

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, March 24, 2000 No. 25

Contains: Hearings, Work Sessions, Notices and Reports for March 29 and March 30.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, March 29 at 1:30 p.m. and Thursday, March 30 at 10:00 a.m. We had hoped to be able to complete our work on one session day prior to the crossover deadline, but the number and complexity of the bills makes it prudent to meet on both Wednesday and Thursday next week. If all goes as planned, we will not meet on Thursday, April 6.

I am pleased to announce a new service for members. Stan Kelly and the staff at Information Systems have established an electronic mailbox for each member of the legislature. Within the next week or two members who are already on-line will be receiving e-mail from Stan telling you how to activate your mailbox. Members who do not already have an e-mail address will be receiving a letter advising you how to get one. Your State House e-mail address works with any computer that has Internet access so that you can stay in touch from home, your grandchildren's, the State House, or anywhere in the world. There will be training sessions offered for those who are interested. I encourage you to take advantage of this service, which will allow you another medium to communicate easily and efficiently with your colleagues, constituents and legislative staff.

Chairmen and Vice Chairmen will meet on Tuesday, March 28 at 9:00 a.m. in Room 201 LOB.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, March 29 at 1:00 p.m. and Thursday, March 30 at 9:15 a.m. in

Representatives Hall.

Rep. Gene G. Chandler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, March 29 at 1:00 p.m. and Thursday, March 30 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

WEDNESday, march 29

consent calendar

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1391, relative to personal appearance by law enforcement officers at administrative license suspension hearings. REFER FOR INTERIM STUDY

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1391 was originally voted out of committee as ought to pass. The bill was recommitted to committee so that the chaptered study committee currently meeting on the general subject of DWI statutes could study the subject matter. To accomplish this, the committee voted to refer for interim study. Vote 14-0.

HB 1516-FN, relative to prosecutorial conduct. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: HB 1516-FN would make a prosecutor who is "overzealous" in his pursuit of justice, guilty of a class B felony. The committee felt that there were laws already in place that could be used if this problem should arise. The committee did not agree with the intent of this legislation. Vote 13-0.

HB 1520-FN, relative to criminal neglect of elderly, disabled, or incapacitated persons. REFER FOR INTERIM STUDY

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill, in its original form, defined neglect and abuse and created class A & B felonies relating to the extent of any injury. The sub-committee attempted amending the bill, but still wasn't satisfied that it addressed these types of situations appropriately. Presently, there are at least two agencies that are directly involved in investigating abuse and neglect. The office of the long-term care ombudsman investigates reports of these incidents

in facility settings. The divisions of adult and elderly services investigate home settings. With the recent passage of SB 409, which promotes in home care, there were also concerns that inexperienced caregivers might be inadvertently caught up in a web of prosecution if the law is not carefully crafted. In the end, the full committee agreed unanimously to further study the bill this summer. Representatives of the present two investigating agencies mentioned above will be invited to work with the committee and explain the present investigatory process and penalties. Vote 15-0.

HB 1611, recodifying the state's DWI laws. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill is a simple recodification of a DWI laws. There is nothing new or deleted from current law. The committee simply drew all the laws pertaining to DWI into one chapter that makes it easier to find and understand. Vote 15-0.

HB 1621-FN, allowing administrative home confinement for habitual offenders. OUGHT TO PASS

Rep. Frederick B. Andrews for Criminal Justice and Public Safety: Under current statute, anyone who has been found to be a habitual offender and is subsequently convicted of driving during the period of revocation or suspension, shall be sentenced to not less than one year or more than five years of imprisonment. HB 1621 allows the court to order home confinement with court imposed restrictions for the minimum sentence of one year. The cost of monitoring home confinement falls to the offender and the cost of imprisonment is eliminated. This will help the families of the offender when the offender is employed and still able to maintain his/her obligations. It may prevent a family from breakup, financial disaster or living on welfare. The court will have the authority to determine whether a particular convicted offender is an appropriate subject to be allowed home confinement vs. jail incarceration. Vote 16-0.

SB 336, relative to the issuance of fire permits. OUGHT TO PASS

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill eliminates a problem that has required a subjective decision to be made by those authorized to issue a burning permit as to the authorized area that a permit burn may be conducted. This change will now require a permit to be issued for all burns unless there is adequate snow covering the ground. Vote 12-0.

EDUCATION

HB 1393-LOCAL, relative to teacher contract renewals and enforcement of teacher contracts. INEXPEDIENT TO LEGISLATE

Rep. Robert H. Guest for Education: The committee is sympathetic with the intent of the bill, but believes the issues can be handled more effectively at the local level without resorting to complicated appeal mechanisms. Present law allows local school boards to adopt policies and levy appropriate damages to employees who break employment contracts. Indeed, there could be a number of valid reasons why a teacher might "break" a contract. Superintendents who testified, all of whom opposed the bill, pointed to cases in which such action could be mutually beneficial in a teacher exchange agreement with another school district. We question the punitive provisions of the bill. A civil penalty assessment of \$5,000 can, according to this bill, be imposed on a teacher. The bill also stipulates that a teacher's professional standards certificate can be suspended. A representative of the Department of Education, who opposed the bill, pointed out that professional qualification is an entirely different issue than that of individual employment contract agreements. Vote 18-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1129-FN, relative to wetlands scientists. INEXPEDIENT TO LEGISLATE

Rep. Dana R. Landers for Executive Departments and Administration: This bill is an attempt to de-certify the wetland scientists, which is not needed at this time. HB 197, which was passed in 1998 certifying these scientists, ought to be given the chance to work. There are now over 169 certified scientists with more than 40 more applications pending. Vote 19-0.

HB 1133, establishing a committee to study issues regarding martial arts instruction in the state. INEXPEDIENT TO LEGISLATE

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill established a committee to study the issues surrounding martial arts instruction and the need for licensure in the industry. The committee heard overwhelming testimony in opposition to the bill and no serious consumer safety issues were identified. The committee unanimously supported

inexpedient to legislate. Vote 15-0.

HB 1195, making technical changes to the law regulating acupuncture. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill as amended makes the technical correction to reflect the name change of the organization that the continuing education credit required each biennial period now comes from the National Certification Commission for Acupuncture and Oriental Medicine. Vote 19-0.

HB 1203, relative to the cost to municipal libraries of access to services of the state library. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1203, as amended, establishes a clear policy that no rule adopted by the commissioner of cultural resources shall require that our local public libraries increase their appropriation for maintenance, employee salaries and benefits, or material acquisitions in order to receive state library services. The funds for these purposes are raised by local property taxes and should be determined by the voters of each municipality in which a library is located. Furthermore, HB 1203, as amended, states that no rule adopted by the commissioner shall establish the qualifications for service as a local public library trustee. The voters in each municipality elect these trustees. The voters should be the sole judges of each trustee's qualifications to serve. The major issue in HB 1203 is the question of who sets policy. The ED&A committee is convinced that the New Hampshire General Court sets policy for all executive agencies, including the state library. Vote 17-1.

HB 1207, relative to establishing a retired status for licensed plumbers. INEXPEDIENT TO LEGISLATE

Rep. Dana L. Landers for Executive Departments and Administration: After extensive research the conclusion seems to be that the majority of older licensed plumbers are not in favor of this bill. The consensus is it is simply not fair to those younger up and coming plumbers. This bill would also open up the floodgates in regards to every licensed occupation in the state coming before us and asking for the same benefit which could dramatically effect the fee revenues Vote 19-0.

HB 1218, relative to discipline of state employees or officers making willful false statements. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee felt that the issue addressed in this legislation would be best handled under the New Hampshire division of personnel and not through new legislation. The department has established rules to deal with disciplinary hearings to ensure proper handling of personnel policies and procedure including grounds for dismissal of state employees. Vote 14-0.

HB 1220, establishing a New Hampshire conflict of interest law. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1220 proposes to reaffirm and codify the principles set forth in the 13th amendment of the U.S. Constitution concerning the subject of conflict of interest. While the committee understands the sponsor's intent in the subject, the legislative ethics committee, the professional conduct and judicial conduct committees of the NH Bar, when functioning properly, offer adequate protection against conflicts of interest abuse. Vote 14-0.

HB 1276, establishing a committee to study the adoption of a regulated health professions act to promote consistency and efficiency in health occupation regulation. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: This bill would establish a committee to study the adoption of a regulated health profession act for the purpose of promoting consistency and efficiency in health occupations regulation. This action was motivated by person who provides continuing health education programs who finds it difficult to work with the widely different continuing education requirements of the various health professions. The adoption of such an act has been recommended in a national study done by the Pew Foundation. However, such an act has not been adopted in any state in the union. The committee unanimously agreed that it is premature for New Hampshire to move in this direction at this time. Vote 14-0.

HB 1288, relative to the rulemaking hearing process for state agencies. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1288 would require agencies to hold a second public hearing prior to approval of rule changes to give the public an opportunity to review final revisions. Under the current process, an agency, board or commission holds a public hearing on an initial proposal. This first draft can be revised based on information received and concerns expressed during this hearing and written comments received during the public comment

period. The final copy of the proposed rules is then submitted to the joint legislative committee on administrative rules (JLCAR). After the JLCAR staff reviews these rules to insure that the proposal meets the intent of the legislature and is in the public interest, the JLCAR committee holds its own public hearing. Based upon the recommendation of the JLCAR staff and the public input received, the committee may object to the proposed rules in whole or in part and may ask the agency to make changes. After these changes are made, the JLCAR staff again reviews the new proposed rules. Final approval is then scheduled for a regular meeting of JLCAR at which public comment once again may be heard. The committee is convinced that the rule-making process has served us well since its introduction in the late 1970's. Unfortunately, the public and many members of the legislature do not fully understand how it works. If we all subscribe to the "rule-making register" and check on the rules in which we have an interest, the present process will work just fine. Vote 14-0.

HB 1338, increasing the membership of the American and Canadian French cultural exchange commission. OUGHT TO PASS

Rep. William R. Zolla for Executive Departments and Administration: This bill increases the membership from 7 to 11 in order to provide representation to a broader segment of the state's population as well as additional volunteers at no cost to the state. All testimony during the public hearing was in support of this bill. Vote 15-0.

HB 1347-FN, relative to review of administrative rules by the legislature prior to adoption. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: While the idea of requiring greater policy committee involvement in the "rule-making" process as described in HB 1347 is laudable, the proposal is premature for several reasons: Since the sunset process was repealed in 1987, the specific responsibility for committee oversight has been blurred. Furthermore, relatively few members understand the functions and responsibilities of the Joint Legislative Committee on Administrative Rules and the rule-making process in RSA 541-A. (Please refer to the committee report on HB 1288 for a description of the rule-making process). Furthermore, HB 1347 is not necessary because the chairman of each policy committee should take the responsibility to insure that all proposed rules are consistent with legislation that their committee has passed. Vote 14-0.

HB 1371, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The bill was referred to the ED&A committee, as a second committee, to review the section on administrative rules. The committee found that the rules the commissioner of health and human services must adopt covers the areas of accountability and reporting that are necessary to properly implement this bill. Vote 17-1.

HB 1415-FN, relative to the classification of certain personnel of the department of corrections. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: The committee needs to give further study to this bill. This is a complex bill dealing with some department of corrections personnel and whether they should be classified in group I or group II of the New Hampshire Retirement System. This will require additional study of each job description and supplemental job description to determine which positions meet the criteria set forth in RSA 100-A:1, VII. The retirement subcommittee will report their findings to the full committee in the fall and any new legislation will be filed for the 2001-2002 session. Vote 18-0.

