

State of New Hampshire HOUSE RECORD

First Year of the 157th Session of the General Court Calendar and Journal of the 2001 Session

Vol. 23 Concord NH Friday, March 16, 2001 No. 24

Contains: Reports and Amendments for March 22, Committee Hearings, Work Sessions and Notices

ADDITIONAL REPORTS ARE IN THE ADDENDUM ATTACHED 3/21/01

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, March 22 at 10:00 a.m as well as Thursday, March 29. As you can see from this calendar, we expect Thursday to be a full day. I anticipate breaking for lunch around the noon hour.

The House will tentatively meet on the following Thursdays: April 5 and April 12. The House will definitely meet on **Wednesday**, April 18 and Thursday, April 19.

There is a list of bills in this calendar for which a motion will be made to suspend the rules. Because these bills are scheduled to go to a second committee and the March 15 deadline has passed, the policy committees would like to retain them to allow them the time needed to finish their work.

Please notice that we have returned to the practice of having the Consent Calendar printed on blue paper. Many of you have expressed your wish to have it printed this way and I concur. We are open to the thoughts and concerns you have about the smooth operation of the House and we welcome your comments.

Thanks to the initiative of Representatives Mert Dyer and Leon Calawa and former member Marion Copenhaver and the staff in the General Court's Information Systems Office, I am pleased to announce that beginning March 22, House sessions will be aired in "streaming audio" on the General Court website, www.gencourt.state.nh.us. This will be of great benefit to our constituents who cannot make the trip to the State House. They can now listen to sessions from either their homes or offices.

Chairmen and Vice Chairmen will meet on Tuesday, March 20 at 9:00 a.m. in Room 205 LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, March 22 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

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

Rep. Peter H. Burling, Democratic Leader

NOTICE

House Continuing Education

TOPIC: Ins and Outs of the Bill Drafting Process

PRESENTER: Carol Holahan, Director

Jill Sieviking, Deputy Director

Office of Legislative Services

DATE: Tuesday, March 20, 2001

TIME: Noon

PLACE: Room 307, LOB

TOPIC: Understanding the State Budget Process

PRESENTER: Mike Buckley

Legislative Budget Assistant

DATE: Wednesday, March 28, 2001

TIME: Noon

PLACE: Room 307, LOB

Hold these dates for upcoming forums:

April 25 Committees of Conference (tentative)

May 9 to be announced

May 23 to be announced

June 6 to be announced

All forums will be Wednesdays from 12-1:30 p.m. in the LOB unless otherwise noted. Please bring your lunch.

Representative Douglass Teschner

Coordinator

THURSDAY, MARCH 22

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 156, relative to the detention of juveniles in delinquency proceedings. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill assures a juvenile is represented by counsel at a delinquency hearing where detention is ordered and excludes minors from being detained at residential facilities, staff secure shelters or foster care homes. **Vote 15-1.**

HB 416, relative to fire safety inspections for foster family homes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill permits either the State Fire Marshal or the local fire department to conduct fire safety inspections for foster family homes. It allows for the application of the State Fire Code to inspections where there are no local ordinances. **Vote 16-0.**

COMMERCE

HB 112, establishing a study committee on antitrust laws as they apply to hospital business practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: House Bills 112, 250 and 262 all called for the study of managed care, physicians' networks and hospital business practices. The committee heard compelling testimony on all three issues and decided to incorporate all three bills into HB 112. The amendment includes HB 250 and HB 262 issues so that these two bills are now unnecessary. The study committee will look into all of these issues. **Vote 14-0.**

HB 153, lowering the minimum medical cost coverage for motor vehicle liability policies. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Commerce: The action taken by the legislature last session raised the minimum medical cost coverage for motor vehicle liability policies from \$1000 to \$5000, and although it had no opposition last year, it resulted in significantly higher premiums to youthful drivers. The committee feels that the benefit of last year's legislation was not worth the increase in premiums that hit some consumers. **Vote 14-0.**

HB 250, prohibiting managed care organizations from disqualifying certain entities from their networks. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill has now been incorporated into HB 112. **Vote 14-0.**

HB 262, establishing a commission to study the status of the relationship between physician hospital organizations and independent provider associations. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill has now been incorporated into HB 112. **Vote 13-1.**

HB 542-FN, requiring cellular telephone carriers to notify customers before the service is disconnected. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: While the committee had a good deal of sympathy for the sponsors' concerns, the testimony revealed that even if a cellular phone were disconnected, 911 calls would still go through. The problems seemed to center around one cellular company whose business practices left something to be desired. There is plenty of competition in the field and customers can change providers if they wish. We feel that legislation was not needed in this case. **Vote 14-0.**

HB 577, relative to credit data for insurance purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: The intent of the bill is to protect individuals who do not have a credit history from being charged a higher premium for automobile or homeowners' insurance. The committee heard testimony from the New Hampshire Insurance Department that the language of the existing statute is protective and prohibits charging higher premiums for any reason solely on the basis of credit history. To date, no complaints have been received by the insurance department on this issue. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 239, relative to certain vehicle stops made by police officers. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would prohibit police officers from making vehicle stops unless the stop is supported by reasonable suspicion based on articulable facts. To that extent, the bill is unnecessary because both the Fourth Amendment to the U.S. Constitution and Part I, Article 19 of the NH Constitution as interpreted by the US Supreme Court and the NH Supreme Court already prohibit such stops. State statutes already define what is required for such a stop. As written, the bill is so broad that it would prohibit otherwise legitimate "community caretaking" functions often performed by police officers, such as stopping a vehicle with smoke coming from underneath **Vote 15-0.**

HB 315-FN, relative to the registration of criminal offenders. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This legislation requires any non-resident sexual offender attending school as a full or part-time student or employed for a period exceeding 14 consecutive days or an aggregate time exceeding 30 days during any calendar year, to register as a sexual offender with the local law enforcement agency having jurisdiction over the school or place of employment. **Vote 15-0.**

HB 508, relative to third party contact in orders of protection from domestic violence. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The intent of this bill is to allow the defendant's attorney to contact the plaintiff, or the plaintiff's attorney, notwithstanding a protective order that prohibits contact through third parties. No evidence was presented that any attorney has been prohibited from contacting the plaintiff or the plaintiff's attorney as a proper and necessary part of defense. The committee was unanimously of the opinion that this bill, while well-intentioned, attempts to create a remedy to a problem that is non-existent. **Vote 14-0.**

EDUCATION

HB 552-FN-A-L, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: This bill would abolish the Department of Education and create 10 SAU's, one for each county. New Hampshire's tradition of local control of education would be undermined by this bill as the current 80 SAU's would also be abolished. **Vote 18-0.**

HB 645-FN-A-L, relative to state aid for provision of an adequate education, and for additional local education tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Steven J. Winter for Education: This bill would have ended the state's obligation to fund an adequate education at grade six. The committee felt that the adequacy determination should be applied to all students up through grade twelve. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 186-FN-A, establishing a pesticides training program. **OUGHT TO PASS**

Rep. Amy S. Robb for Environment and Agriculture: This bill establishes a pesticide-training program for the purpose of providing education regarding pesticides and the handling of pesticides for commercial pesticide applicators and other applicable persons. This bill also establishes a fund to support the purposes of the training program. It allows the Division to put 100% of the fees back into the program. This legislation is timely as there has been a need for more training sessions in categories such as: mosquito control (West Nile Virus), pet groomers and weed and brush control.. Training will help people to become duly licensed and well trained in the safe application of pesticides . **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 181-FN, allowing police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become police trainers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ray F. Langer for Executive Departments and Administration: There has been a problem getting police and correction officers who have been in group II to volunteer to become training specialists, because they would thereby be placed into group I if they didn't have 10 years service in group II. This bill reduces the required time to five years in group II prior to transferring to the position of training specialist. The amendment covers the director or assistant director's position, which now requires as 10 years prior group II service to remain in group II. It was felt that they should continue in that category because of the importance of prior service experience in these positions. **Vote 15-0.**

HB 205-FN-L, relative to creditable service for eligibility by retired teachers for payment of medical benefits. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow teacher members with out of state service to use that service as eligible time for payment of medical benefits provided they have completed 15 years of service to the citizens of New Hampshire. The current system provides a reward for 20 years minimum in state service. There was no indication of a groundswell of support for this change from the teachers and the committee felt that to maintain the integrity and fiscal stability of the system, the current policy should not be compromised. **Vote 16-0.**

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: As amended, this bill requires 2 levels of licensure for interpreters. The first level will meet state requirements and the highest level will meet national requirements. Deaf persons will know the exact competence of the interpreter before hiring them. The bill also allows a waiver if the deaf person wishes to accept the responsibility for using someone who is not licensed. This bill protects doctors and others who maybe required to use interpreters in their practice and provides knowledge of the level of competency to the hearing impaired. The subcommittee spent many hours and created many amendments in ensuring that this bill finally meets the needs of the deaf. **Vote 13-0.**

HB 318-FN-L, relative to payment of group health insurance premiums for eligible retired political subdivision members of the retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have provided the health benefits subsidy to group I employees who have been members of the retirement system for 10 years or more. This is much less than the present standard of 20 years of service in place at the present time. The cost for this change would be a charge of \$43.4 million to the special account. The committee felt that to change the requirements at this time would be inappropriate. The committee wishes to study the retirement system and review all of the basic guidelines to be sure they are appropriate **Vote 17-0.**

HB 323-FN-L, relative to eligibility for payment of medical insurance premiums for retired group I teachers. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The present law, RSA 100-A:52, provides for a supplement towards teachers' health insurance premium for retirement at age 60 with at least 20 years of membership in the New Hampshire retirement system. This benefit is terminally funded from the teachers' special account. This bill would reduce the years of membership to ten years for eligibility. The cost to fund this change for the retired or will be retired teachers prior to July 1, 2004 will cost the teachers' special account 75.1 million dollars. The representatives of the teachers groups opposed this change based on the cost and the feeling that 20 years of service was in keeping with similar programs for others in the New Hampshire retirement system and was the optimum years of service. **Vote 14-0.**

HB 331-FN-L, relative to payment of the medical insurance premium subsidy for a family plan for eligible retirees in the New

Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill would add the coverage of fully dependent children to the medical coverage of retired state employees. At the present time, only the retiree and spouse are covered by the plan. The number of persons affected is unknown at this time and the cost of the plan would be an additional cost to the general fund. The retiree with a dependent child would receive the medical subsidy from the medical sub-trust of the retirement system but this only covers a small portion of the cost. At the present time, the state employees do participate in the medical subsidy. This is a major change in the health coverage plan and should be studied in the future with other concerns of the committee to insure fairness and uniformity. **Vote 17-0.**

HB 359-FN, requiring data collected by state agencies to be analyzed relative to age and gender. **INEXPEDIENT TO LEGISLATE**

Rep. David G. Poulin for Executive Departments and Administration: This bill would have required that data collected by state agencies be analyzed and stored relative to age and gender. The committee felt that much of this information may be available from other sources. The committee heard from one of the largest agencies that it would be a cumbersome task to complete this request and the money to create the software program is not available without a major increase in the budgets of all departments. **Vote 15-0.**

HB 438-FN, relative to the sale of dogs and cats. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The sponsors requested that this bill be reported out as inexpedient to legislate. The committee agreed. **Vote 14-0.**

HB 548-FN-A, relative to the powers and duties of the office of the attorney general. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This was a very complex bill. It not only changed the name of the agency, requiring the change of up to 75 different statutes, but it also did the following: A. Removed the numerical limit on the number of assistant attorneys general and allowed senior attorneys general to work part time without losing their senior status; B. Clarified that legislative approval would be required to settle claims against the state that exceeds a percentage of the total reported general fund unrestricted revenues for the previous fiscal year; C. Increased the labor grade of the law office administrator, established several new positions within the agency with specified labor grades thereto, and allowed the attorney general to move attorneys general and investigators within the department regardless of labor grades or job descriptions. This was being done without the prior approval of the director of personnel. The bill also increased the fees for reports by trustees of charitable trusts and repealed the rule making requirements relative to the rape protocol kit and the domestic violence protocol. The committee felt that while the bill had some very minor advantages with respect to certain areas, they could be handled in another manner. The major concerns were as follows: A. The bill would increase state restricted revenue and general fund revenues and general fund expenditures by an indeterminable amount beginning in FY 2002 and continuing each year thereafter; B. To establish new positions and labor grades in the middle of the unclassified salary survey presently being conducted in the legislature would be premature and counterproductive especially without prior approval of the director of personnel; C. To establish new positions and subject their removal to RSA 4:1 which is presently being proposed for modification in HB 719 is somewhat premature at this time; D. The cost to change the name of the agency and the modification of approximately 75 statutes was unnecessary. **Vote 16-0.**

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is the result of a study committee during the last session of the legislature. This will allow the commissioner the option to self fund the employee health insurance. This is enabling legislation and will allow the commissioner of administrative services to enter into contracts with a third party or parties to administer a self-funded health benefit for state employees. Funds appropriated for this purpose shall not be transferred or used for any other purpose. The state will also maintain a special reserve fund in an amount estimated to be necessary to pay claims and the administrative costs for the assumed risk for 3 months. **Vote 14-1.**

HB 606-FN, relative to the Christa McAuliffe planetarium. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill removes the governing of the Christa McAuliffe planetarium from the board of trustees of the New Hampshire regional technical colleges and creates a new commission. The Christa McAuliffe planetarium commission will be responsible for the management and operation of the planetarium in Concord

including the Alan B. Shepard discovery center and the buildings and grounds related thereto. The committee felt that the commission needed to be restructured to further promote the planetarium and to start fund raising activities for expansion of the programs and facilities. The amendment limits the powers of the commission to delegate only the fund raising issues to a non-profit group. **Vote 14-0.**

FISH AND GAME

HB 305-FN-A, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. **OUGHT TO PASS**

Rep. Vincent E. Greco for Fish and Game: This bill establishes a dedicated fund for Operation Game Thief, which is currently operated and funded by New Hampshire Wildlife Federation. The fund has approximately \$18,000 reward money left, which is being turned over to the Fish and Game Department to be used for the same purpose. **Vote 14-0.**

HB 504, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units. **OUGHT TO PASS**

Rep. Robert J. L'Heureux for Fish and Game: Because of the severe shortage and decline in public shooting ranges which is caused in part by urban sprawl, the committee felt the bill had merit and that the issue should be studied. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 628, relative to disclosure of cost of services by medical providers and relative to cost of medical services charged to uninsured consumers. **INEXPEDIENT TO LEGISLATE**

Rep. Andre Martel for Health, Human Services and Elderly Affairs: Although well intentioned, this bill would require (1) an estimate of the cost of medical care prior to rendering the service and (2) the bill would also limit the cost of medical attention to the uninsured at the Medicaid rate. The committee had a problem on both fronts. First, as an example, a person who might need emergency medical attention or some sort of surgery would put the medical provider in an impossible situation of not knowing, in advance, the entirety of the need to medically correct. Another thought was, if an estimate of surgery was perhaps \$2,000 and, during the procedure, additional unanticipated surgery was needed, whether the surgeon would try to stay with the estimate or complete his or her work in a professional manner without the estimate being the driving force. Furthermore, it is widely known that the Medicaid rate normally pays less than the medical care costs, thus would have the potential of a medical care provider to limit the numbers of Medicaid patients they would accept. In addition, challenges to billings are appropriate under RSA 151:21-j for consumer protection. When medical attention is needed by a patient, they want a remedy, not an estimate. **Vote 12-3.**

HB 643-FN, establishing a committee to study a long-term care protection plan and extending the moratorium on new nursing home beds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: The committee, after discussion, decided that it was appropriate to extend the moratorium on new nursing house beds through the end of the budget period ending June 30, 2003. **Vote 16-1.**

JUDICIARY

HB 457-FN, establishing a process for reviewing judges. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The committee is in full support of evaluating judges. In the 2000 session, the House passed a bill that is now RSA 490:32. This law mandates the evaluation of judges every three years. The responsibility for implementing RSA 490:32 rests with the Supreme Court. The Court is currently establishing rules to implement this program. The Committee may also consider the possible removal of this responsibility from the Supreme Court by placing it in an independent body **Vote 19-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 206, establishing an equipment depository and disabled person's employment fund in the department of administrative

services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill establishes an equipment depository within the Division of Personnel as well as in a disabled person's employment fund. After amending the bill to encourage the division to seek gifts and grants, the committee voted unanimously to pass this bill. **Vote 14-0.**

HB 261-FN, including the judiciary as a public employer under the public employee labor relations act. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This legislation came as a result of a 1998 Supreme Court decision stating that judicial employees were not covered by the public sector collective bargaining statute (RSA 273-A). The committee felt that the employees of the judicial branch should be given the right to form a union and to bargain just as the executive branch employees do presently. **Vote 11-3.**

LEGISLATIVE ADMINISTRATION

HB 292-FN, relative to the travel allowance for members of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Legislative Administration: The committee reviewed the sponsor's intent very carefully. It was revealed that under this bill, in order to receive mileage payments, all new legislators elected in the next term would be unable to car-pool to Concord and would be required to drive from their home each day for reimbursement. Furthermore, the committee has another bill under consideration for mileage reimbursement that may be considered more suitable. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 130, relative to the maintenance of boundaries and fences. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ronald Giordano for Municipal and County Government: This bill is the result of a statutory study committee set up in 1998 to update NH laws relating to fences. The bill references RSA 473, relative to the division of fences and their maintenance; RSA 475, relative to fencing waterways; RSA 476, relative to spite fences and RSA 536:4, dealing with unlawful removal of stone walls. The sponsors identified and clarified certain definitions and specified the governing body's jurisdiction relating to fences. The bill changes a spite fence height from 5 to 6 feet, establishes that the penalty for removal of certain materials (stonewalls) will be calculated by current market value and repeals some antiquated laws dealing with fences, renewing bounds of common fields and electric fences. The Committee adopted an amendment to put the phrase "fence viewer" back into RSA 473 for historical continuity. **Vote 15-0.**

HB 196-L, relative to civil forfeiture for failure to license or renew a dog license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kimberly Dionne for Municipal and County Government: Currently, if an owner or keeper of a dog fails to license or renew that dog's license pursuant to RSA 466:1, a \$25.00 fine can be collected by the municipality. Currently if that forfeiture is not paid the town is required to dispose of the case in court and there is no prescribed offense. The proposed amendment changes the requirement of going to court to a discretionary action by the town and the offense is to be treated as a violation, with the fine not to exceed \$100.00. **Vote 12-0.**

HB 247, relative to the election of county commissioners in Carroll County. **INEXPEDIENT TO LEGISLATE**

Rep. Richard C. Leone for Municipal and County Government: The bill as proposed would change the way a Carroll County Commissioner would be elected – from county-wide to district-wide. The sponsor testified that the bill did not have support from the Carroll County Delegation and asked that the bill be voted Inexpedient to Legislate. The Municipal and County Government Committee has historically voted to support county specific legislation based on the recommendations of the members of the specific delegations and did not vote to change that tradition. **Vote 12-0.**

HB 277-L, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. **OUGHT TO PASS**

Rep. Richard C. Leone for Municipal and County Government: There are laws on the books which neither specify the penalty or offense classification for violation of local ordinances. Some of these are included in the areas of hawkers, peddlers and vendors; regulation of highways, commons and other municipal property and minimum housing standards. This lack of penalty specification has created difficulties for local enforcement officials, often making the requirements of the statutes and ordinances practically unenforceable. HB 277 addresses many of these concerns by adding a blanket provision which says that

any statute or municipal enabling statute which doesn't provide for a penalty would constitute a "violation" if someone failed to comply. New Hampshire Municipal Association adopted this policy by its membership at their September 2000 annual conference. The committee found these improvements had significant validity and merit. **Vote 12-0.**

