARY 24

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2000-3459h

Amendment to HB 1127

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

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the application and appeal procedures for excavating and dredging permits under RSA 482-A.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the application and appeal procedures for excavating and dredging permits under RSA 482-A.

AMENDED ANALYSIS

This bill establishes a committee to study the application and appeal procedures for excavating and dredging permits under RSA 482-A.

2000-3486h

Amendment to HB 1151

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 3 with the following:

3 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 one member of the house finance committee.
- (b) Five members of the senate, appointed by the president of the senate.

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

Amend the bill by replacing section 5-7 with the following:

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. Six members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, appropriate legislative committees, and the state library on or before November 1, 2001.

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

2000-3203h

Amendment to HB 1166

Proposed by the Committee on Environment and Agriculture - R

Amend RSA 425:4-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Department employees or agents providing such technical help or inspection shall not make available to any other regulatory or enforcement agency, or to the public, information obtained in the course of such help or inspection unless:

- (a) The person requesting such help or receiving such inspection agrees that such information may be released;
- (b) The information reveals an imminent threat to human life or the environment;
- (c) The information reveals evidence of a knowing criminal violation;
- (d) The information is presented in aggregate form with no identification of individual entities in order to develop food safety measures; or
- (e) The department first notifies any person requesting technical help of the provisions of this paragraph.

Amend the bill by replacing section 3 with the following:

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

2000-3432h

Amendment to HB 1188-FN-LOCAL

Proposed by the Committee on Education - C

Amend RSA 198:48-a, I-III as inserted by section 1 of the bill by replacing it with the following:

I. A school district that currently does not operate a kindergarten program within an approved public school maintained by the local district or currently does not contract with another established public kindergarten program for the education of its resident kindergarten pupils, may submit to the commissioner of the department of education a local plan for an alternative kindergarten program based upon contractual arrangements with one or more nonpublic, non-sectarian schools or facilities. An alternative kindergarten program shall be:

- (a) Offered immediately preceding the other elementary grades.

(b) Designed primarily for 5-year-olds.

(c) Available at district expense to all kindergarten-aged children who reside in the district.

II. An alternative kindergarten program shall satisfy the same criteria established for public kindergarten programs in the New Hampshire standards for school approval.

III. A local plan for an alternative kindergarten program shall be approved by the school board and the legislative body of the district. A local plan for an alternative kindergarten program shall be submitted to the commissioner of the department of education at times established by the commissioner.

Amend RSA 198:48-a, VII and VIII as inserted by section 1 of the bill by replacing them with the following:

VII. In the first year of its operation, an adequate education grant of \$750 per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established pursuant to RSA 198:48-a.

VIII. Notwithstanding the provisions of this section, alternative kindergarten programs which were approved and in effect prior to April 29, 1999 may continue to operate and shall continue to receive per pupil adequate education grant amounts in accordance with RSA 198:40 through RSA 198:42.

AMENDED ANALYSIS

This bill inserts provisions regarding the establishment of an alternative kindergarten program within a school district, and provides that school districts operating an approved alternative kindergarten program shall be eligible to receive adequate education grant distributions. This bill also provides that alternative kindergarten programs which were approved and in effect prior to April 29, 1999 may continue to operate and receive per pupil adequate education grant amounts pursuant to RSA 198:40 through 198:42.

2000-3414h

Amendment to HB 1199

Proposed by the Committee on Finance - C

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall assess the dimensions of the affordable housing crisis, drawing on the knowledge and experience of relevant state agencies such as the office of state planning, the department of resources and economic development, the New Hampshire housing finance authority, the community development finance authority, and the department of health and human services; and the expertise of local public housing authorities and regional and community-based organizations involved in the provisions of affordable housing, as well as entities such as the continuum of care and the emergency shelter and homeless coordination commission.

II. The committee shall review obstacles and potential solutions that will expand and improve the supply of affordable housing.

2000-3397h

Amendment to HB 1234

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to special commissions to perform marriages in New Hampshire.

Amend RSA 457:32 as inserted by section 1 of the bill by replacing it with the following:

457:32 Special Commission. The secretary of state may issue a special license to an ordained *or non-ordained* minister residing out of the state, *or to an individual residing out of state who is authorized or licensed by law to perform*

marriages in such individual's state of residence, authorizing him *or her* in a special case to marry a couple within the state. *In the case of an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, the secretary of state may require the submission of a copy of a valid commission or other indicia of authority to marry in the individual's state of residence as proof of existence of that authority.* The names and residences of the couple proposed to be married in such special case shall be stated in the license, and no power shall be conferred to marry any other parties than those named therein. The fee for such license shall be \$5. The secretary of state shall keep a permanent record of all such special licenses, which record shall contain the names and residences of the couple to be married and the name and residence of the minister to whom the license is issued.

AMENDED ANALYSIS

This bill allows the secretary of state to grant a special commission allowing non-ordained ministers residing out of state and individuals residing out of state who are authorized or licensed by law to perform marriages in such individual's state of residence to perform marriages in New Hampshire.

2000-3424h

Amendment to HB 1235

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

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

AN ACT relative to defining surface waters..

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

1 Public Health; Oil Discharge or Spillage in Surface Water or Groundwater; Definitions; Surface Water; Streams. Amend RSA 146-A:2, VI-b to read as follows:

VI-b. "Surface water" means *perennial and seasonal* streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial;

2 Public Health; Underground Storage Facilities; Definitions; Surface Water; Streams. Amend RSA 146-C:1, XVII to read as follows:

XVII. "Surface water" means *perennial and seasonal* streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial.

3 Water Management and Protection; Water Pollution and Waste Disposal; Definitions; Surface Waters of the State; Streams. Amend RSA 485-A:2, XIV to read as follows:

XIV. "Surface waters of the state" means *perennial and seasonal* streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

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

AMENDED ANALYSIS

This bill clarifies the jurisdiction of the department of environmental services with respect to surface waters.

2000-3231h

Amendment to HB 1258-FN

Proposed by the Committee on Environment and Agriculture - C

Amend the bill by replacing section 2 with the following:

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

2000-3429h

Amendment to HB 1311

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

Amend RSA 282-A:69, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A contribution, as defined in RSA 282-A:152, I shall not be considered due for any purpose under this chapter from an employer required to pay contributions under this chapter when the total amount due is less than one dollar.

2000-3476h

Amendment to HB 1349-LOCAL

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

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

AN ACT authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

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

1 New Paragraphs; Air Pollution Control; Costs Assessed at Different Rates. Amend RSA 125-C:12 by inserting after paragraph V the following new paragraphs:

VI. The fee schedules authorized in paragraphs IV and V may include different fees per ton for different pollutants, subject to the following conditions:

(a) Differences in fees shall be justified either on the basis of differences in the impact of the different pollutants on public health or on the environment, or on the basis of differences in the cost of administration for different pollutants.

(b) The total fees collected pursuant to paragraphs IV through VI shall be the same amount as would have been collected pursuant to paragraphs IV and V in the absence of this paragraph.

(c) No additional pollutants shall be assessed as a result of this paragraph. New pollutants may be assessed if the federal government adds additional pollutants to its list of pollutants requiring Title V permits, or if the state adds to the list of regulated toxic air pollutants in accordance with RSA 125-I:4, V.

(d) Different fees per ton may only be applied to the following categories of pollutants, and not to individual pollutants within these categories:

(1) Total suspended particulates, excluding particulate matter smaller than 10 microns.

(2) Particulate matter smaller than 10 microns.

(3) Nitrogen oxides.

(4) Sulfur dioxide.

(5) Volatile organic compounds.

(6) Carbon monoxide.

(7) Hazardous and toxic air pollutants not included in subparagraph VI(d)(5).

(e) The maximum fee per ton for any category shall not exceed 4 times the minimum fee per ton for any category. For emissions during calendar year 2001 only, the maximum fee per ton for any category shall not exceed 2 times the minimum fee per ton for any category.

(f) This paragraph shall only apply to emissions after December 31, 2000.

VII. The department may set a de minimis amount for fees under paragraphs IV, V and VI and may waive the collection of all fees less than this amount.

2 Mercury Emissions Reduction and Control Program; Findings and Purpose. Amend RSA 125-M:1, V to read as follows:

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

3 Mercury Emissions Reduction and Control Program; Compliance. Amend RSA 125-M:5, I to read as follows:

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter. Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter. Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day which are subject to RSA 125-M:3, I shall submit such plan and application by January 1, 2001 ~~[in order to comply by July 1, 2001]~~ **or by 6 months after becoming subject to RSA 125-M:3, I, whichever is later, and shall comply** with the emission limits established by this chapter **by July 1, 2001 or by the date required for compliance with the federal maximum mercury emission rate that makes the combustor subject to RSA 125-M:3, I, whichever is later.**

4 Ash Landfill Study. Amend 1999, 350:2 to read as follows:

350:2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by ~~[February]~~ **September** 1, 2000 to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

5 Study.

I. The department of environmental services shall study the feasibility and methods of implementation for the following possible changes to the list of categories in RSA 125-C:12, VI(d):

(a) Separating hazardous and toxic air pollutants now included in RSA 125-C:12, VI(d)(1) from RSA 125-C:12, VI(d)(1).