HB 1467-FN, relative to the licensing of mail-order pharmacies. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill comes to us from the board of pharmacy. Mail order opportunities for prescriptions have been features in most health plans affording our citizens the opportunity of convenience and cost saving. With the advent of e-commerce the ease of ordering prescriptions over the Internet, at times without the need of a doctor's prescription, is causing great alarm. Today over 250 companies scattered all over the US, on off shore islands and in foreign countries have eased the process of obtaining drugs. Internet doctors, for a fee, are reviewing brief medical history questionnaires and approving prescription drugs. This bill requires mail order pharmacies located outside of New Hampshire who ship, mail or deliver prescription drugs into this state to be registered in New Hampshire and requires them to obtain a permit issued by the New Hampshire pharmacy board. A yearly registration fee of \$150 per out of state pharmacy/company covers the cost of implementing this oversight. Vote 14-2.

HB 1606-FN, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill establishes a high level commission to coordinate policy and review diverse funding streams to stem the growing tide of alcohol and drug abuse in New Hampshire.

Federal funds go to many programs in the Departments of Health and Human Services, Education, Justice and to the National Guard, etc. This policy commission develops a statewide plan for the effective prevention of alcohol and drug abuse and establishes a comprehensive system of intervention and treatment. The amendment clarifies the appointing authority as the governor and council. Vote 14-0.

HB 1609, establishing a commission to study issues of diversity, immigration, and English as a second language in New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would establish a 24 member state commission on cultural diversity and immigration which would study issues surrounding English as a second language and immigration patterns with particular focus on the changing economic and educational needs of the diverse cultures in the state. After much discussion, the committee voted inexpedient to legislate. It was the consensus of the committee that the issues of cultural diversity are best handled at the local level where the community can address the problems directly affecting them. Vote 18-0.

HB 1612-FN, establishing a state office of privacy. REFER FOR INTERIM STUDY

Rep. Robert C. Batchelder for Executive Departments and Administration: HB 1612-FN affirms the principle that the state has an obligation to protect the privacy of citizens' personal information collected by the state for the purpose of administering laws. The bill states that such personal information shall be kept confidential, shall not be used by the state for purposes other than those for which it was collected, and shall not be given or sold to others so that this information becomes a commodity in the marketplace. The bill establishes a "privacy unit" under the commissioner of administrative services to oversee this policy. Although the committee strongly supports the intent of this bill, as written it raises several complicated issues of implementation (such as its relation to the "right to know" law, and to requests for information by the federal government). The committee needs more time to sort out these issues. It therefore recommends interim study. Vote 14-2.

FINANCE

HB 1148-FN-L, relative to certain weighted pupils within the adequate education grant distribution formula. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill provides that the additional weighting assigned to special education pupils and to pupils who are eligible to receive free or reduced-price meals be removed from the adequate education grant distribution formula. To take effect 60 days after passage, the bill reduces the amount the state will send to school districts from the education trust fund by \$79 and \$48.4 million respectively. Finance Committee members observed that changing the formula would considerably reduce the amount of state educational grants already budgeted by local communities for schools. Moreover donor communities, with large numbers of special needs and free or reduced lunch students, would see increased property taxes to make up for losses to state trust funds because the current formula contains these weighted provisions. Further the adequacy and tax equity commissions are examining the current formula along with a variety of taxing methods to meet the challenge of statewide funding for elementary and secondary education. Collectively the Finance Committee found the bill inexpedient to legislate. Vote 19-2.

HB 1284-FN, prohibiting the courts from charging fees. REFER FOR INTERIM STUDY

Rep. Kenneth L. Weyler for Finance: Access to the courts by all citizens was a fundamental belief of the framers of the Constitution. Escalation of costs in recent years has made it difficult for citizens of moderate means to fully participate in the justice system. The court arrangements for transcripts allow the court recorders to charge as much as \$2500 for a transcript that a litigant would need for an appeal. Filing fees are no longer used to directly fund the court system, but go to the general fund. A study of the costs for a citizen to pursue a claim seems in order. Vote 25-0.

HB 1459, requiring the state police to record and update information relative to the charges of criminal and civil non-support. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Boyce for Finance: At the request of the state police and members of the policy committee, the committee amended this bill to give more flexibility to the state police. The amended language would allow the sheriffs and/or courts to be the designee to enter this information about arrest warrants and capias into the state police computer system. This amendment also clarifies that this bill only applies to in-state information. Vote 24-0.

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

Rep. David J. Alukonis for Finance: The Finance Committee amendment changes the source of funding for this bill from a special assessment by the Public Utilities Commission against certified telecommunications providers. The amended language allows the Department of Resources and Economic Development to solicit up to \$150,000 in donations, grants and gifts for the purpose of commencing the telecommunications development initiative. This change more correctly reflects the presumptions made during testimony that certain telecommunications providers have pledged to donate the funds necessary to start the program. Vote 24-1.

HB 1572-FN-A-L, repealing the education trust fund, the sources of funding for the education trust fund, and the procedures for funding state aid for educational adequacy. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: Effective January 2, 2003, this bill repeals the education trust fund, all sources for the fund, and procedures for funding state educational adequacy. Revenue Administration indicates state restricted revenues will decrease by \$80.3 million in FY 2003. Not repealed is the mechanism for the statewide property tax. This proposal put a weighty burden on the first session of the next legislature to find a solution for state aid to education. Receiver towns, currently recipients of generous state educational grants, would lose state payments in 2003 if the legislature fails to act. History of the recent past gives faint hope that a solution will be found in a year. In addition, this legislation suggests that the Tax Equity Commission will be unsuccessful in proposing legislation to supercede the present grant system. Ending what is considered a temporary proposal with no proposal invites legislative muddle, so the committee found the bill inexpedient to legislate. Vote 18-1.

HB 1586-FN-A-L, relative to public highway safety grants and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: While the bill as introduced would distribute excess highway funds to donor communities, the bulk of the committee's discussion regarded several amendments, including one offered by the sponsors, which would re-distribute meals and rooms tax revenues to donor communities up to a level of \$300,000 each. Clearly, the intent of the bill is to lessen the tax impact felt by these communities as a result of the statewide property tax. The committee has heard a number of different proposals and suggestions regarding this issue, and with each, there have been questions of fairness, equity, and constitutionality. While a proposal such as this bill would assist the affected donor communities, it would neither negate the excess statewide property tax payments for all towns nor mitigate payments in an equal manner amongst these communities. The proposal, while innovative and resourceful, has its own problems of equity and fairness and would likely cause further discontent between our towns and cities should it be adopted. Vote 24-1.

HB 1615-L, relative to the application of a local per capita income weighting factor to the education property tax. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Finance: This bill changes the calculation of the statewide property tax by adding a per capita income weighting factor. It also repeals RSA 198:38 VII (d) relative to weighting for free and reduced school lunch eligible pupils.

Although some may believe that an income factor should be included in the school funding solution, the committee recognized the following problems in this proposal: 1. The bill poses constitutional problems; it adjusts the tax itself on a community-to-community basis. Consequently, the tax may not be uniform and equal. 2. Local per capita income can be skewed by a few very wealthy individuals. 3. Although the calculation requires the use of a municipality's total equalized valuation, the income component does not include the incomes of all property owners, i.e., out-of-state owners. 4. The effective date, July 1, 2000 would unduly frustrate municipal and educational entities in their budget preparations.

The committee, therefore, voted this bill Inexpedient to Legislate, and asks the Tax Equity and Efficiency Commission to thoroughly examine the applicability of the bill's core concept. Vote 19-1.

HJR 22, relative to the unintended consequences of the Balanced Budget Act of 1997. OUGHT TO PASS WITH AMENDMENT

Rep. Carol F. Moore for Finance: This bill, as amended, requests the federal government to eliminate further medicare reductions of the Balanced Budget Act. The financial goals of the act have long ago been met, and further reductions would seriously damage access to needed levels of medicare services. Vote 22-1.

HJR 23, urging the executive branch to negotiate an expedient settlement resolving the Claremont dispute. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This joint resolution tells the executive branch that it should negotiate a settlement with

the Claremont II plaintiffs to resolve the dispute as quickly as possible because further delay has a detrimental impact on the delivery of public education to the children of the state. Ideas expressed in the resolution are devoutly wished by all members of the New Hampshire House as citizens' representatives. Still, committee members questioned the probity of the general court demanding certain actions of the chief executive even if the word "ought" might moderate the bluntness of a resolution about the Claremont dispute. Separation of powers requires understanding and respect for the functions of each branch. Thus the committee found the resolution inexpedient to legislate. Vote 20-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

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 OUGHT TO PASS WITH AMENDMENT

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill extends the reporting date of the committee studying ambulatory surgical facilities and clarifies the amounts to be used in calculating the adjusted thresholds of hospitals and ambulatory surgical centers at \$1,759,512 and \$1,173,008 respectively, and allows for an annual adjustment using an appropriate inflation index. Vote 18-0.

JUDICIARY

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. OUGHT TO PASS WITH AMENDMENT

Rep. James W. Craig for Judiciary: This bill provides immunity to state certified fire instructors employed by nonprofit fire departments or emergency medical service units from civil liability brought on the basis of any act or omission occurring during the instruction which results in damage or injury to any person. The committee was concerned that this immunity be very narrow and so the bill requires that the curriculum taught be approved by the Division of Fire Standards and Training, the instructor act in good faith and within the scope of his or her official functions and duties as an instructor and that he or she not act in a willful, wanton, or grossly negligent manner. Vote 12-0.

LEGISLATIVE ADMINISTRATION

HB 1177, relative to the effective date of legislation establishing a chaptered or statutory legislative committee. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Legislative Administration: This bill will establish the effective date of chapter and statutory study committees approved by the legislature to be effective upon passage of the bill authorizing the study committee. This will allow the appointing authorities to make appointments immediately after passage and allow the committee to begin their work in a timely fashion. Vote 13-0.

HB 1190-FN, requiring that fiscal notes specify the exact amount of the fiscal impact. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Legislative Administration: The committee felt that this bill had a contradiction that would make it unworkable. There is some concern that the fiscal notes on bills may not accurately reflect the fiscal impact of the bill. The fiscal impact, as outlined in statute, is an estimate and it may be difficult to obtain the exact cost in time for action by the first committee. As the bill passes from a committee to the floor, to another committee or the other chamber, the fiscal note is updated and is available in the clerk's office. An exact financial impact would be impossible to obtain. Vote 13-0.

HB 1231, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction. INEXPEDIENT TO LEGISLATE

Rep. John H. Thomas for Legislative Administration: The committee voted this bill inexpedient to legislate because the legislature proposes, the governor executes, and the judicial system interprets. The house, which is ever-changing, has good common sense but may not have the expertise and the research capabilities to determine the constitutionality of all legislation before it has been introduced and heard. The state constitution is one item, but the United States Constitution is another matter. The bill allows only the special committee to make amendments or recommends that the bill not be passed. There is no provision on what action will be taken if the committee finds the bill is not in conflict with the constitution. Vote 13-1.

HB 1248, relative to the out-of-state travel budget for house members. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Legislative Administration: If enacted, this bill would limit the amount of money any House member could utilize for out of state travel to just \$2,000 in any one biennium and change the method of determining who controls the funds and how the funds are utilized. Only one person spoke in favor of this legislation and the committee felt that there are cases where it is important to the state and the legislature for legislators to attend out of state conferences. It is always easy to target travel budgets, but the information gained at these conferences is very useful to the legislature and the state. Vote 13-1.

HB 1447, establishing a legislative oversight committee on judicial conduct. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for Legislative Administration: The committee felt that the existing checks and balances relative to oversight of the judiciary are appropriate. As elected officials and the public continue to discuss the issues as they relate to the judicial branch changes will continue to be made by the judiciary. The decision made by the judicial branch to make information about hearings public is a major first step in the quest for public accountability. Vote 13-0.