HB 330-FN-L, relative to meetings requested of municipal governing bodies. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Municipal and County Government: The bill would require the governing body of a town, city, school district, or village district to hold a meeting anytime a citizen requests one. The same requirement would be imposed on county commissioners. The impetus of this legislation was an apparent refusal of one board to meet with a legislator regarding an issue of concern to him. Though the Committee believes that governing bodies should make themselves available to their citizens, mandating such meetings is impractical and would create an overwhelming burden on the duties and responsibilities of our volunteer boards. **Vote 12-0.**

HB 395, relative to the time for the first meeting for county conventions following election. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard C. Leone for Municipal and County Government: The timing of the first organizational meeting for the County Delegations is mandated by statute to be the second Wednesday of December of each even numbered year. A number of scheduling and attendance problems arose this past December in some counties. The bill as amended gives flexibility to the Chairman of the Delegation to set the first organizational meeting anytime during the week of the second Wednesday of December of each even numbered year. The amendment specifically states who sets the time and place of the meeting and who is responsible for notifying the House Clerk. Since this gives all the County Delegations a choice, the committee voted Ought to Pass as Amended. **Vote 12-0.**

HB 431, establishing a committee to study the proceeds from the sale of tax-deeded property. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Bellavance for Municipal and County Government: The purpose of this bill was to establish a study committee to look into the procedure municipalities use regarding tax-deeded property. The procedure was declared to be unconstitutional by the recent Supreme Court decision *Thomas Tool Services Inc, v Town of Croydon*. Based on this ruling the Department of Revenue Administration (DRA) advised the municipalities that they should not deed any property taken as a result of unpaid taxes. After reading the ruling it became evident that the court had not ruled on the amended procedure as passed by the Legislature in 1998. A clarification of the ruling was requested and the court stated that "the application of the rule announced in this case shall apply to the parties and to any similar cases pending as of the date of this opinion, but not concluded, but shall not be retrospectively applied." When the court did not make any finding specifically regarding the amended procedure, DRA advised that "the tax collectors in cities and towns may now continue the process of delinquent tax collection activities." Since the amended procedure has not been ruled to be unconstitutional, the committee along with the sponsor voted Inexpedient to Legislate. **Vote 12-0.**

HB 442, establishing a study committee to examine the effects of protective custody on county correctional facilities. **OUGHT TO PASS**

Rep. Mary R. Cooney for Municipal and County Government: This bill establishes a study committee to examine the effects of protective custody on county correctional facilities. It was evident from the testimony that persons taken into protective custody and placed in county facilities present a logistical and legal dilemma. Some county correctional facilities are located far from where a person had been taken into custody. Such a person has no legal status and must be released within twenty-four (24) hours. Deputies cannot always transport these individuals back to their local communities. Additionally, there is no legal avenue to place some of these individuals in substance abuse or mental health programs. The committee voted unanimously to pass this bill to study these problems and make recommendations for legislation. **Vote 12-0.**

HB 535-FN-A, relative to thermal imaging cameras for fire departments, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Richard S. Eaton for Municipal and County Government: The purpose of this bill was to implement a grant program to assist local safety officials with acquiring thermal imaging cameras. The sponsor made an excellent presentation for the need and benefit of these cameras. A two-cent increase of the tobacco tax was offered to finance this endeavor. A number of communities have raised funds locally to purchase these cameras, which indicates support at a local level. Municipal and County Government Committee encourages this type of local involvement, instead of the state determining the needs of each community. Although the committee supports the concept and endorses the idea for communities to obtain thermal imaging

cameras in the name of safety, support for a two-cent increase in the state tobacco tax would not be feasible at this time. **Vote 10-2.**

HB 546-FN-A-L, relative to allowing cities and towns to permit slot machines and other games of chance. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill and amendment would allow local municipalities to permit the operation of gambling ranging from single games of chance to major casino operations. While the committee recognized the funding needs of the state and its local governments, it felt that expanded gambling was not the solution to the problem. The committee received extensive testimony against the bill from a wide and diverse range of organizations that included law enforcement officials, church groups, business interests, taxpayer groups and representatives speaking for children and women. The committee concurred that the social and law enforcement costs of gambling negated the positive impact of additional revenues. Further, gambling would have a negative impact on the quality of life in New Hampshire leading to increased addiction, injury to children, and damage to family life and financial health. Expanded gambling is, in a sense, a highly regressive tax, falling on the poor in search of an instant remedy to their financial problems. Gambling would also hurt existing New Hampshire businesses involved in tourism. Furthermore, this particular bill could pit one town against another. A town that chose not to permit gambling activity would still be susceptible to the costs incurred from the activity of a neighboring municipality. Finally, except for application and licensing fees, all profits from the gambling activity would accrue to the gambling owners. **Vote 16-0.**

HB 555-FN-L, relative to the billing of counties for certain expenses by the department of health and human service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy M. Scovner for Municipal and County Government: At the present time, there is no time limit as to when the Department of Health and Human Services can bill a county for services rendered. This legislation declares that the department of Health and Human Services shall not bill a county for expenses unless the Department submits an invoice to the county within fifteen (15) months of the date on which said expense was incurred. The Department of Human Services currently has the authority to not pay for services if the state has not been billed within twelve (12) months. This bill extends this same general policy to the counties that pay 25% of the costs of these services. This legislation also changes the date on which monthly payments are due from the counties to the State for services from thirty (30) days to forty-five (45) days of notice. The counties presently are expected to make payments within thirty (30) days. Passing this legislation will simplify the county bookkeeping. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 192-A, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The committee hears individual bills that are properly a bonded capital budget project. This is a bill to reconstruct the foundation of a state office building, and a similar project was submitted by Administrative Services to the Governor for consideration. Although this project was not included in the Governor's Capital Budget, the committee assured the sponsor it will receive serious consideration for inclusion in the capital budget process under HB 25-FN-A. It is the committee's goal to have all bonded capital improvement projects included in the capital budget so individual bills are usually found inexpedient to legislate. **Vote 17-2.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 10, supporting the Electoral College. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution supports the election of President by the Electoral College and urges the defeat of any attempt to amend the constitution to abolish the Electoral College. The committee feels strongly that it is in the best interests of New Hampshire to continue this important process. **Vote 14-0.**

HCR 11, to evaluate regional transportation infrastructure links. **OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: HCR11 is a Resolution urging the Federal Highway Administration to study the east-west transportation links from Halifax, Nova Scotia through Quebec and northern New

England to the Ontario-Buffalo area. The passage of NAFTA has increased trade and greatly increased associated traffic through the entire region. North Country residents are extremely concerned about the safety of our highways as well as the economic impact of inadequate east-west travel routes. The Committee agreed with the sponsors who feel very strongly that the federal Department of Transportation has an obligation to study this important issue. Testimony at HCR 11's hearing overwhelmingly supported the passage of this resolution. **Vote 14-0.**

TRANSPORTATION

HB 283-FN, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a low-digit license plate lottery. At first blush this seems to be a good idea, however, consider the litigation possibilities. Hypothetical examples: A parent with a low-digit license plate that has been in the family for years passes away. Siblings would all want the plate. Which sibling would get the plate? The courts would have to try to render an unbiased opinion and family members would be fighting over a plate. A husband and wife who have one set of low-digit plates are involved in a divorce proceeding; both would want the plate, more litigation. The New Hampshire State Legislature has delegated the sole responsibility of all license plates to the Commissioner of Safety. All license plates and numbers assigned to them are the sole property of the state of New Hampshire. The Attorney General has successfully represented the state in several cases involving low-digit plates and has prevailed in each case. While this may not be a perfect system, overall it works well for the citizens of New Hampshire. **Vote 15-0.**

HB 306-FN, relative to driver education training reimbursement. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill is brought forward again having been vetoed by the Governor.in the 2000 Legislative Session. All students who wish to take the driver training course sometimes have to take the course through commercial driving options because of the overload of students in the school-provided courses. All students upon completion of the driver training course should be eligible for reimbursement from the driver training funds. This bill provides the reimbursement to all students completing the driver-training course. **Vote 15-0.**

HB 317-FN, revising the New Hampshire Aeronautics Act. **OUGHT TO PASS**

Rep. Robert H. Milligan for Transportation: This bill is a result of the rewrite of Chapter 422 of the New Hampshire Aeronautics Act. The definitions and accentuations of the Federal Aviations Regulations (FARs) are hereby updated to conform to those issued by the Federal Aviation Administration (FAA). These updates are made for the first time since 1941. Registration fees of aircraft in New Hampshire shall have 25% of the fee retained in the municipality where registered. Airman registration will be discontinued in New Hampshire FAA handles. The NH Aeronautics Commission in concert with the Skyhaven Airport Commission operates Skyhaven Airport in Rochester. **Vote 15-0.**

HB 609-FN-L, requiring passengers on school buses to wear seat belts. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: A school bus is considered to be the safest vehicle on the road today. This bill has a fiscal note of \$20,536,000.00. It is estimated that each bus that is not fitted with seat belts would cost \$10,268.00 to retrofit. The committee clearly felt that this would be a clear violation of Article 28-a of the New Hampshire Constitution. **Vote 14-0.**

WAYS AND MEANS

HB 651-FN-A-L, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: This bill at this time is pre-emptive. The decision to support expanded gambling in the state has not been made. If and when that decision is made, then the concept of a state owned and operated casino, or casinos, should be explored further. **Vote 15-1.**

HB 709-FN-A-L, relative to the cigarette tax and prescription drugs for the elderly and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: While the end of this legislation is laudable, the means are questionable because another dedicated fund is instituted. The amount of revenues raised by yet another increase in the cigarette tax was not

calculated in the fiscal note. However, the historical data on revenues on the increases in this tax in the near recent past show that the revenues are going down due to the decrease in cigarette use even though tax rates are going up. **Vote 16-0.**

THURSDAY, MARCH 22

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 191, permitting unmarried adults to adopt jointly. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher J. Seibel for Children and Family Law: The committee felt that this bill would minimize the importance of marriage and the positive effect marriage has on the development of children. The committee was also mindful of Division of Children, Youth and Family's report regarding the overwhelming majority of children that they serve who come from a household that does not involve married adults as parents. Other concerns included the vagueness of the language of this bill and the dilemma the bill would create concerning custody issues when the non-married adopting parents broke up. **Vote 10-7.**

EDUCATION

HB 290-FN-L, relative to eliminating adequate education grant weighting for free and reduced-price meals and relative to modifying the formula for weighting certain home scheduled pupils. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles B. Yeaton for the Majority of Education: This bill would eliminate weighting, which provides additional funds for communities with large numbers of pupils, who apply for free and reduced meals. Testimony was given that children from low-income families demand more services in order for them to receive an adequate education. Therefore, the committee determined that such a measure would work a considerable hardship on communities with a high proportion of low-income pupils. **Vote 11-7.**

Rep. P. Judith Sullivan for the Minority of Education: The minority of the Education Committee believes that the current education grant weighting for free and reduced meals does not accurately target the additional funds to those schools and programs that are truly in need of them. The minority also believes that home-schooled students who do not attend their local school should not be given the same weight as those students who do attend.

HB 298-FN-L, relative to charter schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Alger for Education: This bill authorizes creation of two charter schools annually, chartered directly by the State Board of Education. Students entering the charter school will be funded for two years from a revolving loan fund established at the Department of Education, thereafter from the Education Trust Fund. The revolving loan fund is required because average daily membership in residence is reported two years in arrears. The revolving fund is reimbursed in the third year from the Education Trust Fund. **Vote 10-4**

HB 515-FN-L, establishing parental choice scholarships. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. Alger for the Majority of Education: This bill creates opportunity for lower income parents to receive 80% of the adequate education grant amount for use in either a public or non-public (non-sanctioned) school, of the parents' choice, if the public school to which the child has been assigned has average scores in the bottom half on a statewide basis on the state assessment tests for two years preceding the parent's initial application for a scholarship. Twenty percent of the grant remains with the public schools to which the child was previously assigned, even though the child is no longer in attendance. **Vote 8-7.**

Rep. Charles B. Yeaton for the Minority of Education: The minority of the committee opposed this bill because of 1) lack of available private schools, especially in the North Country 2) insufficient funds for parents with low incomes 3) ability of private schools to reject any student they do not wish accept 4) money taken from local public schools for scholarships for parents.

HB 629-FN-A, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and

making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill establishes a fund to upgrade and improve equipment and purchase new equipment for the regional vocational schools. The items needed to train these high school students are generally big-ticket items and are beyond the ability of the district to fund. Some of these schools go back to the 70's and we need to train these students on state-of-the-art materials to meet the requirements of future employers. **Vote 18-0.**

HB 656-FN-L, relative to the formula for distributing school building aid grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Alger for Education: This bill offers a targeted building aid option based on the average of median family income and equalized valuation of a community. In addition, the current law formula of aid, independent of income or valuation is retained so that a choice of this proposed option or current law is allowed. In this way, anticipated aid under current law is retained while offering a "targeted aid" option for less wealthy towns. While the adequacy commission may eventually develop another formula for building aid, the committee felt it is important after three years of study to have a formula on targeted building aid in law. **Vote 14-4.**

HB 747-FN-L, relative to increases in the cost of an adequate education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The majority of the committee supported this amended bill to prospectively use a two (2) year average of the implicit price deflator calculated by the Bureau of Economic Analysis, United States Department of Commerce to determine the revised cost of an adequate education for each biennium. The amount each school district shall receive will be revised to reflect changes in the average daily membership (ADMR) of the state's school districts. This bill will also allow the state to budget adequacy grants for a biennium and insure our school districts that a set amount of aid can be incorporated into their budget on a yearly basis. **Vote 10-9.**

HB 748-FN-A-L, relative to school building aid grants in the determination of adequate education grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The bill as amended, modifies the weight given for pupils who are eligible to receive a free or reduced meal in the education adequacy distribution formula, school districts whose eligible enrollment is over 25% shall receive an additional weight per pupil of .33. This bill is consistent with the recommendation of the MAP report to the Adequacy Commission, except that it also gives additional aid to districts who have between 15% to 24% enrollment of pupils who are eligible to receive free or reduced meals. This bill also insures through a "Hold Harmless" provision, that no school district shall receive a decrease in their current education adequate grant as a result of this formula revision. The committee vote of 14-2 in favor of this amended bill reflected bipartisan support. **Vote 14-2.**

ENVIRONMENT AND AGRICULTURE

HB 207-FN-L, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. **OUGHT TO PASS**

Rep. Donald R. Philbrick for Environment and Agriculture: HBs 207, 311 and 439 are all based on the findings and recommendations of the Septage Task Force which was established in 1998, because of concerns that municipalities are not meeting their responsibilities pertaining to septage disposal per RSA 485-A:5b. The conclusion of the Task Force was that there is a severe problem facing New Hampshire pertaining to the handling and disposal of septage. There is a shortage of septic disposal facilities in New Hampshire. Many southern border towns deposit their septage in Lowell and Lawrence, Massachusetts facilities. Those cities could stop accepting New Hampshire septage at any time which would acerbate the problem and northern towns already have a serious shortage of septic disposal facilities. This bill provides that municipalities may be reimbursed by the state, in addition to other state contributions and within limits of available appropriations, for 10% of the annual amortization charges on eligible costs. These would be costs resulting from the acquisition and construction of septage and sludge handling and treatment facilities which result in increased septage handling and/or treatment capacity to meet the septage disposal needs for that municipality. The municipalities would also be reimbursed for 2% of such charges which result in increased septage handling and/or treatment capacity to meet the septage disposal needs for each additional municipality. **Vote 15-0.**

HB 293-FN-A, authorizing the production of industrial hemp. **INEXPEDIENT TO LEGISLATE**

Rep. Harold P. Melcher for Environment and Agriculture: The majority of the committee felt that regardless of the undemonstrated claims of the economic value of hemp crop, it's even more unlikely environmental benefits and the botanical

relationship with marijuana, one clear, relevant issue stood out. Hemp is federally illegal without a DEA permit. The bill makes no provision for that but would put the Commissioner of Agriculture up against breaking federal law with every permit he granted. **Vote 8-7.**

HB 353-FN-A, relative to diversified agricultural development, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill enables the Department of Agriculture Markets and Food to develop a comprehensive strategic plan to promote and maintain diversified agriculture in New Hampshire. Emphasis will focus on assessing the needs of producers, developing existing and potential markets, and implementing strategies for ongoing support for producers in production, marketing and promotion. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 183-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill consisted of two parts: part I would have allowed county corrections officers that had prior time in the group I system of the New Hampshire retirement system to purchase that time. The committee removed this section because the time they wanted to buy was prior to the time of their eligibility to purchase group I time into group II. The amendment proposed by the committee would allow them to buy any time in any county that they served between July 24, 1987 and the time the county transferred their correction officers into the group II retirement section. There will be no additional cost to the state or the county as the cost will be born by the employee and be determined by the actuarial accrued liability methodology. **Vote 13-3.**

HB 560-FN-A, establishing a contributory judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Lent for Executive Departments and Administration: The Finance Committee studied this bill in the form of HB 735 during the summer of 2000. It proposes a contributory retirement system in which judges contribute 7.5% of their salaries towards the pension and results in a similar defined benefit plan to that which all state employees now have. Currently the judges do not pay into their retirement but must serve until age 65 to receive their retirement benefits. The new plan allows judges who have served with distinction for many years to step down, if they wish, before age 65. The committee is aware that certain information is pending from the IRS concerning this bill, but in the interest of moving along what has been a long process we send the bill out of committee. We are assured that before the bill becomes law a response will come from the IRS, and will be considered in the second committee review by House Finance. The amendment makes a technical correction to the legislation, establishes a sliding scale for younger judges, creating an incentive to them to serve until age 65 on the bench, and provides for full retirement for judges who come to the bench later in their careers. **Vote 17-0.**

HB 587-FN-A, establishing a commission on the status of men, and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William R. Zolla for the Majority of Executive Departments and Administration: This bill establishes a commission to focus on the declining health and responsible social status of men as they go through adolescence on to old age and tries to focus on problems specifically identified to the male gender. Such problems include suicide, failing educational progress, increasing criminal involvement and health problems. The projected life span of men is now 10 years less than that of women whereas at the beginning of the last century the life spans were about equal. The bill has been amended to reflect the fiscal note from the legislative budget office and the requirement that the commission report biennially and if necessary include any recommendations to the general court for its consideration. **Vote 10-4.**

Rep. Charles Q. Hall for the Minority of Executive Departments and Administration: The minority of the committee agreed the issues described by the study on the status of men were valid. However, this is not the appropriate time to establish a new commission.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 332-FN-L, permitting emergency medical care providers to make death pronouncements, relative to payment of autopsy expenses, and eliminating a requirement for an investigation by the medical examiner. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. James P. Pilliod for the Majority of Health, Human Services and Elderly Affairs: This bill, as introduced, requested authority for emergency medical providers to make death pronouncements and eliminated requirements for investigation by the medical examiner. A subcommittee, in studying the bill in conjunction with the sponsor and others, concluded that this authority was too broad and the committee recommends an amendment to give authority to the Emergency Medical Services Medical Control Board of the Department of Safety to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers under RSA 153-A:5, which is authority to promulgate administrative rules. Also, under RSA 153-A:5, this would be by emergency medical care providers under their own licenses or through medical control from a referral facility for the providers. The amendment also clarifies payment responsibility for autopsies by the state, county and Department of Health and Human Services. **Vote 9-6.**

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill in its original form dealt with allowing emergency medical care providers to make death pronouncements, payment of autopsy expenses, and eliminated a requirement for an investigation by the medical examiner. In subcommittee, both the provision of allowing the death pronouncement and doing away with the 24-hour autopsy were rejected. An amendment was then brought which addresses a totally new subject of establishing a right of emergency medical providers to decide when and if to resuscitate an individual. The amendment also included a provision for the Emergency Medical Services Medical Control Board to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers. While the committee recognizes the service and dedication of emergency personnel, many times as volunteers, there were serious concerns that this subject matter was not part of the public hearing. There were also concerns this could open liability issues for municipalities. The minority strongly believes this amendment should be defeated and that the original bill be defeated and encourages new legislation be filed next month, based on the new subject matter, to allow for a full public hearing and debate.