(b) Separating hazardous and toxic air pollutants now included in RSA 125-C:12, VI(d)(5) from RSA 125-C:12, VI(d)(5).

(c) Dividing all listed hazardous and toxic air pollutants into not more than 3 categories based either on the basis of differences in the impact of the different pollutants on public health or on the environment, or on the basis of differences in the cost of administration for different pollutants.

II. The department of environmental services shall also study the feasibility and methods of implementation for increasing the ratio of maximum fee per ton for any category to minimum fee per ton for any category from 4 to a larger number.

III. The department of environmental services shall report its findings by November 15, 2000 to the speaker of the house of representatives, the president of the senate, the house science, technology and energy committee, the senate environment committee, the governor, and the state library.

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

AMENDED ANALYSIS

This bill:

- I. Authorizes the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants.
- II. Provides that the implementation of mercury controls on municipal waste combustors be accompanied by, as opposed to being implemented after, a study of ash landfills in the state by the department of environmental services.
- III. Requires that certain combustors complete an application for a permit or permit modification under RSA 125-C and compliance plan by January 1, 2001 or 6 months after becoming subject to certain provisions of RSA 125-M, whichever is later, and comply with the emission limits established by RSA 125-M by July 1, 2001 or by the date required for compliance with the federal maximum mercury emission rate that makes such combustors subject to certain provisions of RSA 125-M, whichever is later.
- IV. Extends to September 1, 2000 the date by which the department of environmental services shall report its ash landfill study findings.
- V. Requires the department of environmental services to study the feasibility and methods of implementing certain changes to listed air pollutant categories.

2000-3465h

Amendment to HB 1357-FN

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 1 with the following:

1 Sale of State Land. The general court recognizes that continued retention of land acquired in 1988 between Route 3 in the city of Laconia and Route 3 in the town of Belmont is no longer judged to be essential for either future highway construction or general public benefit. Therefore the general court authorizes the sale of the land in accordance with the provisions of RSA 4:40.

AMENDED ANALYSIS

This bill authorizes the sale of the land previously acquired by the state in 1988 in Belmont and Laconia, in accordance with the provisions of RSA 4:40.

2000-3470h

Amendment to HB 1369-FN-LOCAL

Proposed by the Committee on Environment and Agriculture - R

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

1 Asbestos Management and Control. RSA 141-E is repealed and reenacted to read as follows:

CHAPTER 141-E

ASBESTOS MANAGEMENT AND CONTROL

141-E:1 Statement of Policy.

I. The general court finds that exposure to asbestos fibers over time has been linked by medical and scientific authorities to a significant increase in the incidence of diseases, such as asbestosis, bronchogenic carcinoma, mesothelioma, and other malignancies, and that such diseases place unnecessary and preventable burdens on society while depriving the victims of livelihood, well-being, and life.

II. The general court also finds that:

- (a) Abatement of asbestos from workplaces, schools, public facilities, and dwellings, which is carried out to reduce the exposure of the public to this health threat, further jeopardizes public health when the abatement is done without adequate safeguards and by unqualified individuals; and
- (b) Asbestos disposal sites pose a potential threat to human health if improperly managed.

III. Therefore, in order to protect the health of the public from this threat, it shall be the policy of the state to establish and enforce asbestos exposure standards and to control the exposure of the public to asbestos by regulation of asbestos abatement and asbestos disposal site activities.

IV. Relative to asbestos abatement activities, it shall be the responsibility of the department of health and human services, in consultation with the commissioner of environmental services, to carry out this policy in accordance with RSA 141-E:3, I and RSA 141-E:6-11, and in such a manner as to avoid direct conflict with other state and federal requirements.

V. Relative to management of asbestos disposal sites, it shall be the responsibility of the department of environmental services, in consultation with the department of health and human services, to carry out this policy in accordance with RSA 141-E:3, II and RSA 141-E:21-25, in lieu of RSA 149-M as previously carried out, and in such a manner as to avoid direct conflict with other state and federal requirements.

141-E:2 Definitions. In this chapter:

- I. "Asbestos" means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.
- II. "Asbestos abatement" means any of the following activities:
 - (a) The wrecking or removal of any load-supporting structural member containing or covered by RACM, as defined in paragraph VII;
 - (b) The encapsulation, coating, binding, or resurfacing of structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels containing RACM for the purpose of minimizing the potential for fiber release;
 - (c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing RACM;
 - (d) The removal or stripping of RACM from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels; and
 - (e) The repair of RACM to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, RACM with non-asbestos substitutes; and re-encapsulation or repair of enclosures around RACM.
- III. "Asbestos disposal site" means land where asbestos waste exists, either in or on the ground, due to dumping activities which ceased by July 10, 1981. The term includes inactive disposal sites as defined by 40 CFR 61.141. The term does not include any disposal site which is subject to the permitting requirements of RSA 149-M.
- IV. "Contractor" means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities and/or activities involving the disturbance of asbestos at asbestos disposal sites.
- V. "Department" means the department of health and human services.
- VI. "Friable asbestos material" means any material that contains more than one percent of asbestos by weight, area, or volume and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure.
- VII. "Regulated asbestos-containing material" or "RACM" means:
 - (a) Friable asbestos-containing material;
 - (b) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that has become friable;

(c) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will be or has been subjected to sanding, grinding, sawing, or abrading; or

(d) Category II non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will likely become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

VIII. "School asbestos abatement planning" means any of the following activities:

- (a) The inspection of school buildings for asbestos-containing materials;
- (b) The preparation of plans for asbestos abatement in schools, pursuant to P.L. 99-519; or
- (c) The design of asbestos abatement projects for school buildings.

IX. "Structural member" means any beam, ceiling, floor, or wall.

141-E:3 Duties.

I. The commissioner of health and human services shall:

- (a) License contractors.
- (b) Test persons and provide certificates to those who are found competent to engage in either asbestos abatement activities, school asbestos abatement planning activities, or activities involving the disturbance of asbestos at asbestos disposal sites, or any combination thereof.
- (c) Collect fees for the issuance of licenses and certificates.
- (d) Provide asbestos health risk information to workers who are at risk of exposure to asbestos material and to the general public on the health risks posed by asbestos.
- (e) Conduct such medical and scientific studies of workers presently or previously exposed to asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces. The commissioner of health and human services shall strive to determine before undertaking such studies that similar research has not already been performed or is not currently under review by other agencies.
- (f) Identify and order the abatement of RACM found in public buildings and facilities, schools, or rental dwellings which exceeds the exposure standards established by this chapter.
- (g) Establish safe worker practices to protect the health of asbestos abatement workers where not preempted by the Occupational Safety and Health Act.

II. The commissioner of environmental services shall:

- (a) Establish practices and standards necessary to control the release of asbestos fibers during asbestos abatement activities.
- (b) Establish practices and standards necessary to control the release of asbestos fibers to the ambient air during processing, transport, and disposal activities.
- (c) Develop and implement an inspection and enforcement program specific to asbestos abatement activities.
- (d) Establish a notification program for all asbestos abatement activities.
- (e) Collect fees for asbestos abatement notification.
- (f) Establish, in consultation with the department pursuant to RSA 125-H:3:
 - (1) Measures for remediating asbestos disposal sites to prevent human exposure to asbestos at or from such sites; and
 - (2) Best management practices for monitoring and maintaining covered asbestos disposal sites, for the purpose of assisting property owners and local health officers to minimize the risk of human exposure to asbestos at or from such sites.

(g) Administer a program for owners to remediate asbestos disposal sites in accordance with the measures established under paragraph (f)(1) above. The program shall include, but not be limited to, provisions for:

- (1) Initiating and completing site investigations;
- (2) Developing and implementing remedial action plans;
- (3) Developing and implementing activity and property use restrictions as appropriate; and
- (4) Documenting and certifying completion of the approved remedial action plan.

(h) In cooperation with local health officials, monitor the condition of asbestos disposal sites to assure conditions are protective of human health and comply with the requirements of this chapter.

(i) Investigate reports by local health officials of newly discovered asbestos disposal sites.

(j) Maintain a registry of asbestos disposal sites, including, but not limited to:

- (1) Owner name and mailing address;
- (2) Information and maps locating the disposal area;
- (3) Type, depth, and a real extent of cover materials;
- (4) Site inspection data; and
- (5) Status of site remediation.

(k) In cooperation with local health officials, respond to urgent conditions involving the disturbance of asbestos at asbestos disposal sites.

(l) In cooperation with local health officials, establish measures for assuring compliance with activity and property use restrictions relevant to asbestos disposal sites.