HB 1452, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee Lozeau for Legislative Administration: The amendment replaced the bill which created a study committee to look at recodification of laws relating to the joint legislative facilities committee. The committee believes it is reasonable to put into statute the current responsibilities of the joint facilities committee. The sponsor's primary concern was that session law contained most of this information. When people look for information they are most accustomed to looking in the RSA's. This now accomplishes the recodification goal. Vote 12-0.

HB 1596, establishing a committee to study deadlines for the completion of work in the legislative process. INEXPEDIENT TO LEGISLATE

Rep. Mary Lou Nowe for Legislative Administration: The committee voted inexpedient to legislate because it feels that this subject is best left to each body. With the dynamics of the legislature, the rules for legislative deadlines is best left to the house rules, the senate rules and joint rules. With this process, each chamber will determine their own pace. Members of each body will have an opportunity to have input into the development of their rules during the public hearings and in the chambers when the rules are adopted. Vote 14-0

HB 1597, relative to passage of fiscal note bills which do not contain an accompanying fiscal analysis. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Legislative Administration: This bill would require a separate vote of the house or senate on FN bills if the bill being voted upon does not have a completed fiscal note. At the printing of the bills, the complete fiscal information may not be available. As the bill proceeds through the process, the fiscal note is updated and is available from the clerk's office. The committee feels that the blurb would be the proper place to give notice of the fiscal impact of the bill. Some policy committees do not have the information available to them when the bills leave the committee. Most bills requiring a fiscal note are sent to the Finance Committee. This committee is charged with providing the fiscal effect of the bill. When the bill is voted on, after the finance committee action, this will constitute a second vote and this vote, now in place, follows a logical sequence. Vote 15-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1144-L, relative to the property tax exemption of not-for-profit hospitals. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill would require the legislative bodies of towns, cities and districts to authorize the tax exemption for not-for-profit hospitals at least every three years. Testimony revealed there is a wide discrepancy in the percentage of services which hospitals contribute for charitable purposes. The amendment established a committee to study the exemption from property taxes for not-for-profit hospitals. Vote 15-0.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony F. Simon for Municipal and County Government: This bill represents the culmination of many years of work to establish, statutorily, the framework for a statewide policy of proper growth and development that protects that which is unique about this state. It directs the Office of State Planning to foster "smart growth", defines that term, requires state agencies to

give due consideration to this policy when expending state or federal funds to accomplish projects, establishes gubernatorial oversight over state agency actions in this area and enacts an annual reporting procedure for the council on resources and development. Vote 11-3.

HB 1294-L, relative to regional planning commissions. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony F. Simon for Municipal and County Government: This bill makes several, largely technical, changes to the regional planning commission statute. The amendment was developed by the Committee in response to concerns that were expressed about the original bill. As amended, the bill recognizes that regional planning commissions are political subdivisions of the state but limits their power to that expressly allowed by statute. It clarifies that the commissions may establish lines of credit and incur short-term debt secured by their assets. It also provides a procedure for changing the boundaries of regions, gives the director of motor vehicles the authority to issue permanent number plates to commission vehicles and encourages consultation between commissions and agencies and institutions operating within their region. Vote 15-0.

HB 1563-FN-L, establishing the Wolfeboro Airport Authority. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: In Chapter III (HB 241) Laws of 1989 the General Court recognized that the public interest was served by the acquisition of privately owned airports either by gift or by purchase to protect their future operation as airports. As part of this policy the State was given a "Right of First refusal" to acquire any airport within the State offered for sale. The Wolfeboro Airport issue is a complicated emotional and financial issue between the current landowner and the State. A court case to resolve the dispute over the control of the present airport land is pending. Regardless of the outcome of that suit, an airport authority needs to be created in order to preserve the airport and to be eligible for Federal aviation funds to upgrade the runway. The Municipal and County Government Committee values the need for preserving small airports and worked with the sponsor to balance the needs of the landowners, investors, town and State. Two well-attended public informational meetings were held in Wolfeboro. The Board of Selectmen voted unanimously in favor of establishing the airport authority, and a record 48% voter turnout at town meeting on March 13, 2000 voted by the overwhelming margin of 78% to 22% to establish the airport authority. These votes show the strong commitment of the town of Wolfeboro to its aviation. The amendment, which replaces the whole bill, addresses concerns stated during the 4+ hour public hearing held by the Municipal and County Government Committee. The maintenance of the Wolfeboro (8B8) airport only, the requirement to comply with Wolfeboro's land use regulations and requiring a mandated member from the Board of Selectmen on the authority were addressed. The Committee's concern of a private "veto" power over a public entity was resolved by involving Wolfeboro's Board of Selectmen in the approval and appointment of the members of the authority and with the Commissioner of the Department of Transportation initially appointing two members. The overwhelming majority of the Municipal and County Government Committee voted Ought to Pass with amendment to further support the preservation of aviation in New Hampshire. Vote 14-1.

HB 1622-L, to budget information in town reports in towns which have adopted the official ballot referenda form of meeting OUGHT TO PASS WITH AMENDMENT

Rep. Priscilla P. Lockwood for Municipal and County Government: Current law requires that deputy town clerks, like the clerks themselves, reside in the town where they are in office. Due to labor shortages, lowered interest in public service and the increasing need for specialized skills, there are currently 41 towns which have non-resident deputy clerks in violation of State law. This creates a potentially huge legal problem for every one of those towns. This bill legalizes those 41 deputy clerks, but doesn't permit non-resident deputies to serve as acting clerks in elections and election-related matters. The New Hampshire Municipal Association supports this amendment which was drafted with the assistance of the Secretary of State. Vote 17-0.

PUBLIC WORKS AND HIGHWAYS

SB 333, relative to signs for churches. OUGHT TO PASS

Rep. Bernard J. Raynowska for Public Works and Highways: The bill provides for directional signs along state highways for churches. The Department of Transportation supported the bill. Vote 17-0.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1209, restricting construction of class B and class C dams. OUGHT TO PASS WITH AMENDMENT

Rep. Michael W. Downing for Resources, Recreation and Development: This bill as amended provides a definition of

reconstruction relative to Class B and C dams. It would allow the reconstruction of existing B and C dams to insure deficiencies are corrected and the public risk minimized. The bill further recognizes the potential public risk class B and C dams pose and addresses any future construction of new class B and C dams to ensure they provide a public benefit of water supply; flood control; storage and treatment of industrial agricultural, commercial or municipal wastes; hydropower; public recreation; or preservation of historic or cultural resources. Vote 13-3.

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. OUGHT TO PASS

Rep. Michael W. Downing for Resources, Recreation and Development: This bill directs the Department of Environmental Services (DES) and the Public Utilities Commission (PUC) to prepare a report as to whether regulatory structures for water utilities encourage or discourage regional cooperation for water resources management, and water conservation by June 30, 2001. Issues such as regionalization, interconnections, bond guarantees, zoning policies, wholesale purchase of water and water rates and franchise area have been discussed in at least 12 previous studies going back to 1952. The report, hopefully, will evaluate existing regulatory practices in order to make recommendations that could be the subject of future legislation. Vote 16-0.

SB 381-FN, relative to registration fees for off-highway recreation vehicles. OUGHT TO PASS

Rep. William E. Roberts for Resources, Recreation and Development: This bill will do much for the snowmobile clubs of the State of New Hampshire. These clubs take care of grooming the snowmobile trails of the state. Snowmobile clubs also donate thousands of hours of labor, material, and equipment for this purpose. With this grooming, the trails are kept in great condition for all the users and adds to the economics of the state. This bill allows owners of OHRV trails maintenance vehicles to register these vehicles at a rate of \$5.00 each per year. Vote 16-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1107, establishing a committee to study whether the public utilities commission should regulate Internet service providers. OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: The sponsor originally introduced the bill as including a committee to study whether the Public Utility Commission (PUC) should regulate Internet service. The sponsor agreed with the committee that this could be taken up by the Joint Oversight Committee on Telecommunications. The committee also added monitoring special contracts, examining non-disclosure issues, monitoring wireless telecommunications facilities deployment, and monitoring ala carte programming as issues for the Oversight Committee. Vote 15-0.

HB 1274, limiting the services that a cable television operator may require a consumer to purchase as a condition of access to other video programming. INEXPEDIENT TO LEGISLATE

Rep. Roy D. Maxfield for Science, Technology and Energy: The FCC delegated authority to local governing bodies to negotiate a basic cable TV package of channels. All other programming is unregulated. The sponsor objected to TV programming that he was required to receive as part of his cable provider's optional services. Testimony from the industry, including a representative from the Discovery Channel Network, testified that bundling of channels allowed them to discount these services to providers. Advertisers and program developers would be severely impacted if they had to sell each channel a-la-carte, and additional costs would be passed along to subscribers. Many options are available to restrict unwanted programming at little or no cost to a subscriber. Vote 14-1.

HB 1412, relative to electric customer-generators. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: Two years ago the legislature established a net energy metering law which allows individual customers to generate electricity and supply excess energy back to the utility by running the customer's meter backwards. There have been some operational problems installing the necessary equipment and disagreements between customer and a utility. Passage of this bill insured that the PUC will finish the necessary rulemaking to implement net energy metering, and that utilities cannot place additional requirements on customers than standards adopted by the PUC. Vote 15-1.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution and its amendment level the playing field for banking consumers in New Hampshire. When interstate banks do business in New Hampshire, they should adhere to the laws of New Hampshire and subdivisions of this state. The amendment gives New Hampshire residents more control over their banking interests. Vote 16-0.

TRANSPORTATION

HB 1193-FN, relative to the penalty for non-moving violations by youth operators. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This subject matter is something the Transportation committee has been working on for over a year. The committee plans to take the summer and work with the Department of Safety and all interested parties on reversing the graduated licensing law and any further work that may be needed in the driver education program. In the interim, the DOS has initiated changes in the administrative rules governing the under 20 license suspension program. As these changes work their way through the system, the Commissioner of the DOS has instructed the Bureau of Hearings not to suspend any licenses for those under 20 years of age for certain violations. The license shall not be suspended under Saf-C 213.03 (a) 1-2-3, and (b) -1, all non-moving violations. In addition, any person under 20 years of age who has held a New Hampshire driver's license for two years and has not had any convictions in that first two years shall not have their license suspended on first offense, but shall be given a warning. Vote 15-0.

WEDNESDAY, MARCH 29

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1293, relative to same-sex marriages contracted outside of the state of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The committee decided the bill is unnecessary at this time because our current statutes make same sex marriage illegal nor is it legal in any other state. Vote 9-5.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1430, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Welch for Criminal Justice and Public Safety: HB 1430 establishes a study committee charged with investigating and reviewing the evidence surrounding the deaths of Janet and Steven Dow. The study committee would have the duty to consider the scope and quality of all investigations conducted by any federal, state, or local agency of the deaths of Janet and Steven Dow. In order to accomplish this the study committee would have the same investigatory powers as the general court. The study committee is authorized to take evidence under oath, issue subpoenas and search for and seize records, and compel testimony. Based upon research the committee found that in most cases where a legislature has become interested in a particular criminal matter, the legislature has usually addressed the issue by either authorizing a prosecutor (such as the state attorney general) to pursue the matter or had established a special crime commission or task force to conduct the investigation. In the latter approach, legislators sometimes comprise part of the membership of the special commission or task force but the membership also includes criminal investigating experts, prosecutors, attorneys, and regular citizens. The committee fears that there are dangers in establishing a legislative committee to investigate a crime. There are concerns that such a committee may conduct the hearings without certain protections. Hearsay evidence is admissible during these proceedings, as it would not be in a court of law. Because of the admissibility of hearsay evidence, the accused is seldom allowed to confront his accusers. There is therefore no cross-examination of witnesses for the prosecution. HB 1430 would allow the committee to engage in "fishing expeditions." The last time such a committee was convened in New Hampshire was a result of a resolution passed by both houses appointing the Attorney General, Louis Wyman, as a committee of one with subpoena powers, to find subversive activities in state government. This investigation actually resulted in at least two cases being heard at the United States Supreme Court which have become text for some political science text books. The decision in *Sweezy v. New Hampshire*, 354

U.S. 234, imposed restrictions on the conduct of investigations by state legislative committees. It is the federal Supreme Court that warns of "fishing expeditions" and restricts the use of such committees to investigate activities of state government. The committee feels that investigations of suspected wrongdoing and law enforcement in general are the province of the executive, rather than the legislative branch. The committee would rather keep these powers separate instead of merging them. One of the sponsors of HB1430 submitted questions to the committee which he felt needed to be answered. The committee has pursued this and will include in the committee file, the questions asked and the answers obtained, thus supplying additional information. During the 1997-1998 session the committee did investigate the circumstances surrounding the deaths of Janet and Steven Dow and had concluded that the circumstances were indeed suspicious and that the accident had been staged to cover the fact that the deaths of these two people were not a result of the automobile accident. The original evidence has long since disappeared and the fact that the initial investigation was not complete, it is unlikely that sufficient evidence will ever be discovered to allow prosecution of this event. That this conclusion does not satisfy certain people that are intimately connected to this event cannot be helped. To allow a fishing expedition outside of due process of law would not be in the best interests of justice and would not increase the likelihood of successful prosecution. Therefore the committee recommends that HB1430 be Inexpedient to Legislate. Vote 14-1.