HB 538-FN, requiring photographs on walking disability placards. **INEXPEDIENT TO LEGISLATE**

Rep. Alida Millham for Health, Human Services and Elderly Affairs: HB 538-FN would require photographs on walking disability placards. The committee is most concerned that abuses of the privilege need to be addressed, but this bill is not the answer. A special subcommittee of the Commission on Disability is working on this very issue. Since this is a complicated issue, the committee felt it would be prudent to let the Commission on Disability find a workable solution and suggest legislation in the future and as soon as possible. Because the problems of abuse are so complex, the prime sponsor of the bill is willing to agree with the committee's decision. **Vote 18-1.**

HB 540-FN-A, relative to prescription benefit management companies and continually appropriating a special fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for the Majority of Health, Human Services and Elderly Affairs: While the committee acknowledges there is a need to find ways to provide access to prescription drugs for low income and uninsured persons, the majority of the committee indicated HB 540-FN is not the answer. To single out the prescription management companies to fund this initiative is not a solution. The state of New Hampshire is working on several initiatives to address these concerns, including a 1115 Medicaid waiver and a tri-state initiative to pool ways to reduce costs. The majority of the committee recommends Inexpedient to Legislate. **Vote 10-7.**

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This legislation would establish a fund to provide prescription drug assistance to low income individuals and would cover children, as well as, adults. The funding mechanism was proposed to be a 3% surcharge on pharmacy benefit management companies (PBM's) on the gross sales of pharmaceutical drugs in New Hampshire. PBM's are hired by insurance companies to manage their paperwork (claims) and to negotiate price with the pharmaceutical companies. The drug companies then compensate the PBM's with "rebates" as an incentive for the PBM's using their products. This is highly competitive and the sponsor truly feels the cost of the 3% surcharge would be primarily be absorbed by the pharmaceutical companies and/or the profits of the PBM's. Some members of the committee were concerned that this bill should have gone to Ways and Means and were not comfortable voting on a bill, which included a tax. Since this bill has a FN attached, the payment mechanism is what should be looked at in Ways and Means. As a policy committee, the establishment of a fund for prescription coverage for those uninsured should have been the issue. The minority asks that the House defeat the ITL amendment and pass the bill to Ways and Means on the tax issue.

HB 611-FN-L, relative to the availability of certain nursing home beds. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee is very supportive of the purpose of this bill, which was to hold a nursing home bed for 5 days when the person occupying it had to leave for emergency treatment. The committee acknowledged that it is sound policy to have such a provision. The difficulty with the bill is that it constituted an

article 28-a unfunded mandate: To address this, an amendment was introduced that would have required that a nursing home should be reimbursed at the daily Medicaid rate. At present, the state Medicaid plan does not provide for reimbursement of the cost of vacant beds. If the state plan were amended, 25% of the cost would be charged to the counties, another 28-a problem. The committee also heard testimony that the majority of public and private nursing homes already voluntarily hold beds for clients who require brief hospitalization. **Vote 11-2.**

HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill, as amended, creates a fund under the Housing Finance Authority to focus on the prevention of homelessness, particularly of families with small children who are at high risk of losing their housing. This fund would target low-income families and others at risk of becoming homeless. The appropriation for this purpose would be up to one million dollars where private sector funding would provide 75% of the fund, which would be matched by 25% of state funds. **Vote 11-0.**

HB 691-FN-A, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. **OUGHT TO PASS**

Rep. Martin Feuerstein for Health, Human Services and Elderly Affairs: This bill requests an appropriation for the 2002-2003 biennium to support the New Hampshire Area Health Education Centers (NHAHEC) in Littleton and Raymond. Littleton serves the four northern counties; Raymond serves the six southern counties. The AHEC's mission is to improve access to primary care by promoting health careers as a life's work. They provide health education information to over 70,000, high school students who have the potential to become New Hampshire's future health professionals. They also work with health and human service college students. Over 5,000 young students have benefited from the program's recruitment efforts. The program is currently funded by a federal grant of \$1 million per year and in-kind support from participating academic institutions. The bill requests \$200,000 for each year, which will allow a request of matching amounts from the federal government. Ensuring an adequate supply of health professionals for NH is a great challenge. This program will enable many aspiring students to make health care career decisions that can give NH quality health care for the coming years. **Vote 12-1.**

HB 721-FN, relative to the use of marijuana for medicinal purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The committee has great compassion for those who feel marijuana could aid in their medical treatment, particularly for nausea and seizures. However, current federal law defines marijuana as a schedule I drug and is defined under the law as having no medical purpose and having a high potential for abuse. The American Medical Association supports scientific research on the benefit of smoked marijuana and further, the AMA supports the development of an inhaled legal form of marijuana under development and the use of a legal drug like Marinol, a currently available pill containing the active ingredients found in marijuana. Federal law does not permit physicians to legally prescribe marijuana nor for it to be dispensed at pharmacies. There is no legal wholesale source of marijuana in the country. This bill would protect from state arrest and prosecution, people using marijuana for medical purposes. However this legislation would not protect those users from federal arrest. The committee is aware that several states, including Maine, have legalized medicinal marijuana, but note that those laws are still in contradiction with federal law. The committee also heard concerns from law enforcement that the bill, as drafted, was unenforceable, allowed patients to grow large amounts of marijuana of indeterminable quality and the bill does not specify where patients could legally obtain seeds or immature plants. Additionally, the subcommittee chair from the Criminal Justice Committee testified about his committees' work on this issue over the past two years. Their committee voted "not recommended for future legislation". For all the above reasons, the committee voted the bill Inexpedient to Legislate. **Vote 13-5.**

JUDICIARY

HB 328-FN-LOCAL, relative to fees of sheriffs and deputy sheriffs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher P. Reid for Judiciary: The fees charged to litigants by the sheriffs for service of process are intended to cover the county's costs. While the cost of providing this service has increased, the fees have not been increased since 1986. The committee felt that the sheriffs had adequately documented their increased costs. The amendment the committee adopted removes certain language which is no longer applicable, and because of collection problems at the county level, requires that litigants pay the cost of service up front. **Vote 10-3.**

LEGISLATIVE ADMINISTRATION

HB 270-FN, increasing the mileage reimbursement rate for members of the legislature. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Legislative Administration: HB 270 increases the reimbursement rate for legislative mileage. The amendment increases the per mile rate under the State system by 4 cents. The cost of this increase to the state is approximately \$30,000. There is little debate over the fact the current mileage reimbursement rate fails to consider increased costs of travel over the past 20 years. However, to make up for the lack of adjustment for the past 20 years now is irresponsible. The committee agrees that legislative compensation is lacking. The expense to serve as a legislator may be prohibitive to service. Travel, meals, lodging, phone expenses, etc. are all financial burdens our constitutional salary fails to cover. While there may be attempts to increase our mileage reimbursement greater than the 4 cents recommended by the committee amendment, the appropriate mechanism to adjust our compensation to reflect actual expenses can only be done through a constitutional amendment. The committee will be voting on a constitutional amendment later in the session. **Vote 9-2.**

HB 641-FN-A, relative to a study by the legislature of gender bias in the New Hampshire court system and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Legislative Administration: The committee heard testimony from the sponsor that a constituent had complained that a judge in her district was gender biased. This judge's conduct has been brought to the attention of court and judicial conduct committee. There have been several studies by the court and the New Hampshire Bar on gender bias issues. In addition it was reported that the courts and the New Hampshire Bar conduct an on-going study of gender bias. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 222-FN, relative to lighting and light pollution. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: An in-depth study was completed wherein all aspects of outdoor lighting and lighting pollution were discussed during the 1999-200 session. The Office of State Planning (OSP) as a result of this study prepared a technical bulletin on outdoor lighting. OSP will convene a public meeting in the spring of 2001 to assist local officials in applying suggested procedures in their communities. HB 222 requires the State to use the most efficient, full cut off lamps available. The Department of Transportation (DOT), in its Highway and Bridge Betterment program for FY 2001-02 has included funding for a phased-in street lighting conversion. Although the Committee agreed with the concept of reduced energy costs, reduced night glare and less light pollution, the Committee recognized that immediate implementation of this bill would not be feasible and the proposed phase-in as outlined by DOT is the best way to accomplish the goals of the sponsor in reducing light pollution. **Vote 11-5.**

PUBLIC WORKS AND HIGHWAYS

HB 358-FN, relative to tolls on the Everett turnpike. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would allow the Department of Transportation to remove the existing toll plazas on exits 10 and 11 on the F.E. Everett Turnpike in Merrimack, in the event that the Governor and Council eliminated the tolls on these exits. While sympathizing with the residents of Merrimack, the committee felt that this legislation was premature for several reasons. First, the Governor and Council have given no indication that they intend to eliminate the tolls on these exits. Second, these exits were built using bond funds. In order to maintain the necessary reserve stream to pay these bonds, tolls would have to be raised elsewhere on the turnpike system. Third, the committee would like to review the results of the overdue Wilber Smith Study before taking any actions affecting the existing toll system. Finally, if an electronic toll collection system is instituted on the turnpike system, it will require reconstruction of all existing toll plazas and this would be a more appropriate time to consider eliminating any existing toll plazas. **Vote 18-0.**

HB 547-FN, authorizing participation in a regional electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Morse for Public Works and Highways: This bill implements EZ-Pass technology. The Department of Transportation has done extensive research on EZ-Pass technology which would replace conventional toll collection equipment. The technology would reduce traffic congestion and improve controls of our highway system. The committee voted overwhelmingly to support this technology. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 537-FN-A, relative to a dedicated revenue source for the land and community heritage investment program and the state's travel and tourism promotion and development effort. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Stanley E. Czech for the Majority of Resources, Recreation and Development: This bill appropriates \$4 Million dollars from the general fund and invests it in the newly created Travel and Tourism Development Fund. It is expected that this fund will generate increased revenue to be used to support the land and community heritage fund in perpetuity. The bill also provides a one time appropriation of \$4 Million dollars for fiscal year 2002 to continue support for the land and community heritage trust fund. After that, the trust fund should be fully supported by revenue from the travel and tourism fund as was originally proposed in HB 537-FN-A. The committee amendment removes the reference to the Real Estate Transfer Tax in the original bill and instead builds upon the tourism promotion aspects of the bill. Based upon the conservative estimates from the Department of Resources and Economic Development (DRED), the committee fully expects that the Land and Community Heritage Investment Program (LCHIP) will be fully funded in the second year of this biennium. Further, the amendment will draw on tourism promotion revenues which could in the near future bring in revenues up to \$16 million dollars annually to fund LCHIP. That is \$4 million more than the "full-funding" sought by the original bill. **Vote 12-6.**

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: The bill creating the Land and Community Heritage Investment Program (LCHIP) last session was passed by a vote of 326 to 9. HB 537-FN-A was to fulfill the promise of a permanent and reliable source of revenues through carefully thought-out, revenue-neutral mechanism. The amendment to this bill is a substitute for a reliance upon the uncertainty of yearly reconsideration of LCHIP funding through a General Fund appropriation, and cuts it from the necessary \$12 Million to \$4 Million in 2002. LCHIP is a long-term project to preserve our state's rural and historic character, requiring long-term funding. The minority supports the original bill without amendment.

HB 539-FN-A, creating certain positions within the division of forests and lands and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: HB 539-FN-A will bring significant new forestry support tools to the division of forests and lands and was unanimously supported by the members of the Resources Committee. The committee amendment makes technical corrections as well as reducing the number of new ranger positions from five to three and therefore also reduces the total appropriation from \$1,380,000 to \$1,100,000. The bill creates new positions in the division of forests and lands for: forest rangers; forest resource planner; and data analyst. This bill also provides funding through the division to the UNH cooperative extension for forestry-related work. The committee considered amending the bill to recommend a source of revenue for this initiative. Although, we did not pursue that avenue, it was generally believed that the timber yield tax should be considered as a possible source of funds. **Vote 17-0.**

HB 592-FN-A, relative to a milfoil prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bob Odell for Resources, Recreation and Development: HB 592-FN-A creates a critically important milfoil and exotic plants prevention and research grant fund. The fund will be managed by the Department of Environmental Services. Forty eight New Hampshire lakes are infested with milfoil or other exotic plants; seven new lakes were infested in the last year. The amendment provides funding through a \$3.00 increase in each boat registration to generate approximately \$300,000 annually. The amendment allocates up to 2/3 of the funds for prevention and the remainder for research. Prevention grants will be matched by local lake associations and research grants will be matched by recipient research organizations. Members of the committee felt strongly that research and prevention programs need to be accelerated to protect lakes from the destructive effects of milfoil and other exotic plant infestation. **Vote 17-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 253-FN, relative to mercury reductions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: Mercury is a persistent toxic pollutant that accumulates in the food chain and has significant neurotoxic effects on humans, wildlife and fish. New Hampshire, like other New England states, has advised against eating more than a limited amount of fresh water fish due to Mercury contamination. By December 2005, federal regulations will require that Mercury emission control technology be installed at the waste-to-energy facility in Claremont. This facility serves 15 New Hampshire and 14 Vermont communities. This bill, as amended, would require the

facility to meet New Hampshire's more stringent Mercury standard 2-3 years earlier than required by the federal rule. Under the bill, pollution control equipment is expected to be installed by July 2003. Since the NH communities of the NH/VT Solid Waste Project are contractually liable for 34.5% of the operating and maintenance costs associated with any mandated state or federal environmental controls to the facility, this bill would increase costs to the NH communities by \$75,900 per year to meet the earlier emissions limit. This bill establishes a state grant program to reimburse those NH communities for the costs associated with the earlier implementation date required by this bill. The fiscal note estimates those costs as up to \$75,900 in FY 2004 and FY 2005 and \$37,950 in FY 2006. The state grant program would cease after federal regulations require compliance anyway. The committee fully agreed with local residents that preventing Mercury from entering the incinerator through source reduction or recycling would be preferable to reducing Mercury through emission controls after waste is burned. With that in mind, the amendment provides for two compliance alternatives that may eliminate the need for control technology installation. The first alternative allows the commissioner of the Department of Environmental Services (DES) to waive state requirements for the incinerator to install pollution control equipment if the commissioner determines that the plant will close prior to December 2005. The amendment also allows the DES commissioner to waive requirements if the state standard is met and will continue to be met through Mercury source reduction or recycling efforts. Language was also added that said the United States Environmental Protection Agency must also approve any alternative compliance plan in order to protect the interests of the facility owner. Legislation that passed last session required similar reductions of Mercury at another waste to energy facility in Penacook. Installation of pollution control equipment has successfully reduced emissions of Mercury by over 95% at the Penacook facility. **Vote 14-0.**

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: Dioxin is a toxic compound that accumulates in the food chain and poses a significant health risk to humans and wildlife. It is primarily emitted as an unintended byproduct of certain combustion, including the backyard burning of household products. This bill requires the Department of Environmental Services (DES) to develop a dioxin emissions reduction program. It also prohibits the residential burning of domestic waste, which accounts for 17 percent of the dioxin emitted in this state. Residential trash often contains plastics and other materials that, when burned at low temperatures in a backyard barrel, produce dioxin. It should be noted that this bill does not prohibit the backyard burning of brush. **Vote 13-0.**

TRANSPORTATION

HB 473-FN, authorizing the department of safety to issue special amateur radio operator plates. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders for Transportation: Although submitted with good intentions, this bill will not sell enough plates to pay for the initial manufacturing costs. Already there is the ability for amateur radio operators to have their call letters on their license plates in the form of vanity plates. It was suggested in committee discussions that a sticker might be developed to be applied to the rear window of the vehicle for identification purposes. **Vote 13-2.**

HB 474-FN, relative to motor vehicle plates for firefighters and emergency medical care providers. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would establish a special license plate for emergency medical care providers and firefighters that respond to calls. The committee recognizes the valuable work that these individuals provide for the citizens of New Hampshire. This bill, if passed, essentially would provide free license plates for these individuals. Additionally, minimum startup cost for any new plate issue is approximately \$25,000.00, including computer time, planning, artist fees and printing. The minimum number of plates to be manufactured for any new issue is 5,000 pairs at a cost of \$67,000.00. Committee research revealed that the neighboring states of Connecticut and Vermont have issued 39 and 239 sets of plates; Maine recorded 4421 plates from a population of 1.2 million. The committee felt first that this is the start of the slippery slope and would lead to many organizations requesting special plates. Furthermore, the committee felt that the number of plates that would be sold would not meet the minimum requirement for production, costing the state resources it can ill afford to lose. Also, the question of responsibility for these plates in the event the plate holder leaves the employ of the municipality is not addressed and in doubt. **Vote 13-2.**

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill defines Off Highway Recreational Vehicle (OHRV) dealers and rental agents and creates a new section in RSA 215-A:1 that will be called an OHRV "Rental Agent" for those involved in the business of renting OHRVs to the general public. This bill also creates a new registration and license to accommodate these agents and defines the fees associated with this new section. This bill was introduced after discussion between the state and dealers to address the growing problem of unregistered OHRVs, and the lack of proper law to address the recent explosion of rental dealers. It is felt that this legislation is a public safety issue. All in attendance at the public hearing were in support. **Vote 15-0.**

WAYS AND MEANS

HB 151, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Ways and Means: The committee understands the concern of veterans relative to military pension payments and military survivors' benefit payments being exempt from gross income if an income tax is enacted. The committee feels that this bill is unconstitutional and discriminating to non-military pensioners. This bill is premature because no income tax bill has passed at this juncture. **Vote 13-0.**

HB 185-FN-L, repealing the prospective repeals of the education property tax and related laws. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Guida for the Majority of Ways and Means: The majority of the committee recognizes that virtually each and every long-term solution to the current education funding crisis includes the continuation of the state-wide property tax system. As indicated in the report issued by the New Hampshire Commission on Education Funding (The Governor's Blue Ribbon Commission): "... placing such a full burden on any single tax option might exert a significantly negative impact on New Hampshire's economy and taxpayers." (Page 51 of the report). The majority agrees with the sponsor of this legislation that the state-wide property tax needs to be maintained. While some will argue that the tax is unconstitutional in its entirety, it should be noted that the recent opinion of the Rockingham Superior Court found constitutional infirmity not with the state-wide tax itself, but rather, with the methodologies and structures of valuation and equalization procedures. These procedures have recently been given significant review and substantial changes to the valuation and equalization procedures are being introduced under separate legislation. Removal of the sunset provision that this legislation provides is merely one step towards completing the process of adopting a permanent funding solution. **Vote 9-5.**

Rep. Susan W. Almy for the Minority of Ways and Means: This bill commits us to keep the statewide property tax at \$6.60, which will increase the number of donor towns and judicial complications related to this. The repeal of the repeal can be done in any of the bills coming forward to lower the statewide property tax and provide alternative funding, or even in the bills coming forward to fix the existing tax.

bills not MEETING report DEADLINE OF MARCH 15, 2001

COMMERCE

HB 264, relative to the state treasurer and relative to certain unclaimed or abandoned property. **WITHOUT RECOMMENDATION**