(m) Consult with local health officials within the affected communities for the purpose of determining appropriate and effective means for implementing the best management practices established pursuant to RSA 141-E:3, II(f)(2), and provide technical assistance related thereto, including adoption of local ordinances pursuant to RSA 147:1.

(n) Establish recommended training, licensure and certification requirements for contractors and persons engaging in activities involving the disturbance of asbestos at asbestos disposal sites, for implementation by the commissioner of health and human services, pursuant to RSA 141-E:4, I(o).

(o) Have authority to apply for and accept federal funds or other assistance for the purpose of remediating and otherwise managing asbestos disposal sites.

III. In conducting their duties, the commissioner of health and human services and the commissioner of environmental services shall give due consideration to EPA document 560/5-85-024 June 1985 or later revision, "Guidance for Controlling Asbestos Containing Materials in Buildings."

141-E:4 Rulemaking.

I. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The definition of major and minor asbestos abatement projects.
- (b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects. Such training, licensure, and certification requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.
- (c) Safe worker practices under RSA 141-E:3, I(g).
- (d) Closure of places contaminated with RACM under RSA 141-E:7. The use of the word "contaminated" when related to

airborne asbestos shall be consistent with asbestos exposure standards under RSA 141-E:6.

(e) Notice and appeal procedures under RSA 141-E:7.

(f) Procedures for the inspection of buildings, including visual assessment criteria for surfacing materials and pipe and boiler insulation, and air monitoring standards consistent with RSA 141-E:7 and the issuance of orders to take corrective actions to mitigate exposure to RACM under RSA 141-E:8.

(g) The licensure of contractors, employers or other individuals undertaking asbestos abatement under RSA 141-E:10. Such licensure requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(h) The certification and training of employees or other individuals engaged in asbestos abatement and school asbestos abatement planning under RSA 141-E:11. Such certification and training requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(i) The schedule and collection of fees under RSA 141-E:12, I.

(j) The issuance of notices of violation and orders of abatement under RSA 141-E:14.

(k) The fee structure to defray the cost of compliance monitoring under RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:10; 141-E:11; and 141-E:13.

(l) Procedures for exemption from the requirements of RSA 141-E:10 and RSA 141-E:11.

(m) A schedule of administrative fines which may be imposed under RSA 141-E:16 for violation of this chapter or the rules adopted pursuant to it.

(n) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 141-E:16.

(o) The necessary training, licensure, and certification requirements applicable to contractors and persons engaged in activities involving the disturbance of asbestos at asbestos disposal sites, such requirements to be determined based on the recommendations provided by the commissioner of environmental services pursuant to RSA 141-E:3, II(n).

II. The commissioner of environmental services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Establishing work practices and engineering control standards for asbestos abatement activities, including the following:

(1) Establishing standards and practices for minimizing the release of asbestos fibers during building maintenance, construction, renovation, demolition, or other similar activities.

(2) Developing an inspection program of buildings, facilities, and property for the purpose of determining compliance with the rules adopted under this paragraph.

(3) Adopting, in whole or in relevant part, the federal national emission standards for hazardous air pollutants (40 CFR sec. 61, m).

(4) Establishing the schedule and collection of fees under RSA 141-E:12, II.

(5) Establishing a fee structure to defray the cost of compliance monitoring under RSA 141-E:9 and RSA 141-E:13;

(b) Establishing work practices, engineering control standards, and emission standards necessary to control the release of asbestos to the ambient air during processing, transport, and disposal activities; and

(c) Administering a program for the management of asbestos disposal sites, pursuant to RSA 141-E:3, II(f) – (o) and 40 CFR 61.151, as formerly administered under RSA 149-M.

141-E:5 Asbestos Abatement Advisory Committee Established. There is hereby established an asbestos abatement advisory committee for the purpose of coordinating the activities of state agencies responsible for the health, safety, and protection of the public and the environment which are or may be affected by the presence of asbestos. The commissioner of health and human services or designee shall serve as chairperson of the committee. At a minimum the asbestos abatement advisory committee shall consist of:

- I. The governor or designee;
- II. The attorney general or designee;
- III. The commissioners, directors, or their designees, of:
 - (a) The department of education;
 - (b) The department of labor;
 - (c) The department of environmental services; and
 - (d) The department of health and human services;
- IV. An asbestos abatement contractor or school asbestos abatement planner appointed by the governor;
- V. A business or industrial representative appointed by the Business and Industry Association of New Hampshire; and
- VI. A representative appointed by the Better Home Heat Council of New Hampshire, Inc.

141-E:6 Indoor Asbestos Exposure Standards.

- I. The indoor non-occupational exposure standard shall be 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, calculated as an 8 hour time weighted average.
- II. The indoor occupational exposure standard shall be as provided for by the federal Occupational Safety and Health Administration in 29 CFR 1910, and the federal Environmental Protection Agency in 40 CFR 763, except that, where such standards exceed 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, then the occupational standards shall be 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

141-E:7 Limitation of Exposure; Closure of Contaminated Areas.

- I. Except as provided for under RSA 141-E:6, II, no person, whether natural or not natural, owning, controlling, or managing any workplace, public building, facility, school, or rental dwelling containing asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods shall permit unnecessary exposure of any person to such conditions which are a violation of a provision of this chapter, or of a rule adopted or order issued pursuant to the authority of this chapter.
- II. The department may, in the absence of other effective measures, close access to any building or facility or any portion thereof to other than those engaged in asbestos abatement and school asbestos abatement planning activities in which there have been found asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.
- III. Closure of access shall not occur until written notice has been provided to the owner or manager of the building or facility. The owner or manager shall be given the opportunity to appeal such action in accordance with RSA 541-A.

141-E:8 Inspection of Building; Orders.

- I. Whenever the commissioner of health and human services has reason to suspect the presence of RACM in any public building, facility, school, or rental dwelling, he or she may cause inspections to be carried out. If RACM is found in damaged or deteriorated condition or if conditions exist which could result in significant human exposure or if asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods are found, the commissioner of health and human services may order corrective action to abate the risk to the health of the public. The order may, at the discretion of the commissioner of health and human services, include notice of closure of access under RSA 141-E:7.
- II. In the event that asbestos levels exceed the standards set in RSA 141-E:6, I or II, there may be a second test of samples collected over an 8-hour period or as otherwise approved by the department, analyzed by scanning or transmission electron microscopy analysis before any order of abatement is issued. The results of the scanning or transmission electron microscopy analysis, which shall be recorded in terms of the number of asbestos fibers longer than 5 micrometers per cubic centimeter of air

in accordance with OSHA standard definitions for asbestos monitoring, shall prevail in the determination of whether the standard is exceeded. Such tests shall be paid for by the owner of the building or facility being analyzed.

III. The commissioner of health and human services may, upon request of the owner, inspect private dwellings for the presence of RACM. If RACM is found, the commissioner of health and human services shall make recommendations to the owner for its abatement. The commissioner of health and human services shall charge a fee for such inspections under RSA 141-E:12.

141-E:9 Control of Asbestos Emissions. No person, whether natural or not natural, owning, controlling or managing any workplace, public building, facility, school, or rental dwelling involved in asbestos abatement shall permit such abatement of asbestos in a dry state or in violation of any rules adopted by the commissioner of environmental services under this chapter unless specifically exempted by rule.

141-E:10 Licensure.

I. Any contractor, employer, or individual which engages in asbestos abatement activities or activities involving the disturbance of asbestos at asbestos disposal sites shall first obtain a license from the department, unless exempt pursuant to paragraph II below or rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(l).

II. Individuals certified pursuant to RSA 141-E:11 shall not be required to obtain a license for the performance of asbestos abatement or disturbance of asbestos at asbestos disposal sites when carried out under the authority of a contractor or employer holding a valid license issued by the department pursuant to this section.

III. A license to engage in asbestos abatement, disturbance of asbestos at any asbestos disposal site, or both, shall be issued in writing by the department and shall be valid for a period of 12 months from the date of issuance, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner of health and human services or designee. The license shall also include the name and address of the applicant.

IV. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the department, the commissioner of environmental services, or the local government.

V. The department may grant a license to an applicant if the applicant is licensed by another state whose standards for licensure are substantially equivalent to the provisions of this section and the rules adopted by the department.

141-E:11 Certification of Employees; Reciprocity.

I. Employees and other individuals who engage in asbestos abatement, school asbestos abatement planning, or disturbance of asbestos at any asbestos disposal site shall first obtain a certificate of training from the department, unless exempt pursuant to rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(l).

II. The certificate shall be in writing, be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the commissioner of health and human services or designee. It shall also include the name and address of the employee to whom it is issued.

III. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the department, the commissioner of environmental services, or the local government.

IV. The department may grant certification if the employee is certified by another state whose certification is substantially equivalent to the provisions of this section and the rules adopted by the commissioner of health and human services.

141-E:12 Fees.