HB 1431, relative to protective orders in domestic violence cases. OUGHT TO PASS WITH AMENDMENT

Rep. Beth Rodd for Criminal Justice and Public Safety: The intent of the original bill was to protect the defendant from activities of the plaintiff that would cause the defendant to incur criminal penalties when violation of a restraining order occurred because the plaintiff contacted the defendant. This bill would have criminalized the victim's behavior as well as the abuser's behavior although no domestic violence charges were levied against the victim. The amended version of this bill addresses issues of mutual protection and provides a procedure to deal with emergency needs for contact between the parties. It also maintains the protective orders within the boundaries of federal protection making the orders effective across state lines. Vote 13-0.

EDUCATION

HB 1270-FN-L, relative to charter schools and open enrollment districts. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Alger for Education: As amended, this bill provides an alternative for charter school applicants to apply directly to the State Board of Education for a charter, followed by an approval vote at the school district meeting. It leaves the local school board charter approval process in place. The bill also revises the money given to a charter school to be either 80% of the district average per pupil cost of education (present law) or the district's adequate education grant, whichever is less. In so doing, the bill relieves a school district of paying more than the state adequacy grant, which has been an issue for taxpayers voting on approval of charter schools. Vote 10-8.

HB 1376-L, relative to the procedure for voting on the school administrative unit budget. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Clair A. Snyder for the Majority of Education: This bill, while enabling, would provide a sort of cafeteria option to each town or city for funding the SAU budget. This could be chaotic in trying to fund services provided by the SAU, which are district-wide and not clearly focused on one town or city. If one town turns down a new copier when the current one is unusable, are they then denied copier services? Many SAU's have many towns included and if each one had veto power on portions of the total bill, services to each town or city could suffer. Vote 17-2.

Rep. John R. Alger for the Minority of Education: This is simply enabling legislation for a single school district of a SAU to elect a single district SAU budget. With an amendment, it would enable citizens to vote on their SAU budget on a one person, one vote basis, required by constitution, not possible with the single SAU budget currently required by law. However, the bill preserves the current single SAU budget option simply enabling a school district to vote one year to adopt a single district SAU budget that would be implemented the succeeding year.

ELECTION LAW

HB 1308, relative to nomination paper requirements. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. C. Donald Stritch for the Majority of Election Law: This bill addresses the process for candidates to be nominated for office that are not members of any state political party. It requires that any political organization will file in June and submit such

names nominated for the primary in September. It allows, in the case of more than one name nominated for an office, to have both names on the ballot. It requires a political organization to pay a \$500 fee in June. Vote 9-6.

Rep. Raymond Buckley for Election Law: The bipartisan minority strongly believes that HB1308 as amended makes overly-complicated substantial changes to the process of ballot access for candidate on general election ballot while retaining the confusing situation of having multiple candidates for the same office run under the "Independent" label. The minority believes that there are simpler solutions to the concerns that HB1308 attempts to address. Separate legislative bills can be filed next term.

ENVIRONMENT AND AGRICULTURE

HB 1417-FN-A-L, setting priorities for the disposal of certain components of the solid waste stream. REFER FOR INTERIM STUDY

Rep. George T. Musler for Environment and Agriculture: The effort to meet the 40% reduction vote is important to the Committee and the State. The Committee supports that basic objective and will be working as a to present a supportable piece of legislation and recommendation in November. Vote 13-2.

HB 1418-FN-L, relative to mercury-containing products. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill is a very small forward step in an ongoing effort to resolve mercury pollution, forged with the cooperation of the industries involved. This is a regional initiative in which NH must coordinate with surrounding states. At this time the current bill is all we should be considering. Vote 12-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1286, relative to relicensure by the pharmacy board of a certain pharmacist. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Alida I. Millham for the Majority of Executive Departments and Administration: This bill would require the board of pharmacy to relicensure a certain pharmacist without imposition of any penalties or late fees. In February 1994, this pharmacist was asked, in a routine audit, to submit his continuing education documentation. This coincided with his regular application for relicensure. He supplied "education material", but was unable to supply any certificates of attendance. The pharmacist felt he had been erroneously informed about what the documentation should be, asked for, and received additional time to obtain the certificates. When they were not produced a disciplinary hearing was held in October 1994. His license was suspended for 30 days and he was fined \$500, which is the customary penalty for such an offense. The pharmacist filed a request for voluntary surrender of his license and withdrew his reapplication. The board did not accept the surrender of the license, but it expired in December 1994. He filed for a reconsideration of the decision and requested the tape of the proceedings. It was then discovered that the tape was blank. Because of this, at the April 1995 reconsideration hearing, the board vacated their decision and proceeded with a new hearing. The pharmacist refused to participate in the hearing saying he had surrendered his license and the board no longer had any jurisdiction. The board completed the hearing and arrived at the previous conclusion and assessed a \$500 fine. In September 1995, the pharmacist appealed the decision to the Supreme Court. On December 20, 1996, the Supreme Court issued an opinion that affirmed the board of pharmacy findings and adjudication. The pharmacist had no subsequent contact with the board until he filed for relicensure about two weeks ago. While sympathetic with the situation, the majority of the committee agreed that the pharmacist had not exhausted all available administrative remedies before seeking legislative intervention. Vote 11-8.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: This bill requires the board of pharmacy to reinstate the license of a certain pharmacist, whose license was not renewed due to a situation that arose after he received incorrect information and misleading direction from the board concerning requirements for relicensure. The definitions in the rules relative to the issue (C.E.U.'s) were unclear at the time as well. The individual made a good faith effort to obtain clarification from the board of pharmacy and to act in accordance with the rules and the direction he received from the board. Despite performing in accordance with the pharmacy board's direction, the board refused the applicant's relicensure as a pharmacist. Subsequent changes in rules and statute have clarified the issue to prevent this problem from recurring. This bill provides for restitution to the aggrieved party.

FINANCE

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

Rep. Kenneth L. Weyler for Finance: The Walker Building sits empty on the state hospital campus. While structurally sound, it was closed years ago as an office building due to a need to update heating, ventilating and electrical systems. It now suffers from years of neglect. The demolition and hazardous waste removal will exceed \$2 million. The cost of repairing the roof, removing wild animals and halting deterioration will be about \$3 million. Neither of these measures will provide the state with any more office space. The state leases hundreds of thousands of square feet of office space at ever-increasing rates.

This bill enables the Walker Building to be rehabilitated to make 100,000 square feet available for office space. The bill directs the Council to use the time- and money-saving method called construction management. It also permits the flexibility of a new funding method. Some national construction companies have had success in other states with fronting the money for construction, doing the job, then accepting fixed payments for twenty years that are generally less than paying for leased space. We would also enjoy the advantage of having the payments fixed for ten years, an adjustment, then another ten years fixed. Plus the project promises to be done years earlier than other methods. Vote 23-0.

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

Rep. Jean R. Wallin for Finance: The Finance Committee recommends that this bill be passed as amended to enable school districts to contract with privately-owned kindergartens as alternatives to district-owned kindergartens. The alternative kindergartens shall meet the same standards and fulfill the same requirements as public kindergartens, i.e., designed for five-year-olds; available at district expense to all district children; offered immediately preceding other elementary grades. The private schools chosen shall be non-sectarian. When the so-called kindergarten bill was approved these schools were included. Due to an oversight they were left out of subsequent school funding legislation. Passage will increase the likelihood of all New Hampshire children having access to publicly-funded kindergarten. Vote 24-1.

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

Rep. Joseph E. Stone for Finance: This bill gives the pharmacy board rulemaking authority regarding the duties, functions and standards of conduct of pharmacy technicians. It further provides for the requirement of the supervision and the registration of pharmacy technicians. Although there is a state general fund expenditure of \$13,098 in FY 01 and \$9,398 in subsequent years, the pharmacy board indicates the general fund revenue will increase by \$15,000 in FY 01 and \$17,500 in FY 02 and FY 03, and by \$20,000 in each year thereafter. There is no fiscal impact on county or local expenditures. Vote 17-8.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James P. Pilliod for the Majority of Health, Human Services and Elderly Affairs: Noting that there is no appeals mechanism for the function and policies of the Health Services Planning and Review Board, excepting the Supreme Court, and realizing the value of this oversight to legislatively created boards and commissions, the majority of the committee, after much deliberation, voted ought to pass with amendment to provide this much needed review. Vote 12-6.

Rep. Marion L. Copenhaver for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee has some grave reservations about this oversight committee. The genesis of this bill was a perceived feeling of an unfair decision on an Ambulatory Surgical Facility by the Health Services Planning and Review Committee, commonly called the C.O.N. Board. Because of this, it seems clear to the minority of the committee that the oversight committee would have a biased point of view, which could undermine the fairness and proper function of the board. Furthermore, it should be the prerogative of the legislature to establish an appeals mechanism if such action is necessary. Finally, there is no reason to provide this oversight committee with powers of investigation rarely provided to other oversight committees.

JUDICIARY

HB 1236, granting a defendant the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Tony F. Soltani for Majority of Judiciary: New Hampshire juries inherently have the right to judge the law as well as the facts of the case before them. The juries have had this power since the provincial days, through the revolutionary period, through the civil rights efforts, and to this day. No one challenges the right of the juries, sitting in this state, to acquit a defendant in a case which they find unjust or one which may do violence to their conscience. The opponents, however, argue that we should not inform the jury that they have this right. The majority of the committee was of the opinion that a fully informed juror is the best juror for both sides of the controversy. It makes no sense to withhold from a jury information to which it is entitled. Nor is it appropriate to convey information to a jury in language which is coded or incomprehensible. A jury which is forced to remain ignorant of its legal prerogative is not better suited to serve the purposes of the state or to mete our justice as recognized under New Hampshire law. Vote 8-6.

Rep. Andrew R. Peterson for the Minority of Judiciary: The bill would effectively require that the burden of proof be raised for the prosecution in criminal trials from "...beyond a reasonable doubt" to one where the perceived validity of the law and the personal prejudices of the individual jurors would also need to be overcome. In other words, a prosecutor would have to not only prove the facts but defend the law in every criminal trial. No other state was found which requires this practice. The minority felt that a better way of doing this would have been to allow a presiding judge flexibility in this matter, but require that he or she state the reasons in writing when a request that jury nullification instructions be given is denied.