HB 404, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors. **WITHOUT RECOMMENDATION**

HB 541-FN, requiring certain hospitals to provide charity care and continually appropriating a special fund. **WITHOUT RECOMMENDATION**

HB 710-FN, relative to liquor licenses and fees. **WITHOUT RECOMMENDATION**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 557-FN-A, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video

game players, and video movie players. **WITHOUT RECOMMENDATION**

EDUCATION

HB 757, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education. **WITHOUT RECOMMENDATION**

ENVIRONMENT AND AGRICULTURE

HB 426, relative to the voluntary scrapie flock certification program. **WITHOUT RECOMMENDATION**

HB 655-FN-A-LOCAL, establishing an advance disposal fee to fund local mercury presorting and recycling programs. **WITHOUT RECOMMENDATION**

HB 728-FN-A-LOCAL, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. **WITHOUT RECOMMENDATION**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 463-FN, relative to protective services to adults. **WITHOUT RECOMMENDATION**

JUDICIARY

HB 281-FN, establishing an independent administrative office of the courts. **WITHOUT RECOMMENDATION**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 744-FN-A, establishing a family and disability leave program. **WITHOUT RECOMMENDATION**

MUNICIPAL AND COUNTY GOVERNMENT

HB 365-LOCAL, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes. **WITHOUT RECOMMENDATION**

HB 439-FN-A, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area. **WITHOUT RECOMMENDATION**

HB 601-FN-A-LOCAL, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state. **WITHOUT RECOMMENDATION**

SCIENCE, TECHNOLOGY AND ENERGY

HB 316-FN, establishing the position of state energy manager. **WITHOUT RECOMMENDATION**

WAYS AND MEANS

HB 334-FN-A, adopting a single sales factor method of apportionment under the business profits tax. **WITHOUT RECOMMENDATION**

HB 562-FN-A-LOCAL, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding. **WITHOUT RECOMMENDATION**

HB 742-FN-LOCAL, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **WITHOUT RECOMMENDATION**

HOUSE DEADLINES

December 22, 2000, Friday, by 3:00 p.m.	Last day to file LSRs with complete information.
January 19, 2001, Friday	Last day to sign-off all bills with fiscal notes.
January 26, 2001, Friday	Last day to sign-off all other House bills.
February 8, 2001, Thursday	Last day to introduce all bills.
March 14, 2001, Wednesday	Last day to report House FN bills referred to a second committee.
March 22, 2001, Thursday	Last day to act on House FN bills being referred to a second committee.
April 11, 2001, Wednesday	Last day to report all House FN bills and budgets.
April 19, 2001, Thursday	Last day to act on all House FN bills and budgets.
	Last day to hold public hearings on all House bills retained in committee.
	Last day for committees to report list of retained House bills.
April 23, 2001, Monday	Supplemental LSR filing period opens.
April 27, 2001, Friday, by noon	Last day to file supplemental LSRs with complete information.
May 9, 2001, Wednesday	Last day to report Senate bills referred to a second committee.
May 17, 2001, Thursday	Last day to act on Senate bills being referred to a second committee.
May 25, 2001, Friday	Last day to sign-off all supplemental bills.
May 30, 2001, Wednesday	Last day to report all Senate bills for action in the first-year session.
	Last day for committees to report list of retained Senate bills.
June 7, 2001, Thursday	Last day to act on all Senate bills in the first-year session.
	Supplemental day to amend House Rules by majority

	vote.
June 13, 2001, Wednesday	Last day to form committees of conference.
June 20, 2001, Wednesday by 5:00 p.m.	Last day to sign committee of conference reports.
June 26, 2001, Tuesday	Last day to act on committee of conference reports.
	Last day to introduce supplemental bills.

COMMITTEE MEETINGS

MONDAY, MARCH 19

CERTIFICATE OF NEED TASK FORCE (RSA 151-C:16), Room 306, LOB

10:00 a.m. Rescheduled regular meeting.

CHILDREN AND FAMILY LAW, Room 206, LOB

11:00 a.m. Subcommittee work session on *HB 648-FN*, designating certain child care agencies as homeless youth programs.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on *HB 257*, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury, *HB 591*, relative to certain prescription discount cards, *HB 394*, relative to short-term health insurance policies for certain persons, *HB 514*, relative to uniform prescription drug information cards and *HB 488*, relative to the confidentiality of patient prescription records.

11:30 a.m. Subcommittee work session on *HB 115*, relative to automated telemarketing practices, *HB 299-FN*, relative to telephone solicitation and the creation of a "no sales solicitation calls" list of consumers and *HB 470*, relative to caller identification requirements for persons engaged in telephone solicitation.

FINANCE - (DIVISION I), Room 209, LOB

Division I will hold the following work sessions on the budget:

9:00 a.m. Agriculture, Markets and Food

Veterinary Examiners Board

10:00 a.m. Resources and Economic Development

11:00 a.m. Administrative Services

2:00 p.m. Judicial Branch

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

Division III will hold the following work sessions on the budget:

9:30 a.m. Veterans Council

Veterans Home

11:00 a.m. Work session on **HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

Executive sessions may be held throughout the day

TUESDAY, MARCH 20

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings.

11:00 a.m. **HB 661**, relative to hearing timelines in abuse and neglect cases.

1:30 p.m. **HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases.

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

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB

2:00 p.m. Regular meeting.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property.

9:30 a.m. Subcommittee work session on **HB 497**, prohibiting banks from charging customers fees for accessing funds from their own accounts.

10:00 a.m. **HB 580**, requiring health insurance carriers to provide loss information to large employers on a quarterly basis.

11:00 a.m. **HB 668**, prohibiting the use of genetic testing for certain insurance purposes.

1:15 p.m. **HB 672**, relative to coverage for mental and nervous conditions.

2:30 p.m. **HB 564**, requiring insurance coverage for certified midwives.

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. **HB 736-FN**, establishing the consumer safety firearms protection act.

1:30 p.m. **HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone.

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

EDUCATION, Room 207, LOB

10:00 a.m. **HB 679**, establishing a commission to examine models of out-of-school care for children in

kindergarten through grade 12.

11:00 a.m. **HB 646**, relative to an exemption for pupils scoring at the advanced level on the verbal portion of the state assessment test.

11:30 a.m. **HB 694**, establishing a separate high school civics graduation requirement.

1:00 p.m. **HB 692**, relative to the use of psychological testing and psychiatric drugs in schools.

2:00 p.m. **HB 734**, eliminating the teen assessment project in the university system of New Hampshire.

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

ELECTION LAW, Room 308, LOB

9:45 a.m. **HB 259**, relative to holding sessions for correction of checklists.

10:00 a.m. **HB 266**, establishing a committee to study recodification of the election laws.

10:15 a.m. **HB 484**, relative to disclosure of presidential election results.

10:30 a.m. **HB 531**, establishing a committee to study ballot reform.

10:45 a.m. **HB 575**, relative to absentee voter affidavits.

11:00 a.m. **HB 639**, relative to the preparation of town ballots and relative to the nomination of presidential electors.

11:15 a.m. **HB 698**, relative to verification of checklists.

11:30 a.m. **HB 722**, relative to town elections.

11:45 a.m. **HB 633**, relative to the order of names on ballots.

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

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

2:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on **HB 728-FN-A-LOCAL**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor.

1:00 p.m. Subcommittee work session on **HB 348-FN**, prohibiting the land application of sludge in certain excavation areas.

2:00 p.m. Subcommittee work session on **HB 426**, relative to the voluntary scrapie flock certification program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. Rescheduled public hearing on **HB 554-FN**, establishing a division of information technology within the department of safety.

10:45 a.m. **HB 665**, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices.

11:30 a.m. **HB 657**, relative to bail recovery agents.

1:30 p.m. **HB 727**, making certain changes concerning the authority and operation of the port authority.

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

FINANCE, Rooms 210-211, LOB

9:00 a.m. **HB 693**, rescinding the prohibition on the possession and use of tobacco products by minors and making tobacco use prevention programs in secondary schools the priority of the tobacco use prevention fund.

9:45 a.m. **HB 741-FN-A-L**, relative to supplemental grants to certain municipalities to cap tax effort per pupil.

10:15 a.m. **CACR 17**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education.

11:00 a.m. **CACR 20**, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education.

1:30 p.m. **HB 749-FN-A-L**, relative to the transportation cost component in the determination of adequate education grants.

Executive session on pending legislation to follow.

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

9:45 a.m. **HB 683**, relative to the prescription of Methylphenidate

10:30 a.m. **HB 621**, relative to the form of prescriptions.

1:00 p.m. **HB 751**, authorizing an advisory committee and establishing a conflict of interest policy regarding grant awards from the health care fund.

2:00 p.m. Continued public hearing on **HB 576**, establishing a committee to study the manner in which certain drugs are prescribed to children with behavior disorders.

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. **HB 733**, deleting references to "rebuttable presumption" from the laws of this state.

11:30 a.m. **HB 704**, relative to the applicability of the right-to-know law to certain governmental committees.

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. **HB 517-LOCAL**, relative to supply of water by village districts.

1:30 p.m. **HB 512**, relative to off-site improvements imposed on applicants to a planning board.

2:30 p.m. **HB 735-LOCAL**, permitting towns and cities to deny a planning board application by a vote of the legislative body.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Capital Budget hearings

HB 25-FN-A, making appropriations for capital improvements.

9:00 a.m. Supreme Court

9:30 a.m. Veterans' Home

10:00 a.m. **HB 716-FN**, relative to minimum wages of employees in public works.

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. Full committee work session on **HB 336-FN-A**, making capital appropriations to the university system of New Hampshire.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. Subcommittee work session on **HB 476**, relative to the definition of a campsite.

10:00 a.m. **HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes, and establishing a temporary moratorium on new all terrain vehicle and trail bike trails.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **HB 758**, relative to the sale of gasoline containing ethers.

11:00 a.m. **HB 755**, relative to groundwater contamination and gasoline sampling.

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 **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission, **HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities, **HB 695**, relative to net energy metering, **HB 718-FN**, establishing minimum renewable standards for energy portfolios and **HB 740**, relative to decommissioning of nuclear electric generating facilities.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session on Revenue Estimates.

Following the full committee work session executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, MARCH 21

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. **HB 620**, relative to arrangements between birth parents and adoptive parents.

10:30 a.m. **HB 743**, transfers the department of youth development services to the department of health and human services.

1:30 p.m. **HB 686**, relative to the scope of discovery in abuse and neglect cases.

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

COMMERCE, Room 302, LOB

9:30 a.m. **HB 680**, relative to foreign insurers.

10:00 a.m. **HB 632**, allowing the sale of collectible beer without a license.

11:00 a.m. **HB 687-FN**, relative to labeling requirements of genetically engineered foods.

1:15 p.m. **HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

1:45 p.m. **HB 690**, adopting the "Financial Information Privacy Protection Model Act."

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. **HB 764-FN**, relative to interference with custody.

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

11:00 a.m. Full committee work session on **HB 545-FN**, establishing the railroad trespass prevention act.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 708-FN**, relative to the definition of "child" for the purposes of home education and relative to access to public school programs by home educated pupils.

10:30 a.m. **HB 631-LOCAL**, relative to access to public school programs by home educated pupils.

11:00 a.m. **HB 415**, establishing a committee to study the use of state bond moneys to fund new high school construction.

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. Continued public hearing on **HB 676-LOCAL**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

11:00 Continued public hearing on **HB 675**, relative to mercury source reduction.

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

ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

9:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 682**, relative to accidental disability income benefits.

10:45 a.m. **HB 684**, relative to the occupational therapy practice act.

11:30 a.m. **HB 738**, establishing a commission to assess the operating efficiency of state government.

1:30 p.m. **HB 688**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules.

2:15 p.m. **HB 714-FN**, requiring the disclosure by a governor or councilor of certain gifts.

3:00 p.m. **HB 719**, relative to the removal of public officials for cause.

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

FINANCE - (DIVISION I), Room 209, LOB

Division I will hold the following work sessions on the budget:

9:00 a.m. Public Utilities Commission

10:00 a.m. PUC – Consumer Advocate

10:30 a.m. Department of Safety

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

9:00 a.m. Work session on **HB 350-FN**, relative to persons with disabilities participating in the work incentive program.

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

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

2:00 p.m. Work and executive session on the following bills:

HB 741-FN-A-L, relative to supplemental grants to certain municipalities to cap tax effort per pupil.

HB 749-FN-A-L, relative to the transportation cost component in the determination of adequate education grants.

CACR 7, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education.

CACR 15, relating to a balanced budget. Providing that: the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue.

CACR 17, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education.

CACR 20, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. Continued public hearing on **HB 724**, relative to pooled risk management programs for public employers.

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. **HB 674**, enabling towns and school districts to adopt a policy for the removal of local elected officials for cause.

11:30 a.m. **HB 607-FN-LOCAL**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school.

1:30 p.m. **HB 705**, exempting certain disclosures by town officers from confidentiality requirements.

2:15 p.m. **HB 596**, relative to the acquisition of land by a town.

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

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (RSA 12-H:1), Room 304, LOB

8:30 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. **HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings.

10:30 a.m. **HB 715-FN**, relative to the New Hampshire port authority.

1:00 p.m. **HB 732**, relative to the regulation of land use by the Pease development authority.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants, **HB 755**, relative to groundwater contamination and gasoline sampling and **HB 758**, relative to the sale of gasoline containing ethers.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HCR 14**, declaring the New Hampshire supreme court’s Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

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. Full committee work session on **HB 310-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003.

1:30 p.m. Full committee work session **HB 320-FN**, relative to leasing certain portions of railroad properties.

THURSDAY, MARCH 22

FINANCE - (DIVISION I), Room 209, LOB

Work and executive session on the budget and other pending legislation may be held at the conclusion of the House session.

FINANCE - (DIVISION II), ROOM 212, LOB

Work and executive session on the budget and other pending legislation may be held at the conclusion of the House session.

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

Work and executive session on the budget and other pending legislation may be held at the conclusion of the House session.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Immediately following the House session subcommittee work session on **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission, **HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities, **HB 695**, relative to net energy metering, **HB 718-FN**, establishing minimum renewable standards for energy portfolios and **HB 740**, relative to decommissioning of nuclear electric generating facilities.

FRIDAY, MARCH 23

FINANCE - (DIVISION I), Room 209, LOB

Division I will hold the following work sessions on the budget:

9:00 a.m. Port Authority

11:00 a.m. Pease Development Authority

1:00 p.m. Adjutant General

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Community Development Finance Authority, 14 Dixon Avenue, Concord

2:30 p.m. Regular meeting.

MONDAY, MARCH 26

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

TUESDAY, MARCH 27

COMMERCE, Room 302, LOB

10:00 a.m. **HB 753**, relative to exemptions from issuer dealer licenses for the sale of securities.

11:00 a.m. **HB 731-FN**, relative to securities laws.

1:15 p.m. **HB 713-FN**, addressing public health issues relative to indoor smoking.

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

FISH AND GAME, Room 307, LOB

10:00 a.m. **HB 720**, relative to permitting the use of certain firearms for hunting deer.

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

FISH AND GAME JOINT WITH CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 305-307, LOB

1:30 p.m. **HB 760-FN**, relative to the possession of silencing devices and relative to the use of silencing devices for taking game.

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

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

Noon Subcommittee work session on **HB 573**, relative to the role of advanced registered nurse practitioners in the state mental health services system.

JUDICIARY, Room 208, LOB

1:00 p.m. Continued public hearing on **HB 616**, clarifying sessions to be held at the satellite district court in Durham.

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. **HB 723**, relative to vacancies in county offices.

10:30 a.m. **HB 689**, establishing a committee to study the effectiveness and fairness of county government.

1:30 p.m. **HB 647-FN-LOCAL**, relative to the power of governmental entities to appropriate public money.

2:15 p.m. **HB 626**, relative to an override of the limitation on appropriations by a local legislative body.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB 766-FN-A-LOCAL**, establishing a New Hampshire education tax on gross receipts from the consumption of sales of goods and services as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax.

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

WEDNESDAY, MARCH 28

COMMERCE, Room 302, LOB

10:00 a.m. **HB 702**, making revisions to the consumer protection act.

11:00 a.m. **HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes.

1:15 p.m. **HB 229**, relative to third person liability under the workers' compensation law.

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

FINANCE, Representatives Hall

10:00 a.m. **HB 767-FN-A-LOCAL**, establishing the excellence in learning in New Hampshire school funding and improvement program and making an appropriation therefor.

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

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

MUNICIPAL AND COUNTY GOVERNMENT, Rooms 301-303, LOB (Please note room change.)

10:00 a.m. **HB 285-FN-LOCAL**, relative to the adoption of a state building code.

1:30 p.m. **HB 522-LOCAL**, establishing discretionary preservation easements for preserving historic agricultural structures.

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

FRIDAY, MARCH 30

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

9:00 a.m. Regular meeting.

WEDNESDAY, APRIL 4

WATER WITHDRAWALS ON INSTREAM FLOWS STUDY (SB 330, Chapter 242:2, Laws of 2000), Rooms 305-307, LOB

2:30 p.m. Regular meeting.

FRIDAY, APRIL 13

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 207, LOB

10:00 a.m. Regular meeting.

FRIDAY, APRIL 20

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

9:00 a.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 207, LOB

9:00 a.m. Regular meeting.

WEDNESDAY, APRIL 25

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

3:30 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on March 21 at 7:30 p.m. at the County Commissioners' Offices, Laconia for hearing and final passage of the 2001 County Budget.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

COUNTY DELEGATION NOTICE

The Cheshire County Delegation will meet on Monday, March 19 in the Jury Room at Cheshire County Courthouse to vote on the 2001 County Budget and to attend to any other business that may come before the Delegation.

Rep. Stephen G. Avery, Chairman

Cheshire County Delegation

COUNTY DELEGATION NOTICE

The Hillsborough County Delegation will meet immediately following session in Representatives Hall on Thursday, March 22.

Rep. Robert H. Milligan, Chairman

Hillsborough County Delegation

COUNTY DELEGATION NOTICE

The Merrimack County Delegation will hold public hearing on the 2001 Operating Budget for Merrimack County on March 21 at 7:00 p.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. Immediately following the public hearing there will be a Delegation meeting to approve the 2001 Merrimack County Budget.

Rep. William E. Leber, Chairman

Merrimack County Delegation

COUNTY DELEGATION NOTICE

The Strafford County Delegation will meet at 9:00 a.m. on Saturday, March 24 at the William A. Grimes Strafford County Justice and Administration Building, Superior Courtroom 2.

Rep. Gary R. Gilmore, Chairman

Strafford County Delegation

To make it easier for members to get answers to their questions about the state budget as it is being developed two or three members of the Finance Committee will be available in Room 209, LOB between 12:30 and 1:00 p.m. each Tuesday and Wednesday through April 18th. Please feel free to drop in at your convenience. Of course, everyone on the committee will continue to respond to members' questions whenever and wherever posed.

Rep. Neal M. Kurk, Chairman

Finance Committee

A citizen petition in support of HB 171-FN, an act abolishing the death penalty, was presented to the Clerk of the House on Wednesday, February 28th, and is available for inspection in the Clerk's office.

Karen O. Wadsworth, Clerk of the House

Copies of the document entitled "State of New Hampshire Official Statement" are now available for members of the House. This important and informative document, which was compiled by the State Treasurer in conjunction with the sale of \$90,000,000 of general obligation bonds last December, contains a comprehensive collection of financial tables and other valuable information relative to the finances of the state. Copies may be obtained at the Sergeant-at-Arms counter.

Rep. David J. Alukonis

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses requested.