I. The commissioner of health and human services shall, by rule, set a schedule of fees for the granting of licenses under RSA 141-E:10, the granting of certificates under RSA 141-E:11, and the inspection of private dwellings under RSA 141-E:8, III. All fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the department's responsibilities under this chapter, and are hereby continually appropriated for said purposes.

II. The commissioner of environmental services shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees and the fines levied under RSA 141-E:16, II shall be deposited in a nonlapsing account, shall be used solely for the administration of the commissioner of environmental services' responsibilities under this chapter, and are hereby continually appropriated for said purposes.

141-E:13 Compliance Monitoring.

- I. For the purposes of assuring compliance with RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:9; 141-E:10; and 141-E:11, or with any rule adopted by the commissioner of health and human services or the commissioner of environmental services, an authorized representative of the department of health and human services or commissioner of environmental services may, upon presentation of appropriate credentials and at any reasonable time:
- (a) Enter any asbestos abatement worksite and any asbestos disposal site;
 - (b) Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter;
 - (c) Procure and examine licenses issued under RSA 141-E:10 and certificates issued under RSA 141-E:11; or
 - (d) Request, inspect, and record information, or test results relating to asbestos abatement activity, school asbestos abatement planning activity, or asbestos disposal site activity.
- II. Any information, other than asbestos contamination or exposure data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection shall not be disclosed by any representative of the department of health and human services or commissioner of environmental services without permission of the person whose worksite is inspected.

141-E:14 Enforcement.

- I. Whenever the commissioner of health and human services has reason to believe that the provisions of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by the commissioner of health and human services under this chapter has been violated, he or she shall issue a notice of violation and an order of abatement. The commissioner of health and human services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.
- II. Whenever the commissioner of environmental services has reason to believe that any provision of RSA 141-E:3 or any rule adopted by the commissioner of environmental services under this chapter has been violated, the commissioner of environmental services shall issue a notice of violation and an order of abatement. The commissioner of environmental services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:9 or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.
- III. The notices of violation issued pursuant to paragraphs I and II of this section shall set forth the facts constituting the violation. The orders of abatement shall require elimination of the violation and shall set forth the time frame within which abatement shall be completed.

141-E:15 Criminal Penalty; Fine.

- I. A person shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person, if he or she knowingly:
- (a) Violates any provisions of RSA 141-E or any rule adopted under it;
 - (b) Violates any term or condition of a license, certificate, or order issued under RSA 141-E; or
 - (c) Makes or certifies a material false statement relative to any document or information required under RSA 141-E.
- II. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$25,000 if found guilty of any violation of this chapter or any rule adopted under this chapter. Each day of violation shall constitute a separate offense.

141-E:16 Administrative Fines.

- I. The commissioner of health and human services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner of health and human services shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further

penalties or administrative actions under this chapter. The commissioner of health and human services shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this paragraph shall be forwarded to the state treasurer to be deposited into the general fund.

II.(a) The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of RSA 141-E:3, II or any rule adopted by the commissioner of environmental services under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department of environmental services pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner of environmental services under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner of environmental services in the fund established by RSA 141-E:12, II.

(b) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner of environmental services pursuant to RSA 541-A:16.

(c) The commissioner of environmental services shall determine fines in accordance with RSA 125-C:15, I-b(b).

(d) The commissioner of environmental services may assess an additional fine for repeat violations.

III. Whenever a person licensed pursuant to RSA 141-E:10 or certified pursuant to RSA 141-E:11 fails to pay an administrative fine as required by this section, the commissioner of health and human services, after notice and hearing pursuant to rules adopted under RSA 541-A, may deny, suspend, or revoke the license or certificate or may issue an appropriate order.

141-E:17 Civil Forfeiture. Any person who violates any provision of RSA 141-E or any rule adopted under it, or any term or condition of a license, certificate, or order issued under RSA 141-E, shall be subject to a civil forfeiture of up to \$25,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

141-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

141-E:19 Discharge of or Discrimination Against Employees. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

141-E:20 Federal Preemption. Nothing in this chapter shall be construed to allow the department of health and human services or the commissioner of environmental services to enforce such occupational safety and health standards which have been preempted by the Occupational Safety and Health Act of 1970, 29 U.S.C. sec. 651 et seq.

141-E:21 Release Prohibited; Asbestos Waste Sites. No person shall cause or allow asbestos fibers to be released to the environment from an asbestos disposal site.

141-E:22 Management of Asbestos Disposal Sites. The owner of an asbestos disposal site shall maintain and manage the site in accordance with this chapter and rules adopted by the commissioner of environmental services under RSA 141-E:4, II.

141-E:23 Disclosure.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes an asbestos disposal site, the seller shall disclose the following information to the buyer:

(a) The nature and extent of the asbestos waste disposed of on the property, to the extent known at the time of transfer;

(b) The existence of any outstanding obligations pertaining to compliance with the requirements of this chapter;

(c) The existence of any activity and property use restrictions;

(d) The existence and location of all known records pertaining to asbestos disposal conditions at the site.

II. Within 10 days following title transfer of an asbestos disposal site, the former property owner shall notify the commissioner of environmental services of such transfer in writing.

III. The following information shall be disclosed by the owner to any person who uses, occupies, or will likely disturb asbestos at an asbestos disposal site, such as a tenant or contractor:

- (a) The presence of asbestos waste, including the location and depth of cover, to the extent known; and
- (b) The need to comply with the requirements of this chapter, including activity and property use restrictions as applicable.

IV. Pursuant to 40 CFR 61.151(e), any owner of an asbestos disposal site shall record in the property chain of title at the registry of deeds for the county in which the property is located, notice of the following:

- (a) That the property has been used for the disposal of asbestos waste;
- (b) That the survey plot and record of the location and quantity of asbestos waste disposed of within the disposal site required in 40 CFR 61.154(f) have been filed with the commissioner of environmental services; and
- (c) That the site is subject to 40 CFR part 61, subpart M.

141-E:24 Right of Entry. The commissioner of environmental services or authorized representative shall be authorized to enter, at reasonable times and in performance of his or her duties, upon any private or public property, to inspect asbestos disposal site conditions and investigate reports by local health officials of newly discovered asbestos disposal sites.

141-E:25 Third Party Liability. There shall be no implied cause of action for third party damages against any person under this chapter to the extent that the person's liability under this chapter is based solely on the person's ownership of an asbestos disposal site.

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

2000-3387h

Amendment to HB 1371

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

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

1 Statement of Purpose. The purpose of this act is to encourage counties, cities, and towns to develop prevention and court diversion programs, and other programs for children and juveniles that provide alternatives to placement outside of the home. The general court hereby finds that the clearest purpose and most efficient administration of these programs shall be necessary to serve the best interest of the children and juveniles involved.

2 New Paragraph; Services for Children, Youth, and Families; Distribution Procedures for Incentive and Court Diversion Funds Amended. Amend RSA 170-G:4 by inserting after paragraph XVI the following new paragraph:

XVI-a.(a) Distribute funds, pursuant to RSA 170-G:4, XVI, to each county in the state for community-based prevention programs, diversion programs, and other programs for children and juveniles which provide alternatives to placements outside of the home. Such funds shall be allocated by the county selection committee established in each county.

(b) Each county selection committee shall be comprised as follows:

- (1) Three county commissioners, or their designees.
- (2) Three representatives of the department, appointed by the commissioner.
- (3) One member of the house of representatives from the county, appointed by the chairperson of the county delegation, or

designee.

(4) One human services professional who resides in the county who is not employed by the county or by the department, appointed by the county selection committee.

(c) The decision of each county selection committee regarding allocation of funds shall be made in consultation with the county commissioners. The county commissioners shall submit a report no later than December 31 of each year detailing the disposition of funds allocated under this paragraph. If the county commissioners make any changes in the allocation of funds distributed under this paragraph, they shall submit written notice to the department describing the change no later than 10 business days from the date of the change.

(d) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(1) Procedures for operations and reporting requirements for county commissioners and county selection committees which conform to the provisions of this paragraph.

(2) Criteria for selection of recipients of funds.

(3) Procedures and reporting requirements for recipients of funds which conform to the provisions of this paragraph.

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

AMENDED ANALYSIS

This bill establishes statutory criteria for the allocation and distribution of funds used for developing community-based prevention and diversion programs for children and juveniles.

2000-3482h

Amendment to HB 1382-FN

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

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

1 Assaults by Prisoners. Amend RSA 642:9, II-IV to read as follows:

II. An inmate is guilty of aggravated assault on a corrections staff member when, with intent to harass, threaten, or alarm a person whom the inmate knows or reasonably should know to be an employee of such facility, or an employee of the department of corrections, or an employee of any law enforcement agency, the inmate causes or attempts to cause such employee to come in contact with blood, seminal fluid, urine, or feces by throwing or expelling such fluid or material.

~~[H-]~~ **III. For the purposes of this section:**

(a) "Official custody" means custody in a penal institution or other confinement by an order of a court.