LEGISLATIVE ADMINISTRATION

CACR 33, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. **OUGHT TO PASS**

Rep. Gene G. Chandler for Legislative Administration: CACR 33 would allow the citizens of New Hampshire to vote on the question of whether the legislature should meet biennially. Meeting every year has become increasingly difficult for segments of our society, most importantly citizens with regular jobs and young people with families. Despite meeting annually we still have a two-year budget and if issues come up during the off year, a special session can always be called. If a number of bills were sent to study in the off year the workload for members would be far less than a regular session and more meaningful thought could be put into important issues. If we are to truly be a citizen's legislature we need to avail ourselves of every opportunity to allow all segments of our state to become involved, without creating undue hardship. Vote 10-4.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1598-L, relative to fluoride in drinking water. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: The current procedures for the introduction of fluorides into a public water supply specify the requirements for a public hearing, voter referendum with a majority vote, the engineering and public health merits of the fluoridation proposal and the approval of the Department of Environmental Services. HB 1589 would increase the voter referendum margin to a 2/3 (two-thirds) super majority. The simple majority referendum vote has served public health interests well over a number of years as evidenced by the 10 water works systems which currently fluoride their water. The Municipal & County Government Committee did not hear sufficient evidence that fluoride use in a public water supply requires a change from a majority vote to a super majority vote. There are two local issues that require a super majority. Approving a bond issue and changing the form of government. On the State level, a super majority is required to change the New Hampshire State Constitution. The Municipal & County Government Committee believes that a super majority vote should be reserved for bonding issues and a change in the form of government. Vote 9-5.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1229, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill would require that the Public Utilities Commission (PUC) complete a traditional rate case for Public Service of New Hampshire prior to legislative authorization of the proposed Settlement with PSNH. Per the proposed legislation, a completed rate case would provide a "benchmark comparison" with the Settlement. The majority of the STE Committee is very sympathetic to the goal of the sponsor. This is why the majority will propose that the bill be laid upon the table pending a final order by the PUC on an expected outcome of a rate case. The majority believes this is the best way for the House to retain full control over this critical issue affecting the proposed PSNH Settlement. According to Chapter 289, enacted in July 1999, the PUC is already charged with comparing or benchmarking the projected electric rates of the Settlement with electric rates that would be expected under a traditional rate case. While

comparing the expected electric rates of the Settlement to an expected rate case outcome is not the same as completing the rate case, the process is similar. Rate case related testimony by three different witnesses has been submitted to the PUC. These three witnesses project entirely different results were the PUC to complete a rate case for PSNH. One witness, a proponent of the Settlement, projects a rate case would yield rate decreases of 3.5% A second witness, representing PUC staff, has testified a rate case could yield rate reductions of 7.5% to 12% with a 10% rate reduction likely. Lastly, the Office of Consumer Advocate has projected that a rate case could reduce electric rates 11-16%. Additionally the consumer advocate testified that rate reduction could exceed 25% when refunds from past over charges are factored in. With such a wide disparity of views being submitted as testimony to the PUC, the majority of the STE Committee believes it is prudent to lay this bill on the table while awaiting the actual final orders of the PUC comparing the electric rates of the Settlement to a realistic outcome of a rate case. If the PUC rules that a completed rate case is likely to produce customers benefits as great or better than the Settlement, the STE Committee is very likely to request that the House remove the bill from the table and pass it immediately! It is expected that the PUC orders will be completed by early April with the benchmark comparison also required to be completed. The majority believes it is therefore prudent to await the PUC orders before taking further action when all the facts are known. Laying the bill on the table leaves the House with all its options and time enough to act. Vote 14-2.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: Retaking has always been and likely will remain the responsibility of individual states. By the retaking process utilities are guaranteed a fair return and ratepayers a fair rate. Under the Northeast Utilities (NU) Agreement, New Hampshire was to return to traditional retaking in the summer of 1997. New Hampshire last had a retaking procedure in the late 1980's. Since then it has been governed by the annual increases in the 1990's dictated by the NU Rate Agreement. As a result New Hampshire has the highest rates in the nation. In the proposed settlement the majority of the committee is seemingly placing faith in the Public Utilities "benchmarking" of what a rate case result would be. "Benchmarks" have no validity in law or retaking. Benchmarks are just the commission's best guess of what a rate case result might be were a rate case held. The minority believes that New Hampshire ratepayers deserve a true, honest retaking process as a necessary first step. A rate case is relatively simple and quick especially as compared to the proposed settlement. Were a rate case initiated at the same time as this settlement it would likely have been resolved several months ago. The settlement still has no end in sight and like the NU Agreement, the settlement produces rates with no basis in retaking principles. Passage of this legislation at this time does not harm the legislature in the settlement process, indeed it could serve to strengthen the legislature's ability to negotiate a fair accord. Sending this legislation to interim study or tabling it jeopardizes the ability of this legislature to pass this simple and fair legislation. .

HB 1281, relative to disqualification of public utility commissioners. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary R. Gilmore for Science, Technology and Energy: Current law establishes that a commissioner may be disqualified from a particular docket. There currently is no guidance as to how a disqualification request should be handled. This legislation establishes a simple expedient procedure by which the process can be conducted in an impartial and fair manner to all parties. Rather than the commissioners writing their own opinion as to why they should or should not be disqualified from a particular docket, the bill refers a disqualification request to a master appointed by the Supreme Court. Vote 9-7.

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The minority of the committee believes that this bill is undesirable. Once a person has been appointed to an office by governor and council, we should not be looking for ways to make it easier to deprive them of that office on a case by case basis, no matter what the office and no matter how important the case. The committee heard testimony that the existing process for treating requests for disqualifying a public utilities commissioner has only been needed twice in the last 20 years. The presumption should be that a person appointed to an office by governor and council is generally capable of determining when a conflict of interest exists, and there are ample opportunities to appeal a decision under the current process. The courts have enough to do without becoming the party of first resort for every request that a commissioner disqualify himself or herself.

THURSDAY, MARCH 30

REGULAR CALENDAR

COMMERCE

HB 1164, relative to insurance compliance self audits. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: This bill aims at encouraging insurance companies to conduct voluntary, internal self-

audits to assure that their activities are complying with legal and regulatory requirements. The bill would protect the results of such self-audits from forced disclosure in private lawsuits or administrative proceedings, while at the same time providing continued access by the New Hampshire Insurance Department. The bill appears to have been carefully drafted in consultation with the insurance department, which testified in support. The bill would extend protection to insurance company self-audits that are similar to what present law provides, for quality assurance self-audits by hospitals, nursing homes and clinics. However, as applied to insurance companies, the proposal is fairly new and has been adopted in only a few other states, although similar legislation has been introduced in many states. The committee would prefer to take a longer look at the bill and at actions taken in others states, than time currently permits during the present session. Accordingly, the committee is recommending serious interim study. Vote 18-2.

HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan and extending the reporting date of a committee. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will provide that when a health plan is terminated, there will be a grace period of 90 days from the renewal date of the plan, for covered persons to have continued access to providers of health care services. This bill was in response to the Tuft's Health Plan situation and the large number of individuals who were left without a health carrier. The termination transition in this bill will help to avoid similar situations from developing in the future. The bill also expands and extends the study of 1199,155:2 and includes investigating specific problems within the health care industry and the feasibility of creating a health care oversight entity. Vote 19-0.

HB 1317, relative to rights of rental applicants. INEXPEDIENT TO LEGISLATE

Rep. Tara G. Reardon for Commerce: This bill would apply to an individual renting only one apartment unit every couple of years, as well as large professional landlords. The reason for the denial of housing may be a combination of factors as compared to other applicants. The committee felt this provision was onerous because it levies a minimum \$200 fine when no real incidents or problems were identified at the hearing. Vote 14-5.

HB 1335, requiring hospitals to disclose certain information to the attorney general. OUGHT TO PASS WITH AMENDMENT

Rep. Gene B. Marshall for Commerce: This bill, the result of a chapter study on financial relationships in the health care industry, requires that hospitals and physician hospital organizations (PHO) disclose certain financial information to the Attorney General on an annual basis. Such information is to include financial relationships between the hospital and the PHO; the number of providers; and the frequency of negotiations. The report shall be a public record pursuant to RSA 91-A: 4 and RSA 91-A: 5,IV. Vote 16-1.

HB 1361, relative to ingredients in restaurant-prepared meals. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: Allergic reactions to some foods prepared in restaurants can be a problem for some people. The sponsor did a good job pointing out many of the hazards that can occur. The New Hampshire Lodging and Restaurant Association will be working with the sponsor and the State Division of Public Health to better educate all food service establishments about the needs of these patrons, and the procedures that should be taken to prevent allergic reactions. The committee felt that increasing the food industries' and customers' awareness was the way to go at this time and that if improvements were not made, the sponsor could introduce new legislation next session. Vote 13-4.

HB 1403, relative to ownership of property appraisals. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill establishes that property appraisals maintained by a bank are the personal property of the real estate owner. Several factors suggest that this legislation is impractical. There are numerous types of appraisals and they become outdated very quickly based on a changing market. Currently, federal law requires that a bank provide a copy of an appraisal to anyone who pays for it. Additionally, federal law requires a bank to maintain a list of qualified appraisers and to use only those appraisers. The bill also allows the real estate owner to own the appraisal, not necessarily the person who has paid for it. Vote 10-8.

HB 1451, establishing a committee to study the concept of a northeastern regional compact on matters of interstate commerce. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Dennis P. Vachon for the Majority of Commerce: The majority of the committee applauds the sponsors of HB 1451 for wanting to establish a committee to study matters of interstate commerce among the northeastern states. This issue is so important that the majority of the committee would like to inform House members that partnerships between state governments in the Northeast as well as across the nation already exist. The National Council of State Legislators (NCSL) and

the Council of State Government/Eastern Regional Conference (CSG/ERC) currently meet regularly on matters of interstate commerce. CSG/ERC works with the private sector to facilitate regional cooperation as well as international trade from the Northeast. Instead of establishing a study committee, more legislators should be encouraged to become involved in existing programs promoting interstate commerce. Vote 9-8.

Rep. Keith R. Herman for the Minority of Commerce: This is a simple study committee bill to look into forming a Northeast Regional Compact on interstate trade. Heating oil, prescription drugs, health insurance, and criminal justice are all topics currently being considered on a regional basis. With the growing use of the Internet and the blurring of tax differences between the states, the legislature must be involved with the efforts of the governor's office, various state departments, and private enterprises. The minority feels that because the Commerce Committee has traditionally studied these issues, creation of this study committee makes sense.

HB 1589, prohibiting the use of genetic testing for certain insurance policies. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Stephen G. Avery for the Majority of Commerce: This bill, as amended, will affect only long-term care insurance. The committee felt that banning genetic testing with life insurance would be disruptive to the marketplace and would hurt New Hampshire's citizens' availability to buy life insurance. Long-term care insurance is a relatively new product and therefore this bill, as amended, will have a lesser impact on premiums. Given that genetic testing is rarely, if at all done today, and with advice from the insurance department, the committee decided it is premature to ban genetic testing before any consumers have yet to be harmed. This amendment is the same bill that was passed by the house in 1997. Vote 11-7.

Rep. Dennis P. Vachon for the Minority of Commerce: Those of us on the committee who voted against the subcommittee amendment feel that the bill as originally submitted offers a preferable public policy position on the issue. The subcommittee amendment would remove the provision, which would have included life insurance policies of less than \$500,000.00 in the ban against requiring genetic testing or the disclosure of such testing as a condition of coverage. Only a minority of the committee appears to support the concept that such a ban would eliminate the possible chilling effect on the use of genetic testing that allowing insurers to utilize such information has on individuals who might otherwise benefit from it as a health screening device. Unlike the majority of the committee, we believe that the possibility that people are inhibited from using genetic testing to learn if they are hereditarily prone to such diseases as breast cancer outweighs any hypothetical, adverse selection consequence for life insurers.