Irene A. Pratt, 66 Clark Road, Winchester, New Hampshire 03470-2201.

Colleagues who so desire may send cards and greetings to the addresses listed above.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have revised or amended fiscal notes: HB 123, HB 169, 170, 172, 173, 174, 175, 176, 179, 180, 184, 185, 186, 189, 204, 205, 207, 208, 209, 210, 211, 213, 214, 218, 280, 282, 283, 285, 286, 287, 289, 290, 291, 293, 298, 299, 302, 303, 305, 308, 309, 313, 315, 316, 317, 318, 319, 321, 322, 324, 325, 326, 327, 334, 335, 341, 344, 346, 535, 538, 543, 544, 547, 548, 549, 552, 555, 556, 559, 561, 604, 605, 606, 644, 654, 655, 656, 667, 708, 710, 713, 715, 736, 741, 744, 745 and 749.

Karen O. Wadsworth, Clerk of the House

MEMBERS’ NOTICES

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

All members are invited to the Annual Legislative Ski Day, March 18th and 19th in Jackson. This year’s event will cover two mountains. Sunday, March 18th will be at Black Mountain and Monday, March 19th will be at Wildcat. Legislative Ski Day is free to members and their guests. Alpine and Nordic skiing is available both days. More details will follow.

Reps. David M. Scanlan and Peter H. Burling

Legislative Caucus for Young Children will meet on Monday, March 19 at 1:00 p.m. in Room 206, LOB. The caucus will be reviewing proposed, pertinent legislation.

Rep. Laura C. Pantelakos

"How one school district has been successful in handling its school dilemma", will be the topic of discussion by local radio personality Peter Martin. He will be addressing the members of Legislators for Limited Spending at their meeting Tuesday, March 20 at the Upham Walker House at noon. All legislators are invited. Please bring your lunch and join us.

Rep. Kenneth L. Weyler

ALEC, American Legislative Exchange Council, will be holding a reception for new legislators on Wednesday, March 21 in Rooms 306-308, LOB from noon to 1:00 p.m. Last session we had over forty dues paying members. Our members feel that the information received in the mail and at conferences has been invaluable in being fully informed legislators.

Rep. Kenneth L. Weyler

Protecting Consumer Privacy is More Legislation Necessary will be the subject of a talk by Professor Michael Staten of Georgetown University. He will be hosted by the New Hampshire Chapter of ALEC (American Legislative Exchange Council), on Wednesday, March 21 in Room 306, LOB at 1:30 p.m.

Rep. Kenneth L. Weyler

New Hampshire School Food Services Association is holding its Annual Legislative Breakfast on Thursday, March 22 in the State House Cafeteria from 8:00 a.m. to 10:00 a.m. Please stop down and visit us.

Rep. Russell D. Bridle

The Legislative Ski Race scheduled for March 26 has been cancelled. The House would like to thank the twenty five athletes who volunteered to represent New Hampshire against our neighbors. Unfortunately a conflict in scheduling at the ski area has forced us to postpone the race until next year. Call Rep. Dexter (3-36) if you have questions.

Rep. Judson K. Dexter

The Rockingham County Republican Committee will be holding their annual Lincoln Day Dinner on April 6 at Yokens Conference Center, Route One, Portsmouth. Social hour at 6:00 p.m. dinner at 7:00 p.m. Jack Oliver, Executive Director of the National Republican Committee is the featured speaker. Senator Bob Smith, Representative John Sununu and other notable Republicans will be attending. Tickets can be obtained by contacting E.A. Weare, 30 Forest Court, Seabrook or call 474-9454. Cost is \$30 per person. Come join us for an enjoyable evening.

Rep. Robert K. Dodge

The Greater Manchester Chamber of Commerce invites the Greater Manchester delegation to its Annual Manchester Legislative Dinner on Monday, April 9th from 6:00 to 8:30 p.m. at the Executive Court Banquet Facility at the Yard Restaurant. Please RSVP to 666-6600. Tickets for non-members are also available.

Rep. Marc P. Pappas

Members and others interested in the 1% NH Education Tax Plan are welcome to visit the new website – www.AndrewPeterson.org.

Rep. Andrew R. Peterson

Members are invited to view a model of the proposed Alan B. Shephard Discovery Center and the Christa McAuliffe Planetarium on display in the Visitors' Center.

Reps. Gary R. Gilmore and James R. MacKay

The Department of Transportation will hold the following meetings:

Mar 19 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Routes 9, 10, 12 and 101 upgrade.

Mar 20 – Wilton Town Hall, Court Room, 42 Main Street, Wilton, 7:00 p.m. Combined officials/informational meeting, Wilton-Milford, reconstruction of existing pavement on NH 101 at the intersection of NH 31 south in Wilton proceeds 3 miles to the RR Cross in Milford.

Mar 21 – West Running Brook School, 1 West Running Brook Lane, Derry, 4:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening.

Mar 21 – Selectmen's Office, 4-A High Street, Danbury, 7:00 p.m. Combined officials/informational meeting, Danbury, NH 104 over Smith River bridge painting project.

Mar 22 – Selectmen's Office, 84 Main Street, Tamworth, 7:00 p.m. Combined official/informational meeting, Tamworth, project begins on NH 25 at Lords Hill Road and proceeds easterly approximately 3¼ miles to the Ossipee Town Line.

Mar 26 – Selectmen's Office, 16 Bridge Street, Colebrook, 9:00 a.m. Combined officials/informational meeting, Colebrook-Lemington, NH 26 over Connecticut River, bridge painting project.

Mar 26 – Selectmen's Office, Main Street, Pittsburg, 3:00 p.m. Combined officials/informational meeting, Clarksville-Pittsburg, US 3 over Connecticut River, bridge painting project.

Mar 26 – Selectmen's Office, NH 145, Clarksville, 7:00 p.m. Combined officials/informational meeting, Clarksville-Pittsburg, US 3 over Connecticut River, bridge painting project.

Mar 27 – NHDOT, Room 103, 1 Hazen Drive, Concord, 10:00 a.m. Commission meeting, Epping (NH Route 87)

Mar 28 – Pelham Town Hall, 2nd Floor, 6 Main Street, Pelham, 6:00 p.m. Combined officials/informational meeting, Pelham, project begins on NH 38 at the MA State line, proceeds north 3 miles. Reclaiming, guardrail replacement miscellaneous drainage and signal work on NH 38/Bridge Street/NH 38/Main Street/Old Gage Hill Road.

Mar 28 – Pembroke Town Hall, 311 Pembroke Street, Pembroke, 7:00 p.m. Public informational meeting, Pembroke-Allenstown, replacement of Main Street Bridge over Suncook River and associated roadway reconstruction.

Mar 28 – Skyhaven Airport, 238 Rochester Hill Road, Rochester, 5:30 p.m. Progress meeting/Advisory, Skyhaven Airport Master Plan.

Mar 29 – Fisk School, 14 Main Street, Salem, 6:00 p.m. Advisory Task Force meeting, Salem-Manchester, I-93 widening.

Mar 29 – Troy Elementary School, 44 School Street, Troy, 7:00 p.m. Combined public officials/public informational meeting, Troy-Swanzey, NH 12 at Flat Root Mill Road in Swansey, proceeds south to Railroad bridge, involves reclaiming NH Route 12, guardrail and miscellaneous drainage work.

Apr 4 – Gilford Town Hall, Route 11A, Gilford, 7:00 p.m. Combined officials/informational meeting, Alton-Gilford, reconstruction of NH 11 beginning in the vicinity of Minge Brook in Alton and continuing north-west approximately 4.75 miles to Ellacoya State Park.

Apr 18 - West Running Brook School, 1 West Running Brook Lane, Derry, 4:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening.

Rep. Edwin O. Smith

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 March 2001. 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. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
Mar. 19	9:00	Broken Ground Elem - Concord	4/25
Mar. 19	11:00 & 12:30	Barrington Elem	4/75
Mar. 20	9:00	Broken Ground Elem - Concord	4/25
Mar. 20	11:00 & 12:30	Barrington Elem	4/50
Mar. 21	9:30 & 11:00	East Rochester School	4/60
Mar. 21	4:00	YNOT – High School Tobacco Prevention Group	25
Mar. 22	9:30 & 11:00	Loudon Elem	4/80
Mar. 23	10:00	Underhill Elem – Hooksett	3/50
Mar. 23	11:00	Nashua Christian Academy	4/22
Mar. 23	12:30	Lyme School	5/27
Mar. 26	9:30 & 11:00	Garrison Elem – Dover	4/50
Mar. 27	10:00	Underhill Elem – Hooksett	3/50
Mar. 27	11:00	East Kingston Elem	4/29
Mar. 28	10:00	Underhill Elem – Hooksett	3/50
Mar. 28	11:00 & 12:00	Rindge Memorial School	4/60
Mar. 29	10:00	Underhill Elem – Hooksett	3/25
Mar. 29	11:00	Marlborough Elem	4/45
Mar. 30	9:30 & 11:00	Chester Academy	4/65
Mar. 30	12:30	Maplewood Elem – Somersworth	3/50

THURSDAY, MARCH 22

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2001-0107h

Amendment to HB 112

Proposed by the Committee on Commerce - C

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

AN ACT establishing a study committee on issues relating to hospital business practices and managed care organizations' networks.

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

1 Committee Established. There is established a committee to study issues relating to hospital business practices and managed care organizations' networks.

2 Membership and Compensation.

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

(a) Five members of the house of representatives at least 2 of whom shall be members of the commerce committee and at least one of whom shall be a member of the health, human services and elderly affairs committee, appointed by the speaker of the house.

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

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

3 Duties. The committee shall study issues relating to hospital business practices and managed care organizations' networks. Such study shall include, but shall not be limited to, a study of antitrust laws as they apply to hospital business practices, the relationship between physician hospital organizations and independent provider associations, and the criteria by which managed care organizations exclude certain entities from their networks.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before February 1, 2002.

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

AMENDED ANALYSIS

This bill establishes a study committee on issues relating to hospital business practices and managed care organizations' networks.

2001-0309h

Amendment to HB 130

Proposed by the Committee on Municipal and County Government - C

Amend RSA 473:6 as inserted by section 1 of the bill by replacing it with the following:

473:6 Waters as Insufficient Fence. The governing body or fence viewer, upon application of either party, shall view any brook, river, pond, creek or ditch alleged not to be equivalent to a legal and sufficient fence. If they judge it to be not so equivalent, they

shall make a division of the fence. If it is impracticable to build the fence on the boundary line without unreasonable cost, the governing body or fence viewer shall determine where it shall be located, and shall give notice to the parties to build it according to such division and location within a specified time period.

Amend RSA 473:8 as inserted by section 1 of the bill by replacing it with the following:

473:8 Appraisal of Fence Constructed or Repaired. The governing body or fence viewer, upon application, shall view any fence built or repaired as provided in RSA 473:5, and if they judge the same and the residue of the fence between the same owners upon the same tract of land to be sufficient, they shall appraise the fence so built or the repairs so made.

Amend RSA 473:11 as inserted by section 1 of the bill by replacing it with the following:

473:11 Appraisal in Default of Agreement. In a division under RSA 473:10, if the parties do not agree, the governing body or fence viewer, on application, shall appraise such part, and the party may recover the value appraised or agreed in an action of assumpsit for so much fence sold, if the same is not paid in 30 days after demand.

Amend RSA 476:1 as inserted by section 3 of the bill by replacing it with the following:

476:1 Fence as Private Nuisance. Any fence or other structure in the nature of a fence, unnecessarily exceeding ~~[5]~~ **6** feet in height, erected or maintained for the purpose of ~~[annoying]~~ **separating** the owners or occupants of adjoining property shall be deemed a private nuisance.

Amend RSA 539:4 as inserted by section 4 of the bill by replacing it with the following:

539:4 Stone, etc.

I. **No person shall negligently** dig or carry away any stone, ore, gravel, clay, sand, turf or mold ~~[upon or from land held in common or from the land of another person, or shall aid therein, shall forfeit to the person injured treble damages, and not more than fifteen dollars]~~ which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. In addition to any other civil or criminal penalty allowed by law, any person who violates the provisions of paragraph I shall forfeit to the person injured no less than 3 and not more than 10 times the current market value of all such stone, ore, gravel, clay, sand, turf or mold cut, dug, destroyed, injured, or carried away.

2001-0211h

Amendment to HB 181-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to group II retirement system membership for police and corrections officers who become police trainers.

Amend the bill by replacing section 1 with the following:

1 Police Trainers; Group II Retirement System Membership. Amend RSA 100-A:3, III-b to read as follows:

III-b. Notwithstanding the provisions of RSA 100-A:1, VII, any permanent police officer certified under RSA 188-F:22-30 as a full-time police officer, who has been a group II member for at least ~~[10]~~ **5** years and who becomes a law enforcement training specialist or, **who has been a group II member for at least 10 years and becomes** assistant director **or director** of the police standards and training council and as a job requirement has satisfied minimum standards as determined by the police standards and training council for physical condition, education and training shall be construed to be a permanent policeman for purposes of membership in group II and shall remain in the system for the duration of his **or her** service in that capacity with the police standards and training council.

AMENDED ANALYSIS

This bill allows police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become law enforcement training specialists. The bill also allows a police or corrections officer

who has been a group II member for 10 years to maintain group II membership in the retirement system if he or she becomes the director of the police standards and training council.

This bill was requested by the police standards and training council.

2001-0282h

Amendment to HB 183-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the bill by replacing section 1 with the following:

1 County Corrections Personnel; Purchase of Certain Prior Service; Application to Other Facilities. Amend 2000, 154:1 to read as follows::

154:1 New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retirement system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, or who has prior group I eligible service as a corrections officer in another county corrections facility in the state may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions in the respective counties to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time prior to July 1, 2006.

AMENDED ANALYSIS

This bill allows county corrections officers to purchase as group II service, group I service completed before such employment was classified as group II service in any county corrections facility.

2001-0268h

Amendment to HB 196-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to the penalty for failure to license a dog or renew a dog license.

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

1 Licensing of Dogs; Penalties. Amend RSA 466:13 to read as follows:

466:13 Forfeiture. Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall, after notice provided pursuant to RSA 466:14, forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case ~~shall~~ **may** be disposed of in a district court or municipal court **as a violation with a fine not to exceed \$100, notwithstanding the provisions of RSA 651:2, IV.** ~~[This]~~ A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

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

AMENDED ANALYSIS

This bill provides that the owner or keeper of a dog who fails to license a dog or renew a dog license may be guilty of a violation and subject to a fine of not more than \$100, if the owner or keeper fails to pay the \$25 civil forfeiture penalty.

2001-0118h

Amendment to HB 206-FN-A

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

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Equipment Depository; Disabled Person’s Employment Fund. Amend RSA 21-I by inserting after section 44-d the following new subdivision:

Equipment Depository

21-I:44-e Equipment Depository. There is hereby established an equipment depository within the division of personnel. Moneys contained in the disabled persons’ employment fund, established by RSA 21-I:44-f, shall be used to purchase adaptive equipment and accommodations to enable disabled persons to become gainfully employed by the state and any political subdivision of the state. The division shall determine the equipment to be purchased. The purchases shall be limited to equipment which provides reasonable, and not extraordinary, accommodations to the needs of the disabled, such as telephone adapters, adjustable desks, and other like equipment. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 21-I:44-f.

21-I:44-f Disabled Persons’ Employment Fund. There is hereby established a nonlapsing fund to be known as the disabled persons’ employment fund to be used solely for the purposes of RSA 21-I:44-e and which shall be continually appropriated to the division of personnel for that purpose. The division, with the approval of governor and council, may accept, and is encouraged to seek, gifts, grants, and private donations for deposit in the fund established by this section.

2001-0345h

Amendment to HB 253-FN

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

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

1 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions for Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste ~~[which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less]~~ shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

2 New Paragraph; Mercury Emissions Reduction and Control Program; Rulemaking. Amend RSA 125-M:4 by inserting after paragraph II the following new paragraph:

III. Establishment and administration of the grant program in accordance with RSA 125-M:8.

3 Mercury Emissions Reduction and Control Program; Compliance. RSA 125-M:5 is repealed and reenacted to read as follows:
125-M:5 Compliance.

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter.

II.(a) Any combustor with a design capacity of less than 250 tons per day but not less than 100 tons, in operation as of January 1, 2001, shall submit such plan and application, pursuant to paragraph I, within 3 months after the effective date of this paragraph and shall complete installation and begin operation of the necessary control equipment as expeditiously as possible, but not later than 18 months after receipt of all required state and local permits and approvals. Any such combustor shall

demonstrate compliance with the emission limits in RSA 125-M:3, I no later than 21 months after receipt of all required state and local permits and approvals.

(b)(1) An alternative compliance plan for such a combustor may be submitted to the commissioner by interested parties to achieve a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis by means of implementing programs that reduce the amount of mercury in the municipal solid waste that is being burned at the facility. The commissioner shall approve such a plan by May 1, 2002, provided that the commissioner makes a written determination that:

(A) Implementation of the plan will result in a demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis no later than November 1, 2003;

(B) The plan does not require the owner of the combustor, unless consented to by the owner, to engage in any activities beyond stack testing for verification of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, and the possible installation of emission control equipment should the emission rate not be met;

(C) Implementation of the plan is assured through sufficient enforcement mechanisms; and

(D) The plan has been approved by the United States Environmental Protection Agency.

(2) An approved alternative compliance plan shall eliminate the need to comply with the installation and demonstration requirements of subparagraph (a), but does not prohibit the owner of the combustor from installing pollution control equipment in order to comply with federal law.

(3) If stack testing reveals, as determined by the commissioner, that the alternative compliance plan does not achieve the mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, then the owner of the combustor shall submit a plan and application, pursuant to paragraph I, within 3 months of being notified by the commissioner of such determination, and shall complete installation and begin operation of the necessary control equipment as expeditiously as possible, but not later than 18 months after receipt of all required state and local permits and approvals. The combustor shall demonstrate compliance with the emission limits in RSA 125-M:3, I no later than 21 months after receipt of all required state and local permits and approvals.

(c) Any combustor subject to this paragraph shall not be required to comply with the requirements of this chapter, provided the commissioner makes a written determination, based on the review of any pertinent, legal documents or laws, that the combustor is certain to cease operating as a combustor as of December 6, 2005.

(d) The commissioner may delay issuing, until May 1, 2002, a temporary permit that would allow the installation of any necessary emission control equipment, provided the commissioner has reason to believe that by May 1, 2002:

(1) A closure determination, as described in subparagraph (c), will be made that would eliminate the need to install emission control equipment; or

(2) An alternative compliance plan, as described in subparagraph (b), will be approved that would eliminate the need to install emission control equipment, unless the required demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis fails, or unless otherwise required by federal law.

4 New Section; Mercury Emissions Reduction and Control Program; Reimbursement of Costs. Amend RSA 125-M by inserting after section 7 the following new section:

125-M:8 Reimbursement of Costs.

I. The department shall reimburse regional refuse disposal districts for certain operating and maintenance costs, owed by New Hampshire municipalities belonging to such regional refuse disposal districts, of mercury emissions control systems in municipal waste combustors subject to RSA 125-M:5, I.

II. The qualifying costs described in paragraph I, which are incurred between the effective date of this section and December 6, 2005, shall be reimbursed in an amount up to \$75,900 each year, with prior approval of the governor and council.