(b) "Inmate" means an offender, as defined in RSA 21-H:2, VII, a person in pretrial confinement, or any person incarcerated in a local detention facility.

(c) "Facility" means a correctional facility or local correctional facility hospital, operated by the department of corrections.

~~[H-]~~ **IV.** The offense is a class B felony if ***it is an aggravated assault as defined in paragraph II, or if*** the offense committed is simple assault as defined under RSA 631:2-a unless committed in a fight entered into by mutual consent, in which case it is a misdemeanor. The offense is a class A felony if the offense committed is first degree or second degree assault as defined under RSA 631:1 or RSA 631:2.

~~[H-]~~ **V.** If a person is convicted of the offense of assault under this section, the term of imprisonment authorized by RSA 651:2, II or RSA 651:6 shall be consecutive to and not concurrent with any other sentence to be served.

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

2000-3222h

Amendment to HB 1450

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

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

AN ACT relative to hearings and appeals of equal pay claims.

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

1 Discrimination in the Workplace; Equal Pay. Amend RSA 275:37 to read as follows:

275:37 Equal Pay. No employer shall discriminate in the payment of wages as between the sexes, or shall pay any ~~[female]~~ **employee** in his **or her** employ salary or wage rates less than the rates paid to ~~[male]~~ employees **of the opposite sex** for equal work or work on the same operations. However, nothing in this subdivision shall prohibit a variation in rates of pay based upon a **marked** difference in seniority, experience, training, skill, ability, or difference in duties and services performed, either regularly or occasionally, or difference in the shift or time of the day worked, or difference in availability for other operation, or other reasonable differentiation except difference in sex. A variation in rates of pay as between the sexes is not prohibited where such variation is provided by contract between the employer and the recognized bargaining agent of the employees or, in case there is no such bargaining agent, where such variation is provided by written agreement or contract between the employer and not less than 5 of ~~[his]~~ **the** employees.

2 New Section; Equal Pay; Procedure for Hearings and Appeals. Amend RSA 275 by inserting after section 41 the following new section:

275:41-a Procedures for Hearings and Appeals. In a claim under RSA 275:37, the commissioner shall notify the employer by serving a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Any claim under this section shall be commenced within one year of the accrual thereof and not afterwards. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross examine opposing witnesses. Any party, at the party's own expense may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall be issued. Any party aggrieved by the decision may appeal to the superior court not later than 20 days thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate, or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings. In the absence of a reasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as judgement of said court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this subdivision for purposes of RSA 275:37 that a final order be immediately satisfied by the employer.

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

AMENDED ANALYSIS

This bill establishes a procedure for hearings and appeals of decisions by the labor department concerning equal pay claims.

2000-3493h

Amendment to HB 1463

Proposed by the Committee on Children and Family Law - C

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

1 New Paragraph; Disclosure of Certain Information. Amend RSA 135-C:19-a by inserting after paragraph II the following new

paragraph:

III. Notwithstanding RSA 329:26 and RSA 330:32, a community mental health program or state facility may disclose to an interdisciplinary committee designated by the governor to review child fatalities, information which is relevant to a case of suicide or traumatic fatal injury under review by such committee. Information to be disclosed pursuant to this paragraph shall be limited to the diagnosis and course of treatment of the child or of the person who caused the fatality. Information disclosed pursuant to this paragraph shall remain confidential and shall not be subject to discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. Any person who willfully rediscloses confidential information provided to a committee designated by the governor to review child fatalities shall be guilty of a violation.

2 Copies; Clarification. Amend RSA 135-C:41 to read as follows:

135-C:41 Recommendations; Copy to Person. No later than on the day ~~of~~ **before** the hearing, 2 copies of the report prepared pursuant to RSA 135-C:40 shall be made available to the person sought to be admitted and to his **or her** attorney.

3 Technical Change. Amend the introductory paragraph of RSA 135-C:64 to read as follows:

135-C:64 Philbrook Center; Purpose. The commissioner shall maintain as part of New Hampshire hospital ~~[the institution]~~ **services for children and adolescents in one or more facilities on the New Hampshire hospital campus which shall be** known as the Anna Philbrook center. ~~[for purposes which]~~ **All services for children and adolescents at New Hampshire hospital shall be appropriate for each child's developmental stage and shall address the educational, supervisory, and clinical needs of each child. The purposes of child and adolescent services** shall include but not be limited to:

4 Reference Addition. Amend RSA 329:26 to read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and the patient of such physician or surgeon are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to investigations and hearings conducted by the board of medicine under RSA 329, any other statutorily created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings or hearings conducted pursuant to RSA 135-C:27-54 **or RSA 464-A**. This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

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

AMENDED ANALYSIS

This bill makes certain technical corrections, including allowing disclosure of certain information to certain committees investigating child fatalities.

2000-3507h

Amendment to HB 1470

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

Amend the bill by replacing sections 1 and 2 with the following:

1 Findings.

I. In accordance with "Agreement to Settle PSNH Restructuring" filed with the public utilities commission on August 2, 1999 (the Agreement), Public Service Company of New Hampshire (PSNH) has agreed to divest itself of its power generation assets and power purchase agreements. The Agreement contemplates divestiture through several processes, including the sale of PSNH's existing power generation facilities through an asset sale process. The Agreement states that the goal of the asset sale process is to maximize the net proceeds realized from the sale in order to mitigate stranded costs. However, the agreement also contemplates that PSNH will conduct the asset sale process, and that PSNH affiliates will be allowed to bid in the asset sale

process should they seek to retain generating facilities.

II. The general court finds that the asset sale process outlined in the Agreement is seriously flawed. A sale of PSNH's assets, conducted by PSNH, with PSNH affiliates bidding on the assets, establishes a multi-layered conflict of interest that is antithetical to the public interest.

III. Because the sale of assets will significantly affect stranded costs, the general court is obligated to ensure both the fairness and the appearance of fairness of the asset sale process in order to maximize the proceeds of the sale.

IV. The general court finds that an asset sale conducted by the public utilities commission is more likely to maximize proceeds and thereby reduce stranded costs than an asset sale conducted by PSNH.

V. The general court finds that the proceeds of the asset sale will likely generate greater savings for ratepayers if such proceeds are more rapidly amortized than what is proposed in the Agreement. The public utilities commission should require a more rapid amortization if such potential savings do exist and it is in the public interest.

VI. As a condition of approving the Agreement, the public utilities commission may find that an additional divestiture of assets is in the public interest.

VII. The general court finds that it is in the public interest to allow municipalities to bid a fair market price on hydroelectric facilities. The public utilities commission may find it appropriate to delay the sale of any such facilities for up to one year to facilitate such participation by municipalities.

VIII. The general court finds that an asset sale conducted pursuant to this act should not be inconsistent with the laws or rules of the state of New Hampshire.

2 New Paragraph; Public Utilities; Electric Utility Restructuring; Implementation; Divestiture of Assets. Amend RSA 374-F:4 by inserting after paragraph XI the following new paragraph:

XII.(a) If a settlement agreement between the state and an electric utility, entered into for the purpose of implementing retail choice of electric suppliers, requires divestiture of electricity generation assets, and if the electric utility, an affiliate, or a company that would become an affiliate if an announced merger were consummated has retained the right to bid on those assets, the commission shall administer the liquidation of such assets. Any asset sale administered by the commission pursuant to this paragraph shall be conducted in this state. The commission shall hire an independent, qualified asset sale specialist to conduct the asset sale process. The electric utility shall be allowed to comment prior to the selection of any such specialist. The commission may require that any such settlement agreement provide for the divestiture of additional generation assets or change the method of divestiture. The commission should require that any such settlement agreement amortize the proceeds of any asset sale at the most rapid rate that is beneficial to ratepayers.

(b) In order to facilitate the participation of municipalities in the acquisition of any hydroelectric facilities being divested by an electric utility under this paragraph, the commission is authorized, if it finds it to be in the public interest, to delay the sale of any such hydroelectric facilities for up to one year later than that of the sale of non-hydroelectric generation assets being divested by the electric utility. Notwithstanding RSA 31:5 and RSA 33:8, no approval of the superior court shall be required for a municipality to hold one special town meeting or one special meeting to raise or appropriate money or to issue bonds or notes for the purchase of a hydroelectric facility under this paragraph or for expenditures related to such activity.

AMENDED ANALYSIS

This bill:

I. Requires that the public utilities commission administer the divestiture of electricity generation assets required by a settlement agreement between the state and a public utility.

II. Requires that the public utilities commission hire an independent, qualified asset sale specialist to conduct the asset sale process.

III. Permits the public utilities commission to require that any settlement agreement provide for the divestiture of additional assets or to change the method of divestiture.

IV. Advises the public utilities commission to require that any settlement agreement amortize the proceeds of any asset sale at the most rapid rate that is beneficial to ratepayers.

V. Authorizes the public utilities commission to delay the sale of hydroelectric utilities being divested by a public utility for up to one year later than non-hydroelectric generation assets being divested.