EDUCATION

HB 1224, relative to the process for nonrenewal of teacher contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Warren C. Henderson for Education: Reform of what the public knows as "teacher tenure" is one of the most widely supported education initiatives. The committee heard compelling testimony that the problem of "non-renewing" teachers who are deemed nonconforming is real and it is serious. The current process is so long, so convoluted and so expensive that it clearly is "broken". The committee heard nearly unanimous support for the bill, the only exception being representatives of the teachers' unions. Reforming our educational system will be a lengthy process. Reforming teacher tenure is a very positive step forward in the process. Vote 12-7.

HB 1427, relative to the calculation of the days of school in the school year. REFER FOR INTERIM STUDY

Rep. P. Judith Sullivan for Education: This bill would allow local school boards to credit equivalent, total instructional hours toward the total required number of school days in a school year. The majority of the committee agrees with the intent of this bill, but believes there are several issues that need further study. Rule Ed. 306.05 has a process, which currently allows for this type of alternative scheduling, but only for one year at a time. The term "instructional hours", as referred to in Rules is not clearly defined. The majority of the committee recommends this bill to interim study. Vote 16-3.

HB 1619-FN, relative to school employee and volunteer background investigations. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: This bill, as amended, prohibits an individual who is convicted of certain felony drug offenses from being employed or volunteering in New Hampshire schools. Appropriate governing bodies may, however, waive the prohibition of employment if the conviction date preceded the date of hire by at least 10 years. Vote 14-3.

ENVIRONMENT AND AGRICULTURE

HB 1252, establishing a beneficial use policy for wastewater sludge and providing technical and education assistance to municipalities and their residents concerning the beneficial use of sludge. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Betty B. Hall for the Majority of Environment and Agriculture: DES has been given rulemaking authority by the legislature for regulating sludge and can provide technical and educational assistance under current rules. This bill is not needed. Vote 9-8.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: This bill establishes as a clear duty of the Department of Environmental Services to provide technical and educational assistance on both the benefits and the risks of recycling sludge and on how to improve sludge quality. The minority strongly supports that duty.

HB 1342-FN, relative to measurements of heavy metals and other compounds in sludge. OUGHT TO PASS WITH AMENDMENT

Rep. Betty B. Hall for Environment and Agriculture: Uniform methods for testing sludge are required by EPA. Their protocol requires the result to be expressed in dry weight. NH DES takes the dry weight result and converts it to wet weight for the purpose of deciding whether the sludge measured is hazardous waste or not under the NH hazardous waste mixture rule. This rule will expire in August of 2000. This amendment is a compromise between DES and unsafe sludge opponents on the Committee. It will require DES to develop maximum allowable contaminant levels for each chemical listed in NH rules in a reasonable amount of time. Both sides believe this will result in realistic NH standard for sludge generated and imported in NH. Vote 8-5.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1410, relative to the joint health council. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Executive Departments and Administration: This bill revised the joint health council for the purpose of improving the ability of the council to maintain the A.R.N.P. drug formulary and discuss matters of mutual concern. The changes include 1. Making a change in the membership of the council by adding a clinical pharmacist. The council will be composed of 3 licensed Advanced Nurse Practitioners, appointed by the board of nursing; 3 licensed practicing physicians, appointed by the board of medicine; and 3 licensed clinical pharmacists appointed by the board of pharmacy. 2. None of the members will be members of their respective professional board. 3. Providing for an appeals process to the council regarding formulary drug decisions. 4. Instructing that the A.R.N.P. drug formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy. A majority of the committee agreed that these were appropriate changes for the Joint Health Council. Vote 14-4.

HB 1610-FN, regulating indoor tanning facilities. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Sylvia A. Holley for Majority of Executive Departments and Administration: Patronizing indoor tanning facilities is a lifestyle choice. UVA rays may cause tan, aging of the skin, skin cancers and cataracts. UVB rays cause sunburn. Ultraviolet light can cause serious reactions. The committee recognized the need to require the salons to post warning signs and require written warning statements to be handed to all customers but felt more study was needed to effectively put into place the requirement of licensure under the appropriate board, crafting the parental/guardian written consent form for minors under age 14 and the setting up of an inspection, monitoring and enforcement program. Vote 11-6.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: The minority of the committee is very concerned about the public safety issues that were clearly identified in the public hearing and subsequent work session. Compelling testimony was given by licensed physicians who have treated patients with serious burns that resulted from the use of equipment at indoor tanning facilities. The amendment restricts the use of indoor tanning facilities by children. The amendment requires tanning facilities to post warning signs and establishes a committee to study the need for licensure of and to consider enforcing regulations for indoor tanning facilities. We agree with the majority that this issue requires further study, which the amendment provides for in addition to the warning.

FINANCE

HB 1485-FN, relative to a certain proposed toll booth. REFER FOR INTERIM STUDY

Rep. Kenneth L. Weyler for Finance: The executive council has authorized a study to judge the financial effects of phasing out tolls on the New Hampshire Turnpike System. The report is due in August of this year. As this is a major policy shift in paying for some major highway projects, the committee felt that toll booth decisions should not be made until said report was evaluated. In the interim, the toll booth that is the subject of this bill has not been completed, does not collect tolls, and is specifically addressed in the study as not planned to produce revenue. Vote 23-1.

HB 1557-FN-A, increasing the cigarette tax. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: On July 6, 1999, the cigarette tax was increased by 15 cents per pack to 52 cents. As this began to affect state revenues there were other developments. The tobacco companies settled the suit to agree to pay damages to the states. The companies increased the cost of cigarettes to fund the settlement. All these developments have caused smokers to cut back, resulting in lower per pack sales. We experience approximately 30 per cent of sales to out-of-state buyers. A further tax increase will reduce the price advantage over bordering states and likely reduce sales further. Recent revenue figures suggest a decline in revenue for March of about 50% below plan. This may be a short-term trend or an indication of long-term decline. This revenue source has become so volatile that adding to the tax seems futile. Vote 21-4.

HB 1587-FN, relative to payment of health insurance costs for certain child day care agencies. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. William S. Belvin for the Majority of Finance: This bill establishes a new, three-year state-sponsored pilot program that, for the first time, would have the state providing from 35-50% of the cost of health insurance for child care givers in private child care agencies. The concept is that partial health insurance coverage would encourage child care agencies to accept more children from low income families and to experience greater stability in the child care workforce receiving the health care benefit. Availability of affordable and quality child care is a serious concern, but the bill leaves unanswered many material questions that require further study. The committee was unable to determine the sufficiency of existing day care openings in both the licenses and unlicensed facilities. There is inadequate information on why providers and caregivers enter and leave the industry, or if incremental wages or partial health care payments are of more importance. Finally the funding is of uncertain origin and could grow to be in excess of \$1 million of the general fund during the final year of pilot. No sustaining funding is identified in the bill. This is particularly troubling during our current budget deficit.

This is a well-intended bill but it needs further thoughtful investigation on the best way to proceed to ensure quality child care, so the committee voted Interim Study. Vote 16-10

Rep. Mary Jane Wallner for the Minority of Finance: The House Commerce Committee amended this original bill to become a 3-year pilot program. The first year of the pilot no funds would be expended, but the Department of Health and Human Services would develop the rules of the program, investigate funding through a variety of funding sources and develop the criteria to be measured during the pilot program.

In July of 2001 the program would begin providing partial payments for health insurance benefits for child care providers 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 is designed to provide an incentive for licensed child care providers to accept low income children whose families receive state assistance. The pilot will collect data on provider retention, number of children receiving care, and change in number of providers who will care for these low income children. At the end of the 3-year pilot program the legislature would evaluate the data and decide whether to continue the program.

This program will not solve all of the problems facing our state's supply, affordability and quality of child care. It is a modest initiative to address one area of a complex issue. The field pilot program itself is a study which will supply us with valuable data.

Presently we have available numerous legislative and state government groups looking at child care and early education, i.e., the Kids Cabinet, the NH Child Care Advisory Council, the Early Childhood Education Commission, NH Healthy Kids, the Governor's Business Commission on Child Care and Early Child Education. There are already ample opportunities to study child care issues and this study committee is not likely to add to our knowledge. What's needed in child care is not another study but action to start to address the serious issues in the field.

SB 170-FN-A, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This bill introduces the parents as teachers program to New Hampshire. The program comes to us with a great report from the state of Missouri. Long-term, the program's birth-to-pre-school visits have helped prepare young children for learning. The report claims to reduce reading and special ed problems.

The bill sets up a pilot program in Sullivan County. The Finance Committee amendment changes two things. First, for financial accountability, it includes criteria that Health and Human Services can use to measure whether the program has been successfully established. Second, it funds the pilot program for \$65,000 from a multi-million dollar surplus in H&HS from DSH payments that exceed forecast. Vote 22-1.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. OUGHT TO PASS

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The crying need for housing in New Hampshire needs the immediate attention of experienced leadership to take a proactive approach to address the burgeoning homeless situation. Testimony indicated that over 18,000 households are spending more than 50% of their income on housing costs. Clearly, the legislature has a responsibility to ensure this housing issue is not lost sight of. The NH Housing Finance Authority testified that they strongly support this initiative and will continue to work with the Legislature to help our citizens with their housing problems. This legislation is a step closer to establishing a homeless prevention program. Vote 17-0.

JUDICIARY

HB 1366, limiting civil liability of firearms manufacturers and dealers. INEXPEDIENT TO LEGISLATE

Rep. Robert H. Rowe for Children and Family Law: This bill would have indemnified firearms manufacturers and dealers from liability for injuries or damages caused by a firearm. The majority of the committee felt that this bill and the submitted amendment provided special treatment to one industry that other industries would not possess. The bill runs contrary to the concept of the private enterprise system. Vote 10-5.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1475-FN, relative to the applicable minimum wage for hourly employees. WITHOUT RECOMMENDATION

LEGISLATIVE ADMINISTRATION

CACR 32, relating to the size of the general court. Providing that provisions mandating the size of the general court shall be removed from the constitution and shall be established by statute. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Legislative Administration: The committee felt that no compelling arguments for changing the size of the legislature were presented at the hearing. Removal from the constitution and subject to legislative action could make the House and Senate subject to change more frequently and does not address the increase or decrease the membership of the legislature. The committee felt the present system of apportionment of representatives according to the last general census is important, but if a change in size were to occur, the general public should have a say in what that ratio should be. It should not be left to the legislature. The general public seems to be very aware of who represents them, and in 1984 defeated a resolution from the Constitutional Convention to reduce the size of the house and increase the ratio of voters to their representatives. Vote 12-1.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1605-FN-L, relative to the adoption of a state building code. INEXPEDIENT TO LEGISLATE

Rep. William T. Kelley for Municipal and County Government: This bill would mean a major change in New Hampshire law. The State Fire Marshall told the Committee that after the code referenced in the original bill is published, he will convene a broadly based group to study the new codes and recommend any needed changes in the law. The next legislative session will be a better time to consider this potentially important law. Vote 12-4.

SB 76-L, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: This bill establishes a pilot program to foster economic development by enabling certain depressed towns to grant a limited municipal tax exemption. It is a local tool that qualifying communities may use if they so choose, and if it is compatible with their local land use planning regulations. The intent of SB 76 is to foster economic development in economically depressed areas in the State. The Municipal and County Government Committee reviewed three specific criteria-taxable valuation per person, unemployment rate and population growth. If these three criteria, which are currently measured by the Office of State Planning, are present in a region and interact in a negative way on one another, economic development is needed to bring jobs and viability to that area. The House voted and passed SB 76 on January 6 by a vote of 191-71. The bill was then sent to Finance where some concerns were expressed about three aspects of the bill. The Finance Committee reported the bill back to the House with no recommendation and it was then recommitted to Municipal and County Government. After reviewing the concerns expressed in Finance, Municipal and County Government voted 17-1 to amend the bill to address all of those concerns, one of which was to more clearly remove all county and state property taxes from the exemption. Again, this is a pilot program. It sunsets in 2005, and it requires a vote by the local legislative body before it can be adopted in any qualifying towns. Vote 17-1.