5 Notification of the Act's Provisions. As of the effective date of this act, the commissioner of environmental services shall inform the owner of the Claremont combustor, the NH/VT Solid Waste Project, the Sullivan County Regional Refuse Disposal District, the Southern Windsor/Windham Counties Solid Waste Management District, and the governing bodies and duly appointed

representatives of the municipalities that are members of the respective districts of the provisions of this act. The information provided shall include the possibilities, should sufficient evidence be shown, that:

I. The Claremont combustor may not have to comply with the mercury emission limits established by RSA 125-M, provided that the combustor will cease operating as a combustor as of December 6, 2005; and

II. The mercury emissions limits established by RSA 125-M may be met by implementing programs that reduce the amount of mercury in the municipal solid waste that is burned at the facility.

6 Ash Landfill Study; Reporting Date. Amend 1999, 350:2 to read as follows:

350:2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by ~~[February 1, 2000]~~ **September 1, 2001** to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

7 Effective Date. This act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill:

I. Sets time frames within which certain municipal waste combustors must comply with mercury emission limits, and provides alternate compliance provisions.

II. Establishes a grant program to reimburse regional refuse disposal districts for certain costs of mercury emissions reduction and control systems.

III. Extends the reporting date of the ash landfill study to September 1, 2001.

2001-0236h

Amendment to HB 261-FN

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

Amend the bill by replacing sections 4 and 5 with the following:

4 Court Personnel; Reference to Collective Bargaining Added. Amend RSA 490:26-b to read as follows:

490:26-b Court Personnel and Compensation System.

I. The supreme court shall establish a uniform personnel classification and compensation system and salary and grievance procedures for all nonjudicial court personnel ***not covered by a collective bargaining agreement under RSA 273-A***. The compensation system shall be approved by the legislature prior to becoming effective if the legislature is meeting in regular session. If the legislature is not meeting in regular session, the compensation system shall be approved by the legislative fiscal committee prior to becoming effective. The salary and grievance procedures ***for employees not covered by a collective bargaining agreement under RSA 273-A*** shall be established by administrative order of the supreme court.

II. ***If court employees exercise their rights under RSA 273-A, their wages, benefits, and other conditions of employment shall be negotiated through their bargaining agent. If they choose not to organize under RSA 273-A or are unsuccessful, their wages, benefits, and terms and conditions of employment shall be determined by the provisions of RSA 490:28.***

5 Court Personnel; Reference to Collective Bargaining Added. Amend RSA 490:28 to read as follows:

490:28 Benefits of Nonjudicial Employees. ~~[Notwithstanding any other provision of law]~~ ***Except as provided in a collective bargaining agreement under RSA 273-A***, full-time nonjudicial employees of the judicial branch shall, effective January 1, 1984, receive all fringe benefits and salary increases as provided for classified state employees including membership in the state retirement system, ~~[Blue Cross and Blue Shield coverage]~~ ***health insurance***, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1984, shall be transferable under such guidelines as may be established by the supreme court ***unless covered in a collective bargaining agreement under RSA 273-A***.

2001-0283h

Amendment to HB 270-FN

Proposed by the Committee on Legislative Administration - R

Amend RSA 14:15-a, I(b)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

- (1) For the first 45 miles, ~~[\$.38]~~ ***\$.42*** per mile; and
- (2) For all miles in excess of 45 miles, ~~[\$.19]~~ ***\$.23*** per mile.

2001-0398h

Floor Amendment to HB 270-FN

Proposed by Rep. Dickinson

Amend the bill by replacing section 1 with the following:

1 General Court; Travel Allowance to Members. Amend RSA 14:15-a, I, (b)(1) and (2) to read as follows:

- (1) For the first 45 miles, ~~[\$.38]~~ ***\$.77*** per mile, ***provided that no member's reimbursement amount shall be less than \$8;*** and
- (2) For all miles in excess of 45 miles, ~~[\$.19]~~ ***\$.38*** per mile.

2001-0261h

Amendment to HB 274-FN

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

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

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

CHAPTER 125-N

Dioxin Emissions REDUCTION AND Control PROGRAM

125-N:1 Findings and Purpose.

- I. The general court finds that the air pollutant dioxin is a persistent bioaccumulative toxic (PBT) compound that accumulates in the food chain, posing a significant adverse threat to New Hampshire's public health and welfare and to its natural environment, including fish and wildlife. As a potent toxicant, dioxin can cause a number of adverse effects in humans including reproductive and developmental disorders, suppression of the immune system, and cancer.
- II. The term "dioxin" actually refers to a group of chemical compounds that share certain similar chemical structures and mode-of-action biological characteristics. There are a total of 17 dioxin-like compounds that are members of 2 closely related families: chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs). Although some dioxin is produced naturally, it is mainly emitted as an unintended byproduct of a number of human activities. In the backyard burning of domestic waste, incomplete combustion occurs, resulting in dioxin formation. Dioxin builds up in soils, sediments, and plants; bioaccumulates in

animal and fish tissue; and passes up the food chain to humans.

III. The general court further finds that while the majority of dioxin deposited in New Hampshire originates from sources outside of the state, sources within the state also contribute to deposition of dioxin in New Hampshire and in the northeast region. Dioxin emitted by anthropogenic (man-made) sources in New Hampshire comes from a number of sources including the backyard burning of trash and other combustible waste. The general court finds that the department should conduct further research and attempt to quantify the sources of dioxin emitted in New Hampshire.

IV. The general court recognizes the importance of continuing research into the human health and ecological effects of dioxin contamination. The general court also recognizes that due to existing state and federal regulations, releases of dioxin to the environment nationally have declined significantly over the past 25 years, and will continue to decline for some industrial sources as new federal regulations are implemented. Further, the general court recognizes that cost-effective technologies and pollution prevention practices need to be studied, developed and, where appropriate, implemented to reduce dioxin emissions. The general court finds, however, that some steps to reduce the dioxin pollution to which New Hampshire citizens are subjected are readily available, and that such steps should be promptly undertaken. Initial research by the department of environmental services indicates that backyard burning produces 17 percent of the dioxin emitted in New Hampshire. This figure comes from actual testing of pollution emitted by a typical burn barrel, multiplied by an estimated 5,000 such barrels in the state. Fire chiefs surveyed by the department of environmental services reported that there are probably more than 5,000 such barrels, indicating that the 17 percent figure could be low. The general court finds that imposing a ban on backyard burning of trash and other combustible domestic waste is a readily available step, and as such, represents a prudent policy for the protection of public health and the environment in the state of New Hampshire.

125-N:2 Definitions. In this chapter:

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

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

III. "Person" means any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

IV. "Combustible domestic waste" means combustible waste such as, but not limited to, household trash, packaging materials, plastics, coated or laminated papers, rubber, painted or treated wood, coated or treated cardboard, oily rags, and animal, vegetable, and kitchen waste. The term does not include untreated wood, leaves, or brush generated at a residence.

V. "Stationary source" means "stationary source" as defined in RSA 125-C:2, XI.

125-N:3 Dioxin Emissions Reduction and Control Program.

I. The department shall develop a dioxin emissions reduction and control program. The program shall include, but not be limited to, the following:

(a) Studying the human health and ecological impacts of dioxin emissions and contamination.

(b) Encouraging the development of, and evaluating, technologies and pollution prevention practices, to reduce or eliminate dioxin emissions to the ambient air from stationary sources.

(c) Promoting residential, commercial, and industrial energy efficiency and conservation programs to reduce or eliminate dioxin emissions.

(d) Supporting and encouraging federal legislation to reduce dioxin emissions from motor vehicles and other mobile sources.

(e) Continuing pollution prevention efforts, including recycling and outreach and education efforts, to reduce or eliminate dioxin emissions to the ambient air from municipal waste combustors and medical waste incinerators.

(f) Conducting public education and outreach regarding the public health and environmental impacts of backyard trash burning and other sources of dioxin emissions.

(g) Researching and attempting to quantify the sources of dioxin.

II. The department shall not implement dioxin control programs for stationary and other sources unless it has obtained further legislative authorization for such programs.

125-N:4 Prohibition; Residential Open Burning of Combustible Domestic Waste. Notwithstanding RSA 227-L:17, II, the residential open burning of combustible domestic waste is prohibited.

125-N:5 Education and Enforcement.

I. The commissioner, in consultation with the commissioner of the department of resources and economic development, shall take reasonable measures to educate the public about the environmental impact of backyard burning and the requirements of this chapter.

II. The commissioner and the commissioner of the department of resources and economic development shall have the authority to enforce the provisions of this chapter. Any person who violates the provisions of this chapter shall be guilty of a violation.

III. Nothing in this chapter shall limit any enforcement or penalty provisions contained in RSA 227-L.

2 Effective Date. This act shall take effect January 1, 2002.

2001-0330h

Amendment to HB 288-FN

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Chapter; Interpreters for the Deaf and Hard of Hearing. Amend RSA by inserting after chapter 326-H the following new chapter:

CHAPTER 326-I

Interpreters for the deaf AND HARD OF HEARING

326-I:1 Findings and Statement of Purpose.

I. The general court finds that while there is no census count, as many as 10,000 New Hampshire citizens live with hearing loss; that of this number perhaps 3,000 men, women and children are unable to readily understand speech due to the extent of their hearing loss, but instead rely on a visual mode of communication.

II. The general court finds that a significant number of New Hampshire's deaf and hard of hearing, its broad array of public agencies and institutions, and its medical and legal professions share a unique challenge: the necessity to hire professional interpreters licensed to provide ready and reliable communications to and for those who use a visual mode of communication.

III. The general court further finds the mandates of federal and state statutes which require funding of interpreter's services, by the same public agencies and institutions, medical and legal professions and others of those interpreters requested by the deaf and hard of hearing, is a mandate in itself to the legislature to ensure the availability of a skilled cadre of professional, licensed interpreters.

IV. The purpose of this legislation is:

(a) To provide standards for the licensing and regulation of interpreters for the deaf and hard of hearing.

(b) To ensure interpreters for the deaf and hard of hearing meet rigorous standards, and that by power of revoking their licenses are held accountable for the quality and timeliness of their work.

326-I:2 Definitions. In this chapter:

I. "Board" means the board of licensure of interpreters for the deaf and hard of hearing.

II. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary communication is visual.

III. "Hard-of-hearing person" means a person who has a hearing loss, who may or may not primarily use visual communication, and who may or may not use assistive devices.

IV. "Interpreting" means the process of providing accessible communication between and among persons who are deaf, oral deaf, hard-of-hearing, and who can hear, who do not share a common means of communication. This process includes, without limitation, interpreting and transliterating and visual, gestural, auditory and tactile communication.

V. "Interpreting agency" means an agency whose function is to provide qualified interpreter services for a fee, usually including a fee for travel time, and who access interpreters licensed under this chapter.

VI. "Interpreter" means a person who provides any of the following services:

(a) English-based transliterating, which includes but is not limited to conveying a message via visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English;

(b) American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; and

(c) Intermediary interpreting, which means interpreting services rendered by a deaf person to facilitate communication between another deaf person and another licensed interpreter or between 2 or more deaf persons.

VII. "Oral deaf" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary communication is by speech reading and spoken English.

326-I:3 Board of Licensing for Interpreters for the Deaf and Hard of Hearing; Administrative Attachment.

I. There shall be a board of licensing for interpreters for the deaf and hard of hearing, each member to be appointed by the governor, with the approval of the council.

II. The board shall consist of 9 members as follows:

(a) Four licensed interpreters, 2 of whom are state level licensees and 2 of whom are national level licensees, from a list of names submitted by the New Hampshire Registry of Interpreters for the Deaf in conjunction with the New Hampshire Association of the Deaf.

(b) Five consumers, including 3 deaf persons from a list of names submitted by the New Hampshire Association of the Deaf, one consumer of oral interpreting services, and a non-deaf member of the public not licensed under this chapter.

III. No member of the board shall serve concurrently in an elected, appointed, or employed position in any other state-level organization representing interpreters for the deaf, if it would present a direct conflict of interest.

IV.(a) Appointments to the board shall be for 3 years, except that one of the initial interpreter members and one of the initial consumer members shall serve one-year terms, and one of the initial interpreter members and one of the initial consumer members shall serve 2-year terms. A member shall hold office until a successor has been appointed and qualified. No member may serve more than 2 consecutive terms. Initial interpreter member appointments to the board shall be required to be licensed under this chapter, as of January 1, 2003.

(b) The governor and council may remove any member of the board for malfeasance, misfeasance, or nonfeasance pertaining to the duties of the board.

(c) The board shall review and take action on all applications for licensure, renewal, and reinstatement licenses for interpreters for the deaf and hard of hearing.

V. Members of the board shall receive mileage incurred while conducting the business of the board.

VI. A quorum of the board shall be 5 members.

VII. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of education.

326-I:4 Powers and Duties of the Board. The powers and duties of the board include:

- I. Accepting applications for licensure under this chapter, and approving or denying such applications.
- II. Approving and enforcing performance requirements, including education and examination standards, for interpreters for the deaf and hard of hearing.
- III. Suspending or revoking licenses and conducting investigations and hearings regarding the denial, suspension, revocation, and renewal of licenses.
- IV. Adopting a code of professional conduct for licensees.
- V. Renewing licenses for interpreters for the deaf and hard of hearing.
- VI. Maintaining a directory of all licensed interpreters for the deaf and hard of hearing. The directory shall be updated, published, and shall be offered for sale to the public at a fee to be equal to the cost of reproduction.
- VII. Accepting written complaints from the public against licensees, conducting necessary investigations of such complaints, and publicizing the complaint procedure.
- VIII. Accepting funds from federal and other non-state sources to be used for the purposes of this chapter.
- IX. Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the New Hampshire Association of the Deaf, Self Help for the Hard of Hearing of New Hampshire, the department of education, division of vocational rehabilitation, and interpreting agencies to provide access to the services of interpreters to persons communicating with deaf and hard of hearing persons.
- X. Reporting to the governor and council annually on the activities conducted under this chapter.

326-I:5 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The form and content of license applications for each license level authorized in RSA 326-I:7, II. For national level licensure such rules shall include application criteria including examinations and examiners used by the Registry of Interpreters for the Deaf, the National Association for the Deaf. For state level licensure such rules shall include the use of the New Hampshire classification test administered by the program for the deaf and hard of hearing under the division of adult learning and rehabilitation, department of education.
- II. License and application fees, renewal fees, and any other fees required under this chapter which shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.
- III. The conditions under which an applicant from another jurisdiction may be issued a license.
- IV. Requirements for continuing professional education and competency of interpreters for the deaf and hard of hearing.
- V. The contents of the code of professional conduct, and the application of the code to the provision of services by interpreters.
- VI. Expiration of licenses.
- VII. The conduct of investigations and hearings under this chapter, consistent with due process requirements.

326-I:6 Application for Licensure. An application for licensure under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A, shall be duly signed and verified, and shall be available for public inspection.

326-I:7 Licensure Required; Exemptions.

- I. No person shall receive remuneration as an interpreter for the deaf or hard of hearing or represent oneself as an interpreter for the deaf or hard of hearing in this state after January 1, 2003, unless such person is licensed in accordance with the provisions of this chapter.
- II. The board shall license each applicant who satisfies the requirements of the board at either a national level license or a state level license. Upon payment of a license fee for each license level, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice at the appropriate level as an interpreter for the deaf and hard of hearing.

III. An interpreter for the deaf and hard of hearing certified by the Registry of Interpreters for the Deaf, the National Association of the Deaf, or the New Hampshire Interpreter classification process prior to the effective date of this chapter shall be accepted for licensure by the board, at the appropriate license level, without examination, provided that all such certified persons comply with all other requirements of the board under this chapter.

IV. The following persons shall be exempt from the license requirements of this chapter:

(a) Nonresident certified or licensed interpreters working in this state fewer than 250 hours in the previous calendar year, or as otherwise qualified by rules by the board, provided that such interpreter shall be subject to disciplinary proceedings of the board.

(b) Interpreters for the deaf and hard of hearing working in religious settings.

(c) Interpreters working in emergency situations where the parties determine that the delay to obtain a licensed interpreter is likely to cause injury or loss.

(d) Students exempted under RSA 326-H:8.

(e) Interpreters employed by a school district for a K-12 program.

V. The recipient of services shall have the right to apply to the department of education for, and to receive, a waiver in writing from using a licensed interpreter and shall accept all responsibility for such action.

326-I:8 Persons or Practices Affected.

I. Nothing in this chapter shall be construed to prohibit a student enrolled in a school or courses in interpreting for the deaf and hard of hearing from interpreting for the deaf which is incidental to a course of study of supervised field work.

II. Nothing in this chapter shall prohibit persons registered or otherwise licensed in this state under any other law from engaging in the practice for which they are registered or licensed.

326-I:9 License Requirements; Fees.

I. To be eligible for licensure by the board as an interpreter for the deaf and hard of hearing at either the national level license or the state level license, an applicant shall:

(a) Be at least 18 years of age and make application to the board, upon a form prescribed by the board.

(b) Pay to the board the appropriate license application fee.

(c) Possess the minimum standards of performance and training pursuant to rules adopted by the board under RSA 541-A and RSA 326-I:5.

(d) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

(e) If applicable, submit proof of licensure in another state in which the licensure requirements are equivalent to or greater than those in this chapter.

II.(a) A license shall be restored after a period of nonrenewal of less than 2 years, if the person pays to the board a restoration fee consisting of the current renewal fee plus any late fee established by rules adopted by the board pursuant to RSA 541-A and submits such evidence of continued professional competence and eligibility for licensure as the board may require.

(b) Any person who fails to renew a license within 3 years after its expiration date may apply for and obtain a new license upon meeting the requirements of this chapter and paying to the board the appropriate fee.

326-I:10 Persons From Other Jurisdictions; Licensure. The board may waive licensure requirements for an applicant who is licensed by another jurisdiction where the requirements for licensure are greater than or equal to those required in this state.

326-I:11 Prohibited Acts. No person shall:

I. Practice as an interpreter for the deaf and hard of hearing after January 1, 2003 without holding a license issued pursuant to

this chapter.

II. Fail to comply with an order of the board issued pursuant to this chapter.

III. Fail to comply with a rule adopted pursuant to this chapter.

326-I:12 Reinstatement After Suspension. An interpreter for the deaf and hard of hearing seeking reinstatement of a suspended license shall submit the following to the board:

I. A written request to the board explaining the appropriateness of reinstatement of the license or registration.

II. The required license or application fee.

III. Evidence of competency to practice as established by the board, which shall include continuing education or training, passage of an examination, and practice under the supervision of another licensed interpreter for a period of time set by the board.

326-I:13 License Renewal; Continuing Education. A license issued by the board shall expire on the January 1 following 3 years from the date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a fee for renewal of license to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in advance of the expiration of such license. Renewals are contingent upon evidence of completing the number of continuing education units established by the board. The continuing education units may be earned by attending professional training or completing approved independent studies and regional in-service programs, as determined by the board.

326-I:14 Disciplinary Actions.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board, or an unlicensed person under RSA 326-I:7, IV(a), has committed misconduct under paragraph II and which specifies the grounds for the misconduct.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Conviction of any crime which demonstrates unfitness to practice as an interpreter for the deaf and hard of hearing

(c) Violation of the standards adopted under RSA 326-I:4, II and IV, including violations which demonstrate exceeding the level of the licensee's skills commensurate with his or her experience or training.

(d) Demonstrable gross incompetence of the licensee.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.

(f) A legal finding of mental incompetence.

(g) Willful or repeated violation of the provisions of this chapter.

(h) Suspension or revocation without subsequent reinstatement of a license, similar to one issued under this chapter, in another jurisdiction.

III.(a) The board may take disciplinary action in any one or more of the following ways:

(1) By public or private reprimand.

(2) By suspension, limitation, or restriction of license.

(3) By revocation of license.

(4) By requiring the person to participate in a program of continuing education supervision, or treatment in the area the person is deficient.

(5) By removing an exemption for an unlicensed person under RSA 326-I:7, IV(a).