2000-3471h

Amendment to HB 1483

Proposed by the Committee on Environment and Agriculture - R

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

AN ACT relative to the regulation of the practice of veterinary medicine.

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

1 Practice of Veterinary Medicine; Definitions. Amend RSA 332-B:1, III(a) to read as follows:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, ~~[lameness]~~ deformity, defect, injury, or other physical or mental conditions: including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

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

AMENDED ANALYSIS

This bill makes a definitional change to the laws regulating the practice of veterinary medicine.

2000-3425h

Amendment to HB 1485-FN

Proposed by the Committee on Public Works and Highways - R

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

An act relative to a certain proposed toll booth.

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

1 Proposed Toll Booth. Notwithstanding RSA 240 or any other provision of law to the contrary, the department of transportation shall not build the proposed toll booth in Nashua.

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

AMENDED ANALYSIS

This bill provides that a proposed toll booth in Nashua shall not be built.

2000-3394h

Amendment to HB 1494-FN

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

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

AN ACT establishing penalties for attempts to purchase firearms illegally.

Amend the bill by replacing section 1 with the following:

1 New Section; Penalties for Attempts to Purchase Firearms Illegally. Amend RSA 159-D by inserting after section 2 the

following new section:

159-D:3 Penalties for Attempts to Purchase Firearms Illegally. A person who completes and signs an application for purchase of a firearm and who knows that such purchase is illegal because he or she is subject to a protective order shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

AMENDED ANALYSIS

This bill makes it a class A misdemeanor for a first offense and a class B felony for a subsequent offense for a person to attempt to purchase a firearm when such person knows the purchase is illegal because he or she is subject to a protective order.

2000-3487h

Amendment to HB 1510-FN

Proposed by the Committee on Executive Departments and Administration - R

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

1 New Section; Medical Savings Account Plan. Amend RSA 21-I by inserting after section 26 the following new section:

21-I:26-a Medical Savings Account Plan.

I. The provision under this subdivision of hospitalization, hospital medical care, surgical care, dental care, and other medical and surgical benefits to state employees by payment of the premium for inclusion in a group insurance program may be administered by the department as a medical savings account plan or may include a medical savings account provision. A "medical savings account" means a tax-exempt account into which funds are contributed and which may be used exclusively for certain qualifying hospitalization, hospital medical care, surgical care, dental care, and other medical and surgical care expenses.

II. Upon the passage of federal legislation authorizing the components of the plan established under the authority of this section, the division of personnel, bureau of employee relations, under the commissioner of administrative services, may develop a medical savings account plan.

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

AMENDED ANALYSIS

This bill authorizes the department of administrative services to develop, contingent on the passage of federal legislation, a medical savings account plan which may be used in providing the health care benefits afforded state employees.

2000-3391h

Amendment to HB 1512-FN

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

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

AN ACT establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

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 implementing a paid family and medical leave insurance program and potential funding sources to support it.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall hold meetings at such times and places as it deems necessary. The committee shall study the feasibility of implementing a paid family and medical leave insurance program for New Hampshire workers, and shall also identify potential funding sources to support it. The committee shall seek input from, but shall not be limited to:

I. State agencies.

II. Employers.

III. Interested councils and organizations.

4 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.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2000.

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

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

2000-3511h

Amendment to HB 1535-FN

Proposed by the Committee on Judiciary - C

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

AN ACT relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

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

1 Findings and Intent.

I. Over the past 30 years, New Hampshire's appellate caseload has expanded steadily. In the early 1970's annual supreme court filings were in the range of 100 cases; by 1997, the caseload had reached a high of 900. Many factors have contributed to the expansion of the appellate caseload. They include the growth of the state's population from 750,000 to 1,200,000 people, an increase in the number of superior court justices and marital masters, an increase in the number of lawyers in New Hampshire, and an increase in the number of laws passed by the New Hampshire general court and by Congress.

II. Throughout this period of growth, the number of justices on the New Hampshire supreme court has remained at 5. The supreme court attempted to manage the caseload increase through rules, adopted in 1979, that eliminated universal access to full appellate review, including briefing and oral argument, and substituted a system under which full appellate review became a matter of judicial discretion. As the caseload continued to increase, this practice resulted in a steady decrease in the percentage of cases being accepted for full appellate review. While the acceptance rate of cases in 1980 was 73 percent, by 1998 the acceptance rate had declined to 36 percent.

III. The general court finds that there is a clear need for expanded appellate review in New Hampshire. The system of discretionary review, in combination with the continued expansion of the appellate caseload, has seriously eroded access to appellate review for New Hampshire citizens and has undermined the supreme court's ability to develop law and to provide guidance to New Hampshire citizens, lawyers, and trial courts.

IV. In 1999, the legislature created a study committee to consider certain matters concerning superior court justices, including the possibility of assigning them to hear appeals. The study committee recommended that a task force be created to study appellate review in New Hampshire. In 1999, the New Hampshire Bar Association, with assistance and funding provided by the New Hampshire Bar Foundation, completed a study of the New Hampshire appellate system. The New Hampshire Bar Association also recommended the creation of a task force to review potential solutions to the need for increased appellate review.

2 Commission on Appellate System Reform Created.

I. There is established a commission on appellate system reform to study, report on, and prepare legislation relative to solutions for the problems facing the New Hampshire appellate system. The commission shall consist of the following members:

- (a) Three house members, appointed by the speaker of the house.
- (b) Two senate members, appointed by the senate president.
- (c) Three members representing the judicial branch appointed by the chief justice of the supreme court.
- (d) Two members of the New Hampshire Bar Association, appointed by the association's president.
- (e) The designee of the attorney general.
- (f) Two members of the public, appointed by the governor.
- (g) The designee of the New Hampshire appellate defender.

II. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.”

3 Duties of the Commission. It is the overall duty and obligation of the commission to study ways and means by which the desires expressed in section 1 shall be obtained. It is specifically the duty of the commission to make recommendations to all 3 branches of government to improve the appellate system on a short-term and long-term basis. The commission may request resources or funding; if it deems appropriate or necessary for the completion of its task.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson. The first meeting shall be called by the first-named designee of the speaker of the house. Seven members shall constitute a quorum.

5 Reports.

I. The commission shall report its findings and any proposed recommendations for legislation or rule enactment or modification which may alleviate or eliminate the delays in the appeals process and increase the number of appeals accepted and written decisions on a short-term or immediate basis no later than November 1, 2000.

II. The commission shall report its findings and any proposed recommendations for legislation or rule enactment for long-term permanent remedies to the problems described in section 1 no later than November 1, 2000.

III. These reports shall be filed with the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk and the state library.

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

AMENDED ANALYSIS

This bill establishes a commission on appellate system reform.

2000-3497h

Amendment to HB 1552-FN-A

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

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

1 Findings. The general court finds that:

I. The dissemination of information regarding the status of telecommunications infrastructure in the state of New Hampshire is a critical component of New Hampshire's economic development efforts. A telecommunications development initiative is therefore established to identify existing telecommunications infrastructure and create a central repository of basic information, and to publicize this telecommunications infrastructure as an integral part of economic development efforts. Due to the rapid rate of change of telecommunications infrastructure data, the central repository of information should be limited to only basic information and a list of contacts for further information.

II. A secondary duty of the telecommunications development initiative is to identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state, and to assist efforts to enhance the deployment of telecommunications services.

III. The accomplishments of this initiative should be reviewed no later than the fourth year of its existence.

2 New Paragraph; Resources and Economic Development; Director of Economic Development,

Duties; Telecommunications Development Initiative. Amend RSA 12-A:22 by inserting after paragraph VIII the following new paragraph:

IX. Develop and implement a telecommunications development initiative pursuant to

RSA 12-A:45.

3 New Subdivision; Telecommunications Development. Amend RSA 12-A by inserting after section 44 the following new subdivision:

Telecommunications Development

12-A:45 Telecommunications Development Initiative.

I. The director of economic development, under the supervision of the commissioner of resources and economic development and pursuant to the director's duties under RSA 12-A:22, shall develop and implement a telecommunications development initiative.

(a) As primary duties of this initiative, the director shall:

(1) Identify existing telecommunications infrastructure by establishing and maintaining a database of telecommunications service providers, services, and infrastructure that exist throughout the state.

(2) Publicize the state's telecommunications infrastructure, as an integral part of the state's economic development efforts, by planning, developing, administering, and implementing programs to assist in the distribution of information about available telecommunications services, infrastructure, and technologies throughout all parts of the state.

(b) As secondary duties of this initiative, the director shall:

(1) Identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state,

(2) Work with providers of telecommunications services, educators, and municipal, county, state, and other government officials to assist efforts to enhance the deployment of telecommunications services.

II. The director may delegate any of the duties established in paragraph I to appropriate designees within the division of economic development.

III. The budget for any fiscal year for the duties of this subdivision shall not exceed \$150,000.

12-A:46 Telecommunications Development Advisory Committee.