PUBLIC WORKS AND HIGHWAYS

HB 2000-FN-L, relative to a 10-year transportation plan. OUGHT TO PASS

Rep. Winston H. McCarty for Public Works and Highways: The committee applauds the long and tedious work of taking input from the community level, transportation improvement programs, metropolitan planning organizations, regional planning commissions, and many other considerations too numerous to mention by the Commissioner of the Department of Transportation and his staff. This bill represents the latest version of the state's 10-year transportation program, and contains listings for the major federally assisted projects and turnpike expansion projects. The "gray book", entitled State of New Hampshire Ten Year Transportation Improvement Program 2001-2010, represents an alphabetical listing of the total 10-year program. The first few pages of the book detail how the 10-year plan is developed and created. There was very little public input at the public hearing, and the committee accepted the plan as prioritized with little discussion and no changes. There was some lengthy discussion about using some \$150,000,000 (\$15,000,000 per year) of the additional \$500,000,000 (\$50,000,000 per year) of Transportation Equity Act for the 21st Century (TEA-21) money from the federal government that the state is due to receive for some necessary turnpike expansion projects which are unable to be funded with existing turnpike revenues. These additional TEA-21 funds improve this plan in all areas as it speeds up the whole program. The program uses available revenues on the most worthy of projects with the most reasonable priority. Vote 11-2.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1309, relative to wood-to-energy rate order buydowns. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: Passage of HB 1309 would strongly encourage the reduction of electricity costs for PSNH customers associated with six wood-to-energy plants and one trash-to-energy plant. PSNH is mandated to purchase this power pursuant to federal and state law and these costs are a significant portion of PSNH's stranded costs. It is hoped that passage of this bill would create a framework for both PSNH and the wood and trash plant owners to renegotiate long term rate orders and lower customer costs. The bill also encourages the PUC to approve any renegotiated rate orders. There was no opposition to the bill. Vote 14-0.

HB 1329, limiting the system benefits charge. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Jeffrey C. MacGillivray for the Majority of Science, Technology and Energy: The original subject of this bill was limiting the systems benefit charge that will be added to competitive electric bills to pay for low-income programs and energy conservation. With the sponsor's consent, this subject matter was left to be considered as part of the entire package of the PSNH settlement and associated securitization legislation later this session. The amendment proposed by the majority of the committee instead deals with two other issues, after a second public hearing on this non germane amendment. 1) The committee as a whole supported the provisions dealing with gas utility restructuring, which allow the Public Utility Commission (PUC) to set standards for competitive gas suppliers in order to help implement recent PUC's efforts to expand gas utility retail choice. This is being done to allow the PUC to implement a federal rule; it does not give the PUC authority to implement general gas

utility restructuring. A restructuring oversight committee similar to the electric restructuring oversight committee is also established. 2) A second issue supported by the majority of the committee, deals with notification of impending gas or electric utility winter shutoffs for tenants or condominium units to landlords or condominium associations. This section of the bill would allow (not require) utilities to notify landlords or condominium associations that had requested to be notified. The goal of this section is to prevent water damage to other units from burst pipes resulting from frozen pipes. While some members of the committee feared a loss of privacy by the tenant or unit owner, the majority of the committee believes that it is preferable to allow an attempt to prevent damage to other units rather than simply relying on the right of the other occupants to sue later. The utility when reporting the impending shutoff would still need to follow all relevant federal laws. Vote 11-4.

Rep. Jacqueline A. Pitts for the Minority of Science, Technology and Energy: Section 1 of HB 1329 presents a problem in that it would make public (to landlords, or their designee, or the condo association), the private information concerning individual customers' utility bills. The minority foresees possible problems with credit reporting and misuse of information that may not be accurate. The minority also feels that this interferes with the customers' ability to make payment arrangement or follow the appeals process. Section 1 is not specific as to when landlords are to be notified. The minority interprets this to be at the time the notice is generated. Others feel it is when appeals are exhausted but this is not clear. Another question is when everyone who rents is obliged to provide landlord information as well as their own. The minority feels the burden of secondary notification will be borne by all the customers. The minority supports HB 1329 with the exception of Section 1 and hope that the question of dividing Section 1 will be successful so a good piece of legislation will not be lost.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: This bill was introduced by the committee to study requirements for and usage of methyl-t-butyl ether established through legislation passed last year. It extends the report date for the MtBE study committee. It authorizes the commissioner of the department of environmental services to discuss and encourage development of a regional gasoline with less or no MtBE additive with other states, and to promote the use of less polluting marine engines. As amended, the bill also requires that a municipality acquiring formerly owned electric utility generating plants certify that the municipality understands it will be subject to current and future environmental and safety regulations, not withstanding Article 28-a of the constitution. Lastly, it allows the commissioner of DES to consider cost effectiveness when setting ambient groundwater quality standards. Vote 14-1.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 34, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. OUGHT TO PASS

Rep. Eugene L. Gagnon for State-Federal Relations and Veterans Affairs: This resolution urges Congress to investigate the rising cost of gasoline and diesel fuel. Currently the continued increased costs of the transportation fuels has a severely disastrous effect on the movement of goods and materials within our state certainly, it affects our tourist industry. Vote 10-6.

TRANSPORTATION

HB 1620-FN, relative to driver record information. OUGHT TO PASS WITH AMENDMENT

Rep. Alfred C. Lerandean for Transportation: This bill will bring New Hampshire into compliance with federal law (Section 350 of Public Law 106-69) commonly known as the Shelby amendment concerning the release of motor vehicle records. This is an opt in provision for bulk distribution of surveys, mass marketing or solicitations. This bill will protect the citizens of NH from having their personal motor vehicle records from being obtained by these entities. For those entities that are entitled to access of motor vehicle records under RSA 260:14, this bill also puts stringent guidelines on the resale of those records. Vote 16-3.

NOTICE OF RECONSIDERATION

This day, Thursday, the 23rd of March, 2000, at 6:40 p.m., Representative Peter F. Leonard, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it found **HB 1116-FN**, prohibiting partial-birth abortions, inexpedient to legislate.

Karen O. Wadsworth, Clerk of the House

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 – ought to pass with amendment.)

HB 1375, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (Pending question is the adoption of the committee report – interim study.)

HB 1521-FN-L, relative to the definition and administration of an adequate education. (Pending question is the adoption of the committee report – ought to pass with amendment.)

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. (House Nonconcurrent; C-of-C 2/24/00)

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 449-FN, requiring boating safety education. (House Concurred 3/23/00)

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)

HB 1198, establishing a procedure for the 2001 voter checklist verification. (House Nonconcurrent; C-of-C 3/23/00)

HB 1200-FN, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (House Nonconcurrent; C-of-C 3/23/00)

HB 1287, relative to the membership of the water council. (House Concurred 3/23/00)

HB 1378, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (House Concurred 3/23/00)

HB 1409, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. (House Concurred 3/23/00)

HB 1455, relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags. (House Concurred 3/23/00)

HCR 21, urging the federal government to increase the pay to military personnel. (House Concurred 3/23/00)

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

COMMITTEES OF CONFERENCE

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

HB 97, relative to the right to farm. (Reps. Babson, K. Marshall, Patten and Phinizy; Sens. Below, Wheeler and Krueger)

HB 228, clarifying permissible political expenditures. (Reps. Clegg, Horton, Letourneau and Clemons; Sens. Trombly, Eaton and McCarley)

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

HB 1198, establishing a procedure for the 2001 voter checklist verification. (Reps. Clegg, Horton, Stritch and Buckley)

HB 1200-FN, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (Reps. Major, Anderson, Nichols and Wallin)

SB 135-FN, relative to water supply land protection grants. (Sens. Russman, Johnson and Pignatelli; Reps. Royce, Whalley, Downing and Stone)

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

MONDAY, MARCH 27

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

9:00 a.m. Rescheduled regular meeting.

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

9:00 a.m. Investment subcommittee meeting.

10:00 a.m. Full commission meeting.

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

9:00 a.m. Regular meeting.

REDUCING VIOLENT INCIDENTS INVOLVING CHILDREN AND GUNS STUDY, (SB 163, Chapter 322:2. Laws of 1999), Rooms 202-204, LOB

10:00 a.m. Regular meeting.

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 28

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 448**, establishing a guardians ad litem board.

11:00 a.m. **SB 349**, relative to the sale of the marital residence or other real property in a domestic proceeding.

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

1:00 p.m. Subcommittee work session on **SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on **SB 434**, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. **HB 1624**, relative to administrative rules concerning sales of pari-mutuel pools.

11:00 a.m. **SB 389-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

1:00 p.m. **SB 415**, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

2:00 p.m. **SB 416-FN**, relative to licensure of dietitians.

3:00 p.m. Subcommittee work session on **SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work.

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

FINANCE, Rooms 210-211, LOB

11:00 a.m. **SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

11:30 a.m. **SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges.

1:15 p.m. **CACR 39**, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total annual statewide cost of public education for kindergarten through grade 12 and that the general court shall have the power to apportion this amount by statute; that the state shall support access to a continuum of educational opportunities including early childhood and postsecondary education at a financial level to be deemed appropriate by statute; and that beginning April 1, 2001, no property tax in any form shall be used to fund the state's obligation to cherish and support public education.

2:30 p.m. **CACR 23**, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of monies received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all monies received from such income tax and all the interest received on such monies shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such monies shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

Executive session on pending legislation to follow.

FINANCE - (DIVISION I), Room 212, LOB

8:30 a.m. Subcommittee work session on **HB 735-FN-A**, establishing a contributory judicial retirement plan.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages.

Public hearing on the proposed amendment to **SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages. (Copies of the proposed amendment are available from the Sergeant-at-Arms Office.)

10:30 a.m. Full committee work session on **HB 1618**, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 308, LOB

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

WEDNESDAY, MARCH 29

EDUCATION, Room 207, LOB

10:00 a.m. Informational meeting on **SB 431**, relative to certain secondary vocational education programs.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on ***SB 403-FN-A***, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms and ***SB 407***, relative to dog licensure.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. ***SB 446***, relative to the integration of information technology at the state, county and municipal levels.

11:00 a.m. ***SB 414-FN***, reorganizing the divisions of the department of corrections.

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

FINANCE, Rooms 210-211, LOB

11:00 a.m. ***SB 422-FN***, relative to the housing security guarantee loan program.

11:45 a.m. ***SB 450-FN***, prohibiting the importation of tobacco products that violate federal law.

Executive session on pending legislation to follow.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

1:00 p.m. Subcommittee work session on ***SB 402-FN***, relative to employee reimbursement for work-related expenses.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee briefing on system benefit changes.

FRIDAY, MARCH 31

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

9:30 a.m. Rescheduled regular meeting.

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Rooms 302-304, LOB

10:00 a.m. Regular meeting.

PET OVERPOPULATION STUDY (RSA 437-A), Rooms 301-303, LOB

10:00 a.m. Regular meeting and program on companion animal recovery.

MONDAY, APRIL 3

SEED STERILIZATION TECHNOLOGY STUDY, (HB 291, Chapter 282:2, Laws of 1999), Room 303, LOB

1:00 p.m. Regular meeting.

TUESDAY, APRIL 4

COMMERCE, Room 302, LOB

10:00 a.m. ***SB 332***, relative to risk-based capital for health organizations.