(b) Disciplinary action taken under this paragraph may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the board and reviewed in accordance with RSA 541.

(c) No person licensed under this chapter shall continue to practice as an interpreter for the deaf and hard of hearing while the person's license is suspended or revoked.

IV. At any time, the parties in a complaint, with the cooperation of the board, may refer a matter to conflict resolution or mediation services, provided that any proposed resolution of a complaint shall be subject to the approval of the board.

326-I:15 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing or formally presented to the board. A hearing shall be held on all formal complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Official notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

326-I:16 Display of License. Any person who has been issued a license under this chapter shall conspicuously display such license to a client or consumer upon request when acting as an interpreter for the deaf and hard of hearing.

326-I:17 Record; Directory. The board shall maintain a record of its proceedings under this chapter and a directory of all persons licensed under this chapter. The directory shall list the name and last known business address for each licensee, and may include such other information as the board deems necessary.

326-I:18 Penalties. Any person who violates any provision of this chapter or any rule adopted by the board under this chapter, or who knowingly makes a false statement in an application for licensure or in response to any inquiry of the board shall be guilty of a violation. Upon conviction of a second or subsequent violation under this chapter the person shall be guilty of a class A misdemeanor and may, in addition, be subject to a civil penalty of up to \$2000 per offense or, in the case of a continuing offense, \$250 for each day the violation continues.

2 Department of Education; Vocational Rehabilitation; Program for the Deaf and Hard of Hearing; Functions. RSA 200-C:19, IV is repealed and reenacted to read as follows:

IV. Provide administrative support upon request of the board of licensure of interpreters for the deaf and hard of hearing established in RSA 326-I. Such support may include the operation of a state screening for New Hampshire interpreters.

3 Department of Education; Vocational Rehabilitation; National Level and State Level Examination Fee. Amend the section heading of RSA 200-C:20-a and RSA 200-C:20-a, I to read as follows:

200-C:20-a [~~Certification~~] **National Level and State Level Examination** Fee; Revolving Fund Established.

I. [~~Sign language~~] Interpreters [~~certified~~] **seeking to be licensed under RSA 326-I who are required to be examined** by the department of education [~~as provided in RSA 200-C:19, IV or RSA 521-A:1, IV~~] shall be charged a fee for [~~such certification~~] **the national level or state level examination** by the department of education, **as appropriate**. The state board of education shall establish, pursuant to RSA 541-A, a fee schedule for such purpose. The administrator, bureau of vocational rehabilitation, shall assess and collect such fees.

4 Interpreters for the Deaf; Definition of Qualified Interpreter. Amend RSA 521-A:1, IV to read as follows:

IV. "Qualified interpreter" means an interpreter [~~certified by the national registry of interpreters for the deaf, the New Hampshire registry of interpreters for the deaf, the department of education, or, in the event an interpreter so certified is unavailable, any other interpreter whose actual qualifications have otherwise been appropriately determined~~] **licensed under RSA 326-I**.

5 Repeal. The following are repealed:

I. RSA 521-A:7, relative to the coordination of interpreter requests.

II. RSA 521-A:8, relative to compensation for interpreters for the deaf in court proceedings.

6 Effective Date. This act shall take effect July 1, 2001.

2001-0351h

Amendment to HB 298-FN-LOCAL

Proposed by the Committee on Education - R

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

AN ACT relative to charter schools and establishing a charter school revolving fund.

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

1 New Section; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new section:

194-B:3-a Charter School Approval by State Board of Education.

I. Notwithstanding RSA 194-B:3, III or RSA 194-B:4, a proposed application and contract to establish a charter school may be presented by July 1 of the year preceding intended operation of a charter school by its prospective board of trustees directly to the state board of education. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II. An applicant shall be notified of any missing information within 10 days of the initial filing.

II. The state board of education is hereby authorized to grant charter status to charter school applicants qualifying under this chapter. By September 15 of the given year, the state board of education shall have completed its review of the application and shall either grant or deny its approval in accordance with the requirements set forth in RSA 194-B:3, II.

III. The state board of education shall forward the proposed application, along with its approval or denial, and a written statement specifying any areas deemed deficient to the applicant. The state board of education is authorized to suggest amendments or alterations to the proposed application.

IV. An applicant whose proposed application is not approved by the state board of education shall be granted the opportunity to present a revised application for reconsideration. The state board of education may provide technical assistance to improve a charter school's application or to speed the approval process.

V. A charter school approved in accordance with this section shall be subject to, and in compliance with, the provisions of this chapter, except as provided in paragraph I.

VI. Beginning January 1, 2002, and for the next 10 years thereafter, the state board of education shall be authorized to grant no more than 2 state charter school applications each year under the provisions of this section.

2 Charter Schools and Open Enrollment Schools; Funding Amended. Amend RSA 194-B:11, I is repealed and reenacted to read as follows:

I.(a) There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in and approved by a pupil's resident school district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district.

(b) For any pupil enrolled in a charter school or open enrollment school pursuant to this chapter, the pupil's resident district shall notify the department of education of the pupil's enrollment. Adequate education grant amounts made under RSA 198:40 and 198:41 shall be paid to the pupil's resident school district from the date of the pupil's enrollment in a charter school or open enrollment school until such time as the pupil is deemed by the department of education to be counted in the average daily membership in residence in the charter school or open enrollment school. At such time as a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school, adequate education grant payments shall be made directly to the charter school or open enrollment school.

(c) A charter school or open enrollment school may request funds from the charter school revolving fund established in RSA 194-B:11-a for the purpose of covering the tuition costs of those pupils enrolled in a charter school or open enrollment school for the period of time such pupils continue to be counted in the average daily membership in residence of the pupil's resident school district. At such time as a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school and the charter school or open enrollment school is receiving adequate education grant payments, the charter school or open enrollment school shall reimburse the charter school revolving fund for any amounts received. The department of education shall maintain an accounting of all moneys disbursed from the charter school revolving fund.

(d) The adequate education grant amounts shall be equal to the per pupil adequate education cost as determined under RSA 198:40 and 198:41. Such amounts shall be prorated on a per diem basis for pupils attending a charter school or open enrollment school for less than a full school year. To the extent permitted by law, funding for a pupil attending charter or open enrollment school shall be paid on the same time schedule as the resident district, or on such other terms as the school and the funding source may find mutually acceptable.

3 New Section; Charter and Open Enrollment School; Charter School Fund Established. Amend RSA 194-B by inserting after section 11 the following new section:

194-B:11-a Charter School Revolving Fund Established. There is hereby established the charter school revolving fund to be administered by the department of education. Moneys in the fund shall be nonlapsing and shall be used exclusively for the purpose of funding the tuition payments of pupils enrolled in a charter school or open enrollment school for the period of time during which a pupil enrolled in a charter or open enrollment school continues to be counted in the average daily membership in residence of the pupil's resident school district.

3 Appropriation. There is hereby appropriated the sum of \$250,000 for the fiscal year ending June 30, 2002, to the charter school revolving fund established in RSA 194-B:11-a for the purposes established in section 3 of this act The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a charter school revolving fund in the amount of \$250,000 for the purpose of providing tuition payments for pupils enrolled in a charter school or open enrollment school for the period of time during which such pupil continues to be counted in the average daily membership in residence of the pupil's resident school district. The bill also provides that once a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school, all adequate education payments shall be made directly to the charter school or open enrollment school.

2001-0251h

Amendment to HB 328-FN-LOCAL

Proposed by the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

- 1 Fees of Sheriffs and Deputy Sheriffs Increased; Payment of Fees and Mileage. Amend RSA 104:31 to read as follows:
- 104:31 Fees of Sheriffs and Deputy Sheriffs. *At the time of the initial request for any of the following services, the required fees and mileage shall be paid.* The fees of sheriffs and deputy sheriffs shall be as follows:
- I. For service of every writ, except as otherwise specifically provided, [~~\$10~~] **\$15**; for every service of a writ of possession, \$15; for service of every demand for rent, notice to quit, small claims notice, process, and notice of execution, \$15; and for service of every subpoena, \$15.
 - II. For service of a bill, libel or petition, [~~\$10~~] **\$15**; provided that service of a libel with restraining order shall be \$25.
 - III. For making an attachment of personal property or making a bulky attachment, \$15.

IV. In every county for actual travel to serve any writ, notice, subpoena, process or execution, to be reckoned from the place of service to the residence of the officer, and for travel to attend any court by the order thereof, to be reckoned from the residence of the officer to the court, each mile, each way, \$.45.

V. For levying executions, or sheriff sales or both, on the dollar, for the first \$100 levied, \$.04; for all above \$100, and not exceeding \$500, \$.03; for all above \$500, and not exceeding \$1,000, \$.02; for all above \$1,000, \$.01; minimum fee, \$10.

~~[VI. For each day of any session of the superior court, the sheriff shall receive up to \$40 a day; for each day's actual attendance of the superior court by order thereof, each deputy shall receive up to \$40 a day; for each day's actual attendance at supreme court by order thereof, the sheriff and each deputy, up to \$40 a day; in addition, the sheriff and each deputy, traveling expense to attend any court; for attending before a district or municipal court, on trials where a sheriff's or deputy sheriff's presence is required, up to \$25 a day. The fees and expenses listed in this paragraph shall be audited and allowed by the court, to be assumed and paid for by the state upon presentation of the sheriff's or the deputy sheriff's bill. Any fees and expenses which exceed the amounts listed in this paragraph shall be paid out of the county treasury.]~~

~~[VII.]~~ VI. For making copies of writs, each, \$1; **for postage and handling of writs, each, \$1.**

~~[VIII.]~~ VII. For leaving the copy and return required in the attachment of real estate at the office or the dwelling house of a register of deeds, ~~[\$10]~~ **\$15.**

~~[IX.]~~ VIII. For every service of a writ of attachment with a petition or writ of summons with a petition, ~~[\$10]~~ **\$15**; for every service of a writ of replevin, ~~[\$10]~~ **\$15**; for every non est return, ~~[\$6]~~ **\$10.**

~~[X.]~~ IX. For making a search, for taking an inventory, for conducting a sale or for waiting time, ~~[\$10]~~ **\$15** per hour in addition to any other fees specified in this section.

~~[XI. For each day worked by a deputy sheriff employed on a per diem basis for performing such duties as may be assigned by the sheriff, the sum of \$40 a day plus traveling expense to attend to any official business assigned to him as a deputy sheriff.]~~

~~[XII.]~~ X. The state shall reimburse the sheriff's office, within available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.

AMENDED ANALYSIS

This bill increases certain fees charged by sheriffs and deputy sheriffs and requires such fees and associated mileage to be paid at the time services are requested.

2001-0235h

Amendment to HB 332-FN-LOCAL

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

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

AN ACT relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

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

1 New Subparagraph; Duties of Emergency Medical Services Medical Control Board; Resuscitation Protocols. Amend RSA 153-A:5, III by inserting after subparagraph (g) the following new subparagraph:

(h) Adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers.

2 Autopsy Expenses. RSA 611:17 is repealed and reenacted to read as follows:

611:17 Autopsy Expense. Autopsy expenses shall be morgue costs, microscopic processes, toxicology, and x-ray costs. All claims for autopsy expenses shall be submitted to the office of the chief medical examiner, which shall authorize such claims and submit them for payment as follows:

- I. For autopsies ordered by the county attorney, such claims shall be approved by the county attorney and submitted for payment to the county treasurer.
- II. For autopsies ordered by the attorney general or the chief medical examiner, such claims shall be submitted for payment to the state treasurer, chargeable to the account of the chief medical examiner's office.
- III. For autopsies made at the request of the commissioner of the department of health and human services and conducted in the presence of the medical examiner or designee, such claims shall be submitted for payment to the department of health and human services.

3 Repeal. The following are repealed:

- I. RSA 611:7-a, relative to payment of autopsy costs by the department of health and human services.
- II. RSA 611-A:9, relative to county liability for expenses of autopsies.

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

AMENDED ANALYSIS

This bill requires the emergency medical services medical control board to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers. The bill also changes the procedures for payment of autopsy expenses by the state and by counties

2001-0203h

Amendment to HB 353-FN-A

Proposed by the Committee on Environment and Agriculture - R

Amend the introductory paragraph of section 1 of the bill by replacing it with the following:

1 Purpose and Policy. It is state policy to encourage agricultural development and diversification through several means, including research, promotions, marketing, and assisting individuals and organizations in their efforts to develop and market new agricultural products. New Hampshire agriculture has diversified over the years to encompass numerous commodities and products through the work of agriculturists both large and small, both new and long-established as New Hampshire farmers, and both inexperienced and sophisticated in the efficient production and modern marketing of their commodities. It is therefore the purpose of this act:

2001-0267h

Amendment to HB 395

Proposed by the Committee on Municipal and County Government - C

Amend RSA 24:9-a as inserted by section 1 of the bill by replacing it with the following:

24:9-a First Meeting. ~~[The first meeting of the county convention shall be convened the second Wednesday of December of each even-numbered year, at some convenient place in the county.]~~ ***The chair of the county delegation shall set the time and place for the first meeting of the county convention to be held during the week of the second Wednesday of December of each even-numbered year and shall notify the clerk of the house of representatives prior to the first Wednesday of December.*** The time and place of the meeting shall be announced by the clerk of the house of representatives on the first Wednesday of December of each even-numbered year.

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

AMENDED ANALYSIS

This bill requires the chair of the county delegation to set the time and place for the first meeting of the county convention to be held during the week after the legislature's organization day. Current law requires the meeting to be on the Wednesday.

2001-0272h

Amendment to HB 416

Proposed by the Committee on Children and Family Law - C

Amend RSA 170-E:28, II as inserted by section 1 of the bill by replacing it with the following:

II. ~~[The fire code applicable to single family residences shall be the code applied by local fire departments in their review of compliance with local ordinances for foster family homes.]~~ ***Either the state fire marshal or the local fire department shall review compliance of the foster family home with applicable state fire safety laws and local ordinances. In conducting the review, the state fire marshal or local fire department shall apply the appropriate single family or multi-unit dwelling provisions of the applicable code.***

2001-0375

Amendment to HB 537-FN-A

Proposed by the Majority of the Committee on Resources, Recreation and Development - R

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

AN ACT relative to the land and community heritage investment program and the state's travel and tourism promotion and development effort and making appropriations therefor.

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

1 Purpose. Pursuant to RSA 227-M:1, the general court declares it to be in the public interest to maintain New Hampshire's quality of life and economic vitality through the balancing of growth and development with careful protection of the state's most important natural, cultural, and historical resources. To achieve this balance, the general court has established the land and community heritage investment program under RSA 227-M. The general court recognizes that the success of this program shall depend upon a permanent and reliable source of revenues. The general court further declares it to be in the public interest to secure such funding as is appropriate to fully implement the land and community heritage investment program for the fiscal biennium ending in 2003 and beyond. The general court also recognizes that additional prudent investments in travel and tourism promotion can enhance the state's quality of life and provide significant economic return to the state of New Hampshire. The general court finds that conserving the state's natural, cultural, and historical resources is essential to developing the quality travel and tourism industry that is desired by both the general public and the tourism industry itself. The general court declares it to be in the public interest to secure such funding as is appropriate in order that the division of travel and tourism, department of resources and economic development, can implement an enhanced travel and tourism development program, both for the benefit of the tourism industry and to increase tourism-related revenues to the state to offset increased investments in both the land and community heritage investment program and travel and tourism development.

2 Findings.

I. In its final report dated November, 1999, the commission to determine the feasibility of a public-private partnership to conserve New Hampshire's priority natural, cultural, and historic resources (the commission), established pursuant to chapter 161 of the laws of 1998, recommended permanent, dedicated funding for the proposed land and community heritage investment program of at least \$12,000,000 annually.

II. Chapter 245 of the laws of 2000 established the land and community heritage investment program and provided a one-time appropriation of \$3,000,000 from the New Hampshire economic development fund established under RSA 12-A:2-e.

III. The mutual interdependence between the vitality of the tourism economy and conservation and preservation of our most important natural, historical, and cultural resources has been widely acknowledged. In May, 1998, more than 70 tourism and other business leaders attending a tourism summit meeting concluded that: "New Hampshire will only be a good place to visit if it continues to be a good place to live. Visitors will come only if we work proactively to retain our open spaces, rich historic and cultural attractions, and livable communities."

IV. It is generally acknowledged that state investment in travel and tourism development yields significant net returns to state and local revenues. The Institute for New Hampshire Studies at Plymouth State College has determined this return to the state general fund to be \$7.61 for every \$1 invested in travel and tourism promotion and development activities by the division of

travel and tourism development. In addition, each \$1 invested returned \$1.52 to local revenues, based on 1998 data.

V. Enhanced state support of travel and tourism development will generate returns on investment sufficient to offset allocation of revenues from the general fund to the purposes set forth in this act.

3 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

III. Beginning with fiscal year 2003 and each fiscal year thereafter, all state funding for the development fund shall be by general fund revenues in an amount not less than \$4,000,000. Federal funds accepted by the commissioner and the governor and council for the purposes similar to those of this chapter may be deposited in the fund.

4 Subsequent Funding for the New Hampshire Land and Community Heritage Investment Program. RSA 227-M:7, III is repealed and reenacted to read as follows:

III. Beginning with fiscal year 2003 and each fiscal year thereafter, all state funding for the trust fund shall be by general fund sums in the amount of the increased revenue resulting from expenditures on travel and tourism from the travel and tourism development fund pursuant to RSA 12-A:43-a, as determined by the division of travel and tourism's Travel Economics Report, less the \$4,000,000 to be invested pursuant to RSA 12-A:43-a, III. State funding to the New Hampshire land and community heritage investment program shall not exceed \$16,000,000 per fiscal year. The governor is authorized to draw a warrant from the general fund to satisfy the state's obligation under this section. Federal funds accepted by the committee and the governor and council for the purposes similar to those of this chapter may be deposited in the fund.

5 New Subparagraphs; Travel and Tourism Development Fund; Land and Community Heritage Investment Program. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraphs:

(eeee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

(ffff) Moneys received pursuant to RSA 227-M:7 for deposit in the trust fund for the New Hampshire land and community heritage investment program.

6 Appropriation for the New Hampshire Land and Community Heritage Investment Program. The sum of \$4,000,000 for the fiscal year ending June 30, 2002, is hereby appropriated to the trust fund for the New Hampshire land and community heritage investment program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Appropriation for the Travel and Tourism Development Fund. The sum of \$4,000,000 for the fiscal year ending June 30, 2002, is hereby appropriated to the travel and tourism development fund. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. These funds are in addition to any current funding mechanisms or appropriations.

8 Effective Date. This act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill provides funding for the land and community heritage investment program and for travel and tourism development from the general fund through the operating budget. The bill also makes appropriations for the land and community heritage

investment program and for travel and tourism development.

2001-0355h

Amendment to HB 539-FN-A

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

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

(b) Since 1975, the number of timber sales reported has more than doubled, from 2003 in 1975 to 5,754 in 1999. During this same time period, the ranger staff has not grown.

Amend the bill by replacing section 3 with the following:

3 Appropriations.

- I. The sum of \$1,100,000 is appropriated for the biennium ending June 30, 2003 and allocated to the division of forests and lands and the university of New Hampshire cooperative extension for the purposes and in the amounts provided in paragraph II.
- II. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

II.(a) To the division of forests and lands:

(1) For the ranger positions, \$420,000, to be distributed as follows: \$255,000 in fiscal year 2002 for 3 additional ranger positions and associated expenses, and \$165,000 in fiscal year 2003.

(2) For the forest resource planner position, \$120,000, to be distributed as follows: \$60,000 in each fiscal year 2002 and 2003.