I. There is hereby established a telecommunications development advisory committee to advise and assist the director of economic development in performing the duties established in RSA 12-A:45. The committee shall meet at least quarterly.

II. The members of the committee shall be:

- (a) The governor, or designee;
- (b) The commissioner of resources and economic development, or designee;
- (c) The commissioner of administrative services, or designee, preferably from the division of information technology management;
- (d) The chairman of the public utilities commission, or designee;
- (e) One member of the house of representatives, appointed by the speaker of the house of representatives;
- (f) One member of the senate, appointed by the president of the senate; and
- (g) The following persons appointed by the commissioner of resources and economic development with the approval of the governor and council:
 - (1) One member representing residential telecommunications customers;
 - (2) One member representing large business telecommunications customers;
 - (3) One member representing small business telecommunications customers;
 - (4) One member representing educators providing distance learning;
 - (5) One member representing municipal government;
 - (6) One member representing county government;
 - (7) One member representing a regional economic development organization or a regional planning commission; and
 - (8) Up to 5 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, internet service providers, cable, long distance providers, and broadcast television. A member representing one sector of the telecommunications industry may also represent one or more other sectors, as deemed appropriate by the commissioner.

III. The legislative members of the committee shall serve for the duration of their legislative term, and shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. Other appointed members of the committee shall serve for 3 years and until a successor is appointed.

V. The committee shall elect a chairperson from among the members.

12-A:47 Telecommunications; Statutory Construction. For purposes of this subdivision, "telecommunications" shall be construed broadly, and shall include, but not be limited to, traditional dial tone services, the transmission of voice, data, or video through cable and wireless media, and any other similar services to be offered in the future.

12-A:48 Authority of Director to Acquire Information. The director of economic development is authorized to request from telecommunications service providers such information as the director requires to perform the duties established in RSA 12-A:45.

12-A:49 Confidentiality. Information provided to the director pursuant to a request made under RSA 12-A:48 shall, if properly demonstrated by the provider of the information, be deemed confidential, commercial, or financial information and exempt from public disclosure under RSA 91-A:5, IV. Nothing in this section shall prohibit the director from disclosing information provided pursuant to a request made under RSA 12-A:48 in a manner that does not specifically identify the provider.

4 Telecommunications Development Advisory Committee; Initial Terms of Members. The initial terms of the appointed members of the telecommunications development advisory committee shall be as follows:

I. The members appointed pursuant to RSA 12-A:46, II(g)(1)-(3) shall serve for a period of one year.

II. The members appointed pursuant to RSA 12-A:46, II(g)(4)-(7) shall serve for a period of 2 years.

III. The members appointed pursuant to RSA 12-A:46, II(g)(8) shall serve for a period of 3 years.

5 Initial Funding; Appropriation.

I. The commissioner of resources and economic development shall develop a budget for the fiscal year ending June 30, 2001 for the telecommunications development initiative established by this act, and shall submit the budget to the fiscal committee of the general court for final approval.

II. The sum of \$150,000 for the fiscal year ending June 30, 2001 is hereby appropriated to the department of resources and economic development for the purposes of commencing the telecommunications development initiative established by this act. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$150,000 for the fiscal year ending June 30, 2001 shall be assessed by the public utilities commission against certified telecommunications providers in accordance with the procedures of, and in addition to all other funds collected pursuant to, the utility assessment of RSA 363-A. All funds received by the public utilities commission pursuant to this paragraph shall be paid to the state treasurer for deposit into the general fund for the purposes of this act.

6 Repeal. The following are repealed:

I. RSA 12-A:22, IX, relative to a telecommunications development initiative.

II. RSA 12-A:45-49, relative to telecommunications development.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2004.

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

2000-3466h

Amendment to HB 1559-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a committee to study the organization and functions of the New Hampshire state port authority.

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

1 Committee Established. There is established a committee to study the New Hampshire state port authority.

2 Membership and Compensation.

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

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

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

II. The committee shall solicit advice and input from individuals or organizations with expertise deemed relevant in assisting the committee in the performance of its duties including, but not limited to, the commissioners of the departments of transportation and resources and economic development, and the director of the Pease development authority.

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

3 Duties. The duties of the committee shall be as follows:

I. To study the operations of the existing New Hampshire state port authority.

II. To review the best possible organizational structure for the port authority for serving the needs of the entire state.

III. To study the functions, duties, and responsibilities of the New Hampshire state port authority and any other issue which the committee deems relevant to its purpose and objectives.

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

5 Report. The committee shall file an interim report, which shall include its findings to date and an outline of proposed action or legislation to the speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2000. The committee shall file its final report, which shall include its final findings and recommendations for proposed legislation, to the speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2001.

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

AMENDED ANALYSIS

This bill establishes a committee to study the organization and functions of the New Hampshire state port authority.

2000-3485h

Amendment to HB 1560-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the bill by replacing section 1 with the following:

1 New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retirement system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time within 5 years of the effective date of this act.

2000-3509h

Amendment to HB 1562-FN

Proposed by the Committee on Children and Family Law - C

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

1 New Section; Violations of Protective Order. Amend RSA 169-C by inserting after section 21 the following new section:

169-C:21-a Violation of Protective Order; Penalty.

- I.(a) When a person subject to a protective order under RSA 169-C:16, I(d)(1) or RSA 169-C:19, II(a)(1) violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.
- (b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.
- II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution

of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

IV. Any person convicted under paragraph III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses under this chapter may be charged with an enhanced penalty for each subsequent offense as follows:

- (a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;
- (b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;
- (c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;
- (d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;
- (e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

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

AMENDED ANALYSIS

This bill makes violations of protective orders where a stay away order has been issued under the child protection act class A misdemeanors, and provides sentencing provisions for subsequent related offenses.

2000-3480h

Amendment to HB 1569-FN

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

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

AN ACT requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

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

1 Purpose. In order to cost-effectively minimize the contamination of our water resources, the following actions are proposed relevant to conventional and reformulated gasoline which contains the oxygenate methyl tertiary butyl ether (MTBE).

2 Voluntary Water Testing and Report.

I. The department of environmental services shall propose a voluntary testing program of public water supplies in New Hampshire for MTBE concentrations. This voluntary testing program shall be in addition to existing testing requirements for public water supplies. The department shall contact by letter all public water systems in the state and describe how public water systems can best conduct these voluntary MTBE tests. The department shall compile the results of any MTBE test that a public water system voluntarily conducts and voluntarily submits to the department.

II. The commissioner of environmental services shall report findings and conclusions to the MTBE study committee established under 1999, 55. The report shall include the results of testing, a list of which public water systems conducted or did not conduct such tests, and any recommendations for future mandatory testing of public water supplies, including reimbursement to water systems operated by municipalities.

III. The department shall, upon request, supply to any public water system that has conducted a voluntary test a certificate stating the results of the test and whether the water meets the MTBE standard.

3 Study of Reformulated Gasoline. The commissioner of environmental services shall, upon receipt of sufficient grant money to pay for the analyses, study the amount of reformulated gasoline delivered to areas in the state where reformulated gasoline is

not currently required under New Hampshire's state implementation plan by analyzing levels of methyl tertiary butyl ether (MTBE) in a minimum of 100 gasoline samples taken from a representative selection of gasoline distribution facilities located outside Hillsborough, Merrimack, Rockingham, and Strafford counties. Samples shall include samples of different grades of gasoline. The commissioner shall report findings of the study by October 1, 2000 to the speaker of the house of representatives; the president of the senate; the MTBE study committee established under 1999, 55; the house science, technology and energy committee; the senate environment committee; the governor; and the state library.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services, upon receipt of sufficient grant money, to study levels of MTBE in gasoline samples taken from gasoline distribution facilities located outside Hillsborough, Merrimack, Rockingham, and Strafford counties, and report findings of the study by October 1, 2000. This bill also requires the department of environmental services to propose a voluntary testing program of public water supplies for MTBE concentrations.

2000-3506h

Amendment to HB 1571-FN

Proposed by the Committee on Judiciary - C

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

1 New Section; Defense and Indemnification of State Officers and Employees; Claims Arising from the Clinical Services Provided to the Department of Corrections. Amend RSA 99-D by inserting after section 8 the following new section:

99-D:9 Claims Arising from the Clinical Services Provided to the Department of Corrections.

- I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity and not in a wanton or reckless manner, arising out of clinical services of psychiatrists or other medical doctors provided in accordance with any contract limited to such services entered into by the department of corrections for its secure psychiatric unit.
- II. This section shall apply only to claims or civil actions arising out of incidents occurring after the effective date of this section.
- III. All claims arising under this section shall be reviewed by the legislative oversight committee established under RSA 541-B:23.

2 New Section; Proceedings in Special Cases; Claims Against the State; Claims Arising from the Clinical Services Provided to the Department of Corrections. Amend RSA 541-B by inserting after section 21 the following new section:

541-B:21-a Claims Arising from the Clinical Services Provided to the Department of Corrections.