10:30 a.m. ***SB 351***, making certain changes in the laws relative to fraternal benefit societies and health service corporations.

11:00 a.m. **SB 368**, relative to insurance fraud.

11:30 a.m. **SB 393**, relative to single producer licensing.

1:30 p.m. **SB 334**, relative to credit unemployment insurance.

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

EDUCATION, Room 207, LOB

10:00 a.m. **SB 320**, relative to ballot counting cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000.

11:00 a.m. **SB 432-FN-A**, relative to state assistance for teachers applying for national board certification.

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

10:00 a.m. **SB 447-FN**, relative to campaign contributions and expenditures.

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

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 424**, relative to controlled substances used for pain management.

2:00 p.m. **SB 338**, relative to trustee process.

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

1:00 p.m. **SB 364**, relative to benefits for permanent bodily losses under workers' compensation.

2:00 p.m. Subcommittee work session on **HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 344**, relative to appointment of housing consumers to housing authority boards.

10:30 a.m. **SB 345**, relative to real estate transfers.

11:00 a.m. **SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting.

11:30 a.m. **SB 347-L**, relative to the contributory retirement system of the city of Manchester.

1:00 p.m. **SB 312**, relative to fluoride.

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

RESOURCES, RECREATION AND DEVELOPMENT, Rooms 305-307, LOB

9:30 a.m. Informational session on instream flow law and regulations.

11:00 a.m. **SB 330**, establishing a committee to study the impact of water withdrawals on instream flows.

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, Belmont Middle High School Cafeteria)

7:00 p.m. Regular meeting.

WEDNESDAY, APRIL 5

COMMERCE, Room 302, LOB

10:00 a.m. **SB 97**, relative to charitable trusts which are institutional funds.

10:30 a.m. **SB 343**, relative to disclosures concerning sexual offenders in sales of real property.

11:00 a.m. **SB 437**, relative to retail selling.

1:15 p.m. **SB 350**, adding business development to the law governing industrial development authorities.

1:30 p.m. **SB 375**, relative to motor vehicle dealerships.

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

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

9:00 a.m. Regular business.

9:30 a.m. Audit: Sweepstakes Commission management letter for the year ended June 30, 1999.

THURSDAY, APRIL 6

COMMERCE, Room 302, LOB

10:00 a.m. **HB 1623**, relative to the disclosure of customer financial information by financial institutions.

1:15 p.m. **SB 363**, relative to the sale of malt beverages.

1:45 p.m. **SB 378**, relative to Article 9 of the Uniform Commercial Code.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **SB 408**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

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

FRIDAY, APRIL 7

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 10

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

9:00 a.m. Regular meeting.

TUESDAY, APRIL 11

COMMERCE, Room 302, LOB

10:00 a.m. ***SB 369***, establishing a committee to conduct a study on the need for standards to protect health information privacy.

11:00 a.m. ***SB 418***, relative to liquor liability insurance coverage.

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. ***SB 444-FN***, relative to methadone maintenance treatment and ***SB 445-FN***, relative to methadone maintenance treatment.

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

WEDNESDAY, APRIL 12

UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY, (HB 1154, Chapter 62:1, Laws of 1998), Room 301, LOB

1:00 p.m. Regular meeting.

MONDAY, APRIL 17

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE, (RSA 171-A:1-b), Room 206, LOB

9:30 a.m. Regular meeting.

FRIDAY, APRIL 21

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet to vote on final passage of the 2000 Budget on Wednesday, March 29 at 7:30 p.m. at the County Complex.

Rep. Gordon E. Bartlett, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Rockingham County Delegation will hold a public hearing on Wednesday, March 29 at 3:30 p.m. in Rooms 202-204, LOB with a Convention meeting to follow. The purpose of the meeting is to address and approve a bond issue.

Rep. David A. Welch, Chairman
Rockingham County Convention

The New Hampshire Supreme Court has announced that typewritten memoranda on the questions presented by the request of the Senate for an opinion of the justices on the constitutionality of **SB 365-LOCAL**, "AN Act relative to the adoption of bonds or notes in certain school districts and municipalities," may be furnished by any legislator, attorney, organization, interested party or member of the public on or before April 17, 2000. An original and twelve copies of any memorandum must be filed with the clerk's office.

Date: March 17, 2000 Howard J. Zibel, Clerk of the Supreme Court

New Hampshire Department of Transportation Commissioner, Leon Kenison, has issued his annual notification of spring load limits to commercial users of the state highway system. Once again, frost penetration of our state highway system has been serious. With the advent of warmer weather many roads will be subject to pavement breakup as the frost leaves the underlying base material. The maximum allowable gross vehicular weight on the posted road sections is 30,000 pounds gross weight, or the cumulative width in inches of all tires contacting the road surface multiplied by 300 pounds, whichever weight is less.

Rep. Edwin O. Smith, Chairman
Public Works and Highways Committee

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 86, 239, 273, 305, 1200, 1234, 1251, 1264, 1265, 1419, 1459, 1485, 1494, 1511, 1522, 1535, 1536, 1537, 1539, 1540, 1541, 1543, 1544, 1546, 1547, 1548, 1549, 1551, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1566, 1567, 1568, 1569, 1571, 1572, 1573, 1575, 1584, 1586, 1587, 1591, 1595, 1602, 1606, 1608, 1616, 1621 and 2000.

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

Attention Bookworms. The New Hampshire Order of Women Legislators (OWLS) have their "bring-a-book" and "buy-a-book" table in the basement of the LOB. Those funds are used for the OWL scholarship fund, so drop by and roost a while.

Rep. Donald B. White

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

All Representatives are invited to join the Manchester delegation as we march in the St. Patrick's Parade this Sunday, March 26. We get underway at 1:00 p.m. at the corner of Elm Street and Webster Street. If you park in the Alan Bradley lot at the corner of Auburn and Elm Streets (near Staples), buses will be available to take you to the start of the parade route. Wear green and be happy.

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 27 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 Retail Merchants Association of New Hampshire's 2000 Legislative Reception originally scheduled for March 14 has been rescheduled to Tuesday, March 28 from 4:30 to 6:30 p.m. in the Capitol Room of the Holiday Inn, Concord. Please RSVP to 225-9748.

Reps. Gene G. Chandler and Peter H. Burling

The New Hampshire Hospital Association, the New Hampshire Healthcare Association and the New Hampshire Medical Society would like to invite legislators and their staff to attend a Crossover Luncheon on Wednesday, March 29th at the New Hampshire Historical Society's Tuck Library, next door to the LOB. Lunch will be available from noon until about 1:00 p.m. Please join us for this event.

Rep. Donnalee Lozeau

Legislators are cordially invited to attend a luncheon reception on Thursday, March 30th to celebrate the 50th Anniversary of the New Hampshire Tree Farm program. The reception will be held at the New Hampshire Historical Society auditorium during the House recess (near noon). The Tree Farm program is a voluntary program that encourages private forest landowners to actively manage their forests in a sustainable manner for multiple values. Over 1600 Tree Farmers carefully manage nearly one million acres of New Hampshire forestland.

Reps. Gene G. Chandler and David M. Scanlan

Legislators from Manchester, Merrimack and Bedford are cordially invited to a luncheon sponsored by the Hillsborough County Farm bureau, on Thursday, March 30th at the lunch break in Room 301 of the State House Annex.

Rep. Timothy D. O'Connell

All legislators and legislative staff are cordially invited to attend the New Hampshire Automobile Dealers Association "Crossover" Legislative Reception to be held on March 30, immediately following session at NHADA Headquarters, 507 South Street, Bow.

Donna Sytek, Speaker

The Honorable Ernesto M. Maceda, Philippine Ambassador to the United States, will be at the State House on Friday, March 31st. Those legislators wishing to meet Mr. Maceda are invited to do so between 10:00 a.m. and 11:00 a.m. on that day in Room 301, LOB.

Rep. Baldwin M. Domingo

All legislators and other interested parties are invited to a special presentation on companion animal recovery sponsored by the Pet Overpopulation Committee on Friday, March 31 at 10:00 a.m. in Rooms 301-303, LOB. The speaker will be Dr. Carmen

Battaglia, President and CEO of the American Kennel Club Companion Animal Recovery Program. This will be of particular interest to municipalities, law enforcement, humane societies and pet owners. The subject will be efficient and cost effective identification and recovery of lost pets.

Reps. James Phinizy, Francine Wendelboe and David L. Babson, Jr.

Legislators for Limited Spending will meet at noon on April 3 and 19 at the Upham Walker House. Rep. Weyler will continue the discussion relative to budget reduction.

Rep. Donald B. White

The New Hampshire Legislative Aviation Group is holding its next meeting on Tuesday, April 4 in Room 203, LOB at 2:00 pm. All members and interested parties are urged to attend. Numerous items concerning NH State Aviation will be on the agenda.

Rep. Robert H. Milligan

The New Hampshire Center for Constitutional Studies will host a Constitutional Conference on Saturday, April 8 at Madden’s Restaurant in Derry. Doors open at 8:00 a.m. The program begins at 9:15 a.m. Rep. Tony Soltani will be the featured speaker. Enrollment is \$9.50 per person. Please reserve your spot ASAP by calling 679-1320.

Rep. Ronald J. Nowe

The House will be celebrating New Hampshire Tartan Day at our session on April 13th. We will also honor the four members of the General Court who have passed away during the past year. Members are encouraged to wear a tartan on that day.

Rep. Stephen G. Avery

As provided in RSA 14-A:4 there will be a health screening for members on **Wednesday, April 19 from 9:00 a.m. to 1:00 p.m. in Rooms 305 through 308, LOB.** Our State House nurses, along with the Department of Health and Human Services have coordinated this event. Oral cancer, diabetes, glaucoma, and hypertension screenings and nutritional counseling will be among the services available to each member. All members are encouraged to attend.

Speaker Donna Sytek

The Department of Transportation will hold the following meetings:

Mar 27 – Loudon Community Center Meeting Room (Located at the Town Offices), South Village Road, 7:00 p.m. Public

Officials meeting, Loudon, replacement of Staniels Road Bridge over the Suncook River.

Mar 27 – NHDOT, 1 Hazen Drive, Room 103, Concord, 11:00 a.m. Commission meeting, Hudson, NH Route 102

Mar 29 – McLaughlin Middle School, 290 Mammoth Road, Manchester, 7:00 p.m. Officials meeting, I-93 widening.

Mar 30 – Knightly Meeting Room, Town Hall, 33 Geremonty Drive, Salem, 7:00 p.m. Officials meeting, I-93 widening.

Mar 30 – Hollis Town Hall, 7 Monument Square, Hollis, 7:00 p.m. Public officials meeting, Hollis, Main Street/Broad Street/ Ash Street sidewalk and connector.

April 3 – Colebrook Town Hall Courtroom, 10 Bridge Street, Colebrook, 7:00 p.m. Public informational meeting, Colebrook, replacement of three bridges along three sections of NH 26.

April 6 – Meredith Fire Station, Conference Room, 286 Daniel Webster Highway (Route 3), Meredith, 7:00 p.m. Public hearing, Meredith, alterations to US Route 3 and Parade Road.

April 26 – Stratford Town Hall, Route 3, Stratford, 7:00 p.m. Public hearing (Commission) Stratford, US Route 3 near Hollow Road.

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 March 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
March 24	11:00&12:30	New Searles Elem, Nashua	4/75
March 27	11:00&12:30	Southwick School, Northfield	4/70
March 28	10:00&11:30	Hampstead Central	4/75
March 29	10:00&11:30	Hampstead Central	4/75
March 30	9:30 & 11:00	East Rochester Elem.	4/60
March 31	9:45	Maplewood Elem, Somersworth	3/50
March 31	11:00&12:30	Mastway Elem, Lee	4/50