(3) For the forest data analyst position, \$100,000, to be distributed as follows: \$50,000 in each fiscal year 2002 and 2003.

(b) To the university of New Hampshire cooperative extension, for the forestry work specified in section 2 of this act, through the division of forests and lands in accordance with RSA 227-I:2, I (c), \$460,000 to be distributed as follows: \$230,000 in each fiscal year 2002 and 2003.

AMENDED ANALYSIS

This bill creates ranger, forest resource planner, and forest data analyst positions within the division of forests and lands. This bill also makes an appropriation of \$1,100,000 to the division to fund the positions and to the university of New Hampshire cooperative extension for certain forestry work conducted.

2001-0382h

Amendment to HB 540-FN-A

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

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

126-P:4 Applicability. The fee assessed under this chapter on prescription benefit management companies doing business in New Hampshire shall not be passed on by such company to pharmacies or to the customers of the pharmacies.

2001-0296h

Amendment to HB 547-FN

Proposed by the Committee on Public Works and Highways - R

Amend the bill by replacing section 4 with the following:

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

2001-0349h

Amendment to HB 555-FN-LOCAL

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Payment of Expenses; Counties. Amend RSA 126-A:3 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any provision of law to the contrary, the department shall not require payment and counties shall have no obligation to pay and no cause of action for payment shall be maintained against the counties, for payment for any product or service sold, furnished, or leased to the department or any other person on behalf of the department, unless an invoice for such product or service has been submitted to the counties for payment within 15 months of the date of delivery or provision of the product or service.

AMENDED ANALYSIS

This bill declares that the department of health and human services shall not bill a county for expenses unless the department submits an invoice to such county within 15 months of the date of incurring such expense.

This bill also changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

2001-0402h

Amendment to HB 560-FN-A

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 100-C:5 as inserted by section 1 of the bill by replacing it with the following:

100-C:5 Service Retirement Benefits.

I. Any member who has at least 10 years of creditable service and is at least 55 years of age may retire on a service retirement allowance or a reduced service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired. During such period of notification, the member may have separated from service.

II. A member may retire on a service retirement allowance equal to 75 percent of the member's final year's salary with 20 years of creditable service. The reduced service retirement allowance shall be equal to the number of years of creditable service multiplied by .0375 multiplied by the member's final year's salary. Under no circumstance shall said service retirement allowance or reduced service retirement allowance exceed 75 percent of the member's final year's salary.

III. Notwithstanding the provisions of paragraphs I and II, a member who is 55 years of age on the date the member retires under paragraph I shall not receive a service retirement allowance greater than 70 percent of the allowance provided in paragraph II. For each year of age over 55 the maximum allowance shall increase by 3 percent of the allowance provided in paragraph II. For a member who is at least 65 years of age and has at least 20 years of creditable service, and who retires pursuant to this section, the retirement allowance for the member shall not be less than 75 percent of the member's final year's salary.

Amend RSA 100-C:8, II as inserted by section 1 of the bill by replacing it with the following:

II. At any time after attainment of age 55, a member who has made such election may apply for and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance or the reduced service retirement allowance payable under RSA 100-C:5, based on the member's age when the vested deferred retirement allowance begins and on the member's final year's salary and creditable service at the time service is terminated.

2001-0225h

Amendment to HB 584-FN-A

Proposed by the Committee on Transportation - R

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing it with the following:

II. Any person ~~[may]~~ **shall** make application to the executive director to ~~[engage in the business of renting OHRVs]~~ **accept money or other valuable consideration for the temporary use of OHRVs provided to members of the general public.** The executive director shall assign a distinguishing number to the applicant and issue ~~[to him,]~~ appropriate ~~[registration plates]~~ **decals** which shall **not** be transferable between OHRVs owned by the ~~[registrant]~~ **rental agent** and **those** used ~~[by him]~~ for rental. When renting OHRVs, any person shall be required to use rental plates, if said machine is to be used off the rentor's land.

Amend RSA 215-A:26, IV as inserted by section 5 of the bill by replacing it with the following:

IV. Each dealer or rental agent shall be licensed by the fish and game department under this section and shall pay \$10 for each license. All license fees collected shall be nonlapsing and continually appropriated to the fish and game department to offset the administrative costs of this section.

2001-0364h

Amendment to HB 587-FN-A

Proposed by the Majority of the Committee on Executive Departments and Administration - R

Amend RSA 19-I:6 as inserted by section 2 of the bill by replacing it with the following:

19-I:6 Report. The commission shall submit a biennial report of its activities on or before November 1 to the governor and council, the commissioner of administrative services, the president of the senate, and the speaker of the house. The report shall include any recommendations the commission finds for the general court to consider.

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$69,561 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2002 and \$62,008 for the fiscal year ending June 30, 2003 for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth.

An appropriation for each of the next 2 fiscal years is made from the general fund for the purposes of the commission.

The commission is terminated on September 1, 2009.

2001-0380h

Amendment to HB 592-FN-A

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

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

AN ACT relative to a milfoil and other exotic plants prevention and research grant program and fund.

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

1 New Subparagraph; Milfoil and Other Exotic Plants Prevention and Research Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys collected pursuant to RSA 487:26, which shall be deposited in the milfoil and other exotic plants prevention and

research grant fund.

2 New Subparagraph; Boat Registration Fee; Milfoil and Other Exotic Plants Prevention and Research Grant Fund. Amend RSA 270-E:5, II by inserting after subparagraph (e) the following new subparagraph:

(f) \$3 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the milfoil and other exotic plants prevention and research grant fund established under RSA 487:26.

3 New Subdivision; Milfoil and Other Exotic Plants Prevention. Amend RSA 487 by inserting after section 25 the following new subdivision:

Milfoil and Other Exotic Plants Prevention

487:26 Milfoil and Other Exotic Plants Prevention and Research Grant Fund. There is hereby established a special fund to be known as the milfoil and other exotic plants prevention and research grant fund. An additional fee of \$3 to those already collected under the provisions of RSA 270-E:5 for each private boat registered shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall keep said fees in the special fund established by this section to be expended by the department of environmental services. The purpose of this fund is to provide revenues for the milfoil and other exotic plants prevention and research grant program as provided in this subdivision, and moneys in the fund shall not be available for any other purpose. All moneys deposited in the fund are continually appropriated for the purposes of the milfoil and other exotic plants prevention and research grant program and shall not lapse.

487:27 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to lake associations and towns which seek to administer a milfoil and other exotic plants prevention program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. The grant program shall be funded by the milfoil and other exotic plants prevention and research grant fund, established under RSA 487:26. Up to 2/3 of the moneys distributed from the fund shall be allocated for the purposes of milfoil and other exotic plants prevention programs and the remainder shall be allocated to milfoil and other exotic plants remediation research projects.

487:28 Management Plan. The department of environmental services shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

I. Eligibility determination criteria and procedures.

II. Application requirements and procedures.

III. Project selection and prioritization requirements and procedures.

IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:29 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

(a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

(b) Municipalities or other political subdivisions of the state.

(c) Institutions of higher learning.

(d) Departments or organizations within the federal government.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

4 Prospective Repeal; July 1, 2006. The following are repealed:

I. RSA 6:12, I(eeee), relative to the milfoil and other exotic plants prevention and research grant fund.

II. RSA 270-E:5, II(f), relative to the increase in the boat registration fee.

III. RSA 487:26-29, relative to the milfoil and other exotic plants prevention program.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants prevention program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special milfoil and other exotic plants prevention and research grant fund to provide moneys for the program. Funding for the grant program is provided by an increase to the boat registration fee.

The provisions of the bill are repealed July 1, 2006.

2001-0379h

Amendment to HB 606-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 12-L:7, I as inserted by section 2 of the bill by replacing it with the following:

I. The commission shall have the following responsibilities:

(a) Supervise the design and program of the planetarium as authorized by the general court in a manner consistent with the intent of the project. All construction shall be undertaken under the provisions of RSA 228 and all contracts shall receive final approval by the governor and council.

(b) Oversee the administration of the planetarium and ensure that its mission is achieved.

(c) Cooperate and consult with the director of the planetarium concerning the daily operation of the planetarium, as well as integrated educational programs.

(d) Authorize the director of the planetarium to enter into contracts which are necessary for the administration of its authority pursuant to this chapter. All contracts, agreements, procurement, personnel, and operations shall be subject to the same requirements as all state agencies; provided, however, that any specialized planetarium program or equipment for which the estimated cost is funded from gifts, grants, or donations to the planetarium fund shall be exempt from competitive bidding requirements.

(e) Notwithstanding any other provisions of law, authorize the director of the planetarium to sell, lease, or trade specialized planetarium programs or equipment subject to the approval of the commissioner of administrative services. Proceeds from such transactions shall be used to support the operations of the planetarium.

(f) Delegate responsibilities for fund raising to Touch the Future, as the commission deems appropriate.

2001-0354h

Amendment to HB 629-FN-A

Proposed by the Committee on Education - R

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

1 Regional Vocational Education; Equipment and Instruction Program Revolving Fund; Criteria Established. Amend RSA 188-E:11, I to read as follows:

I. **(a)** There is established an equipment and instruction program in which any regional vocational center may establish a revolving fund to be used for capital improvement costs for the replacement or upgrading of equipment, or for aiding instruction in the various vocational programs offered by the center. The fund shall be used to pay necessary costs of equipment **replacement or upgrades** and ~~[related]~~ **for providing** instructional materials which are required to provide up-to-date adult, business and industry training, re-training or customized programs.

(b) The commissioner of the department of education shall distribute funds from this program according to the following criteria including but not limited to:

(1) The age of the regional vocational education center with priority of funds given to older centers.

(2) The size of the population served by the regional vocational education center.

(3) The priority of need demonstrated by the regional vocational education center.

2 Appropriation; Regional Vocational Education Centers. The sum of \$1,300,000 for the fiscal year ending June 30, 2002, and the sum of \$1,300,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the equipment and instruction program established in RSA 188-E:11 to be used solely for the purposes set forth therein. Appropriations to this program shall be non-lapsing and any amounts not used in the first fiscal year shall carry forward into the following fiscal year and shall be in addition to any other appropriations made; provided that no regional vocational education center may receive more than \$200,000 during the biennium. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill makes an appropriation of \$2,600,000 for the biennium ending June 30, 2003 to the department of education to the regional vocational education centers for equipment upgrades, improvements, or purchases according to the criteria set forth in the equipment and instruction program revolving fund.

20001-0399h

Amendment to HB 643-FN

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

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

AN ACT extending the moratorium on new nursing home beds.

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

1 Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending ~~[December 31, 2001]~~ **June 30, 2003**, except that a certificate of need ~~[may]~~ **shall** be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

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

AMENDED ANALYSIS

This bill extends the moratorium on new nursing home beds from December 31, 2001 to June 30, 2003.

2001-0378h

Floor Amendment to HB 645-FN-A-LOCAL

Proposed by Rep. Vivian Clark

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

1 Department of Education; Policy. Amend RSA 21-N:1, II(c) to read as follows:

(c) The paramount goal of the state shall be to provide ~~[an adequate education for all school-age]~~ children in the state ***with an adequate education*** consistent with RSA 193-E.

2 Education Property Tax Rate. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$6.60]~~ ***\$5.50*** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 Utility Property Tax Rate. Amend RSA 83-F:2 to read as follows:

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate of ~~[\$6.60]~~ ***\$5.50*** on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

Source

4 Adequate Public Education; Policy and Purpose. Amend RSA 193-E:1, I and II to read as follows:

I. It is the policy of the state of New Hampshire that ***an adequate*** public elementary ~~[and secondary]~~ education shall ~~[provide all]~~ ***prepare*** students ~~[with the opportunity]~~ ***in grades 1 through 8, including readiness programs*** to acquire, ***through further study and experience,*** the knowledge and skills necessary ~~[to prepare them]~~ for successful participation in the social, economic, scientific, technological, and political systems of a free government~~[- now and in the years to come]~~; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks.

II. Respecting New Hampshire's long tradition of community involvement ***and local control,*** it is the purpose of this chapter to ensure that appropriate means are established to provide an adequate education ~~[through an integrated system of shared responsibility between state and local government]~~ ***in order that students will be appropriately prepared to take full advantage of additional educational opportunities offered within their communities.*** In this system, the state establishes, through school approval and student proficiency standards and curriculum guidelines, the framework for the delivery of educational services at the local level. School districts then have flexibility in implementing diverse educational approaches tailored to meet student needs.

5 Criteria for an Adequate Education Clarified. Amend the introductory paragraph of RSA 193-E:2 to read as follows:

An adequate education shall ~~[provide all]~~ ***prepare*** students ~~[with the opportunity]~~ ***in grades 1 through 8, including readiness programs,*** to acquire ***through further study and experience:***

6 School Money; State Aid; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

- I. "Municipality" means a city, town, or unincorporated place.
- II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.
- III. "Elementary school" means a school with any of the grades 1 through 6, including readiness programs.
- IV. "Base expenditure per pupil" for each school district that operates an elementary school means the amounts as determined in accordance with RSA 198:40, I(a).

V. "Average base cost per elementary school pupil" means the amount as determined in accordance with RSA 198:40.

VI. "Average daily membership in attendance" means average daily membership in attendance, as defined in RSA 189:1-d, III, for children in grades 1 through 8, including readiness programs.

VII. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence, as defined in RSA 189:1-d, IV, for children in grades 1 through 8, including readiness programs.

VIII. "Adequate education cost" means the amount calculated for a municipality in accordance with RSA 198:41, I (a) and (b). In a cooperative school district, the adequate education cost shall equal the sum of the adequate education costs of the municipalities whose pre-existing school districts constitute the cooperative school district.

7 Education Trust Fund; Purpose Added. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, **to provide local education tax relief under RSA 198:42-a**, and to provide education property tax hardship relief under RSA 198:55. The state treasurer shall deposit into this fund immediately upon receipt:

8 Adequate Education Cost; Statewide Cost. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Determination of Per Pupil Adequate Education Cost.

I. For the biennium beginning July 1, 2001 and every biennium thereafter, the cost per pupil shall be established using the following formula:

(a) The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

(b) The department of education shall calculate the average base cost per elementary school pupil by multiplying the base expenditure per pupil of each school district by the average daily membership in attendance in grades 1 through 8, including readiness programs, in that district, and add the results across all such districts. This sum shall then be multiplied by .8 and the result divided by the total average daily membership in attendance in those grades.

II. For each fiscal year, the statewide cost of an adequate education shall be calculated by multiplying the average base cost per elementary school pupil by the total statewide average daily membership in residence of students in grades 1 through 8, including readiness programs.

9 Determination of Adequate Education Grant. Amend RSA 198:41, I(a) and (b) to read as follows:

(a) Multiply the average base cost per ~~[pupil of an]~~ elementary **school** pupil by the ~~[weighted]~~ average daily membership in residence for the municipality;

(b) Add to ~~[the product of]~~ **the amount calculated in** subparagraph (a), ~~[70 percent of the municipality's apportioned transportation cost]~~ **\$1000 for each resident child in a public kindergarten program in the municipality;**

10 New Section; Local Education Tax Relief Grant; Appropriation. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Local Education Tax Relief Grant; Appropriation. In addition to adequate education grants as determined under this chapter, the sum of \$50,000,000 is hereby appropriated annually from the education trust fund established under RSA 198:39 for the purpose of tax relief for municipalities whose local education tax rate is greater than the statewide average education tax rate. The governor shall draw a warrant for said sum out of the education trust fund. The distribution shall be determined by the department of education as follows:

I. Determine each eligible municipality's distribution factor by:

(a) Subtracting the amount of the adequacy grant determined in RSA 198:41 from the municipality's total local public school

budget for the year and dividing the difference by the equalized valuation for the municipality.

(b) Calculating the statewide average of all municipalities of the results in subparagraph (a).

(c) For any municipality whose result under subparagraph (a) is greater than the result under subparagraph (b), dividing the municipality's result under subparagraph (a) by the result under subparagraph (b). The result is the tax distribution factor for the municipality.

(d) Divide the municipality's average daily membership in attendance in grades 1 through 6, including readiness programs, by the statewide total of all municipalities such membership in attendance. The result is the student distribution factor for the municipality.

II. The department of education shall distribute local education tax relief grants for each municipality by multiplying its tax distribution factor by its student distribution factor and by the sum appropriated under this section. The grants under this section shall be made using the same distribution schedule utilized for adequate education grants under RSA 198:42, I.

III. The grants received by a municipality under this section shall be used solely for the additional education expenditures authorized under RSA 198:43.

11 Adequate Education Expenditures; Reference to Grades Added. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop educational programs ***in grades 1-8*** beyond those required for an adequate education ***or as required for other grades*** and to raise and appropriate amounts necessary for such programs.

12 Duties of Department. Amend RSA 198:44, I to read as follows:

I. The department of education shall, on or before September 30 of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30 of that year necessary to establish the average daily membership, average daily membership in residence, [~~and weighted average daily membership in residence,~~] including the municipality of residence for each pupil for that year. The department of education shall submit a report by December 31 to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

13 Maintenance of Local Control; Reference to Weighted Deleted. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 depend only on [~~weighted~~] average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that adequate education grants must be expended for educational purposes. Adequate education grants and hardship grants shall not be considered unanticipated funds under RSA 198:20-b.

14 Repeal of Prospective Repeals of Education Property Tax, Education Property Tax Hardship Relief Provisions, Adequate Education Grant Determination Provisions, and Related Laws. The following are repealed:

I. 1999, 338:21, relative to the repeal of RSA 76:3, RSA 198:40, and RSA 198:41.

II. 1999, 338:22, relative to the repeal of RSA 21-I:18, I(l) and RSA 198:50-55.

III. 1999, 338:25, I, relative to the effective date of 1999, 338:21.

IV. 1999, 338:25, II, relative to the effective date of 1999, 338:22.

15 Effective Date. This act shall take effect April 1, 2001.

2001-0310h

Amendment to HB 656-FN-LOCAL

Proposed by the Committee on Education - R

Amend RSA 198:15-a as inserted by section 2 of the bill by replacing it with the following:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, the state board of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision ***or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects.***

Amend RSA 198:15-v, III as inserted by section 3 of the bill by replacing it with the following:

III. A cooperative school district or area school's grant amount shall be determined by calculating the percentage of the average daily membership in residence represented by each municipality within the cooperative school district and multiplying this percentage by each municipality's percentage of annual building aid awarded under subparagraph I(b) of this section. The resulting product shall be multiplied by the projected cost of the building project. The sum of the individual municipality's entitlement of annual building aid shall be the annual grant for the cooperative school district.

Amend the bill by replacing section 4 with the following:

4 Applicability. The provisions of sections 1-3 of this act shall apply to the total of approved costs of construction of school buildings for which loans are approved as of July 1, 2003 and thereafter.

AMENDED ANALYSIS

This bill creates an optional school building aid grant formula which shall be available to school districts beginning in the 2003-2004 school year.

2001-0302h

Amendment to HB 658-FN-A

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

Amend the bill by deleting section 2 and renumbering the original section 3-5 to read as 2-4.

Amend the bill by replacing section 3 with the following:

3 Appropriation. A sum equal to 25 percent of the total amount of private gifts or contributions in the homeless prevention fund, not to exceed \$1,000,000, is hereby appropriated for the biennium ending June 30, 2003 to the homeless prevention fund within the housing finance authority for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates state funds in an amount equal to 25 percent of private donations to the homeless prevention fund.

The bill also makes families who are threatened with homelessness the highest priority of the fund.

2001-0358h

Amendment to HB 747-FN-LOCAL

Proposed by the Committee on Education - R

Amend RSA 198:40, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The per pupil