- I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity, providing clinical services of psychiatrists or other medical doctors in accordance with any contract limited to such services entered into by the department of corrections for its secure psychiatric unit.
- II. The limitations on awards provided in RSA 541-B:14 shall not be increased by the proceeds from any insurance policy procured by a nonprofit entity, or any employee of such entity, included under RSA 541-B:21-a, I.
- III. This section shall apply only to claims arising out of incidents occurring after the effective date of this section.

3 Proceedings in Special Cases; Claims Against the State; Oversight Committee; Secure Psychiatric Unit Added. Amend RSA 541-B:23 to read as follows:

- 541-B:23 Oversight Committee for Claims Arising From the Clinical Operation and Administration of the New Hampshire Hospital *and Clinical Services Provided to the Department of Corrections.*
- I. There is hereby established a legislative oversight committee to review claims arising under RSA 541-B:21, ***RSA 541-B:21-a,***

[and] RSA 99-D:8, IV, **and RSA 99-D:9, III.** The committee members shall be as follows:

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

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

II. The first-named house member of the committee shall be chairperson.

III. The committee shall report its findings to the general court 6 months prior to the awarding of any contract described in RSA 541-B:21, I **or RSA 541-B:21-a, I.**

IV. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

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

AMENDED ANALYSIS

This bill adds clinical services of psychiatrists or other medical doctors provided in accordance with any contract limited to such services entered into by the department of corrections for the secure psychiatric unit to the laws governing defense and indemnification of state officers and employees and claims against the state.

2000-3510h

Amendment to HB 1587-FN

Proposed by the Committee on Commerce - R

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

1 Intent.

I. The general court hereby finds that it is the intent of this pilot program to provide health insurance coverage for child care workers who care for the children of New Hampshire's lowest income working families. Child care is a vital component of New Hampshire's Welfare to Work initiatives and this pilot program will provide an incentive for licensed child care agencies to accept state subsidized children.

II. The general court further finds that this pilot program will increase benefits in a field which currently has low wages and few employer-sponsored benefits. It is the intent of the general court that increasing the availability of health insurance coverage will result in stabilizing the child care workforce.

2 Health Care Insurance for Employees of Certain Child Day Care Agencies; Pilot Program Established. There is hereby established a 3-year pilot program within the department of health and human services for providing employees of certain child day care agencies with access to health care insurance. For the purposes of this program, "department" shall mean the department of health and human services. The pilot program shall terminate on July 1, 2003 unless the legislature acts to extend the program.

3 Health Care Insurance for Employees of Family Day Care and Group Day Care Homes; Benefit Established.

I. The state shall pay 50 percent of the premium for medical and surgical benefits, including group hospitalization, hospital medical care, and surgical care, for each full-time employee of a family day care home or family group day care home, as such homes are defined in RSA 170-E:2, IV (a) and (b), provided such homes meet the following eligibility requirements:

(a) The family day care home or family group day care home is licensed pursuant to RSA 170-E;

(b) The family day care home has provided care for 2 or more children for which the home received payment under any of the department's child care programs for 9 or more of the preceding 12 months prior to applying to the department for health care coverage under this program, or the family group day care home has provided care for 2 or more children for which the home received payment under any of the department's child care programs for 9 or more of the preceding 12 months prior to applying to the department for health care coverage under this program; and

(c) The family day care home continues to provide child care services for 2 or more children, or the family group day care home continues to provide child care services for 2 or more children, for which either home is receiving payment under any of the

department’s child care programs as of the time the application to the department for health care coverage is submitted.

II. To be eligible for the benefit established in this section, a full-time employee of a family day care home or family group day care home shall not be eligible to receive health insurance benefits under a spouse’s employer-sponsored health insurance programs.

4 Health Care Insurance for Other Child Day Care Agencies; Benefit Established.

I. The state shall pay a percentage of the premium for medical and surgical benefits, including group hospitalization, hospital medical care, and surgical benefits, for each full-time employee of a child day care agency as defined in RSA 170-E:2, IV (c)-(e) and (g) which provides child day care services paid for in whole or in part by the department, and which is licensed pursuant to RSA 170-E.

(a) The state shall pay 35 percent of the premium for a full-time employee of a child day care agency where, during the 6-month period immediately preceding application to the department for health care insurance, the number of children served by that agency who are enrolled in any of the department’s child care subsidy or assistance programs is not less than 35 percent or more than 50 percent of the child day care agency’s total licensed capacity.

(b) The state shall pay 50 percent of the premium for a full-time employee of a child day care agency where, during the 6-month period immediately preceding application to the department for health care insurance, the number of children served by that agency who are enrolled in any of the department’s child care subsidy or assistance programs is greater than 50 percent of the child day care agency’s total licensed capacity.

II. To be eligible for the benefit established in this section, a full-time employee of a child day care agency as defined in this section shall not be eligible to receive health insurance benefits under a spouse’s employer-sponsored health insurance program.

III. No benefit provided under this section shall exceed benefits provided by the medicaid program.

5 Report. The department of health and human services shall prepare a report detailing the number of participating providers, the number of workers covered by the provisions of the pilot program, the changes in the number of licensed providers, and an estimate of the effect on staff retention. The report shall be submitted to the speaker of the house of representatives, the senate president, and the governor no later than November 1 of each year of the pilot program.

6 Rulemaking. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to application procedures, eligibility criteria, limitations and restrictions, insurance coverage benefits limited to the level of benefits provided through the medicaid program, and any other matter consistent with the provisions of the pilot program.

7 Funding. The commissioner of the department of health and human services is authorized to investigate funding all or part of the cost of the pilot program through sources which include, but are not limited to, the Endowment for Health Foundation or the Healthy New Hampshire Foundation.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill establishes a 3-year pilot program in the department of health and human services which would provide full-time employees of certain child day care agencies with financial assistance from the state in obtaining health care insurance. The bill also authorizes the commissioner of the department of health and human services to seek funding for the pilot program through various charitable trusts including, but not limited to the Endowment for Health Foundation, and the Healthy New Hampshire Foundation.

-----Clip and Post-----

NOTICE

HOUSE EMERGENCY NOTIFICATION SYSTEM

A plan has been developed for the House Leadership to communicate with members of the House at night and at such other times as the members are at home.

In most emergencies the individual member will be aware that an emergency exists, though may be in doubt as to its extent.

The following procedure has been developed:

- 1. Notice of an emergency message will be given to State Police Headquarters in Concord and commercial wire services.
- 2. State Police Headquarters will send the message via computer to the stations listed.
- 3. Reliance will be placed on each individual legislator to call the terminal station nearest his or her home and inquire for any emergency message to legislators in times of emergency or suspected emergency. This will include, but not be limited to cancellation of sessions due to severe weather conditions.

Gilford	Police Station	528-3800
Laconia	Police Station	524-5252
Keene	Police Station	352-2222
Lebanon	Police Station	448-1212
Manchester	Police Station	668-8711
Nashua	Police Station	594-3500
Concord	Police Station	225-8600
Rockingham County	County Sheriff	679-2225
Portsmouth	Police Station	436-2145
Dover	Police Station	742-4646
Claremont	Police Station	542-9538
Newport	Police Station	863-3232
Merrimack	Police Station	424-2222
Salem	Police Station	893-1911
Ossipee	County Sheriff	539-2284
Derry	Police Station	432-6111

In addition to the above listed numbers you can also call the numbers listed below nearest you.

State Police Headquarters

Department of Safety

10 Hazen Drive

Concord, NH 03305 Tel: 271-3636	
Rockingham & Strafford Counties Troop - A Route 125 Epping, NH 03042 Tel: 679-3333	Hillsborough County Troop - B 4 Meadowbrook Drive Milford, NH 03055 Tel: 672-3333
Cheshire & Sullivan Counties Troop - C Box 272 Keene, NH 03431 Tel: 358-3333	Merrimack County Department of Safety 10 Hazen Drive Concord, NH 03305 Tel: 271-3636
Belknap & Carroll Counties Troop - E Box 235 W. Ossipee, NH 03890 Tel: 323-3333	Coos & Grafton Counties Troop - F Box 440 Twin Mountain, NH 03595 Tel: 846-3333

Also in the event members wish to obtain road or weather conditions during periods of inclement weather they should call the nearest Troop Station to their residence or Headquarters Communications in Concord. When calling Headquarters Communications, they should ask to speak with the Communications Supervisor. When calling a Troop Station, inquiries will be handled by the Communications Specialist on duty at the time.

The caller should specify the information he or she wishes to obtain. This information should be readily available to communications personnel and every effort will be made to accommodate these requests in a timely manner.

Please be advised when calling State Police Headquarters to call **271-3636** and not any of the 800 lines, which are used for emergency purposes only.

A toll-free 24-hour weather and traffic hotline is now available at 1-800-918-9993. If you have to call from out-of-state, the number is 1-603-271-6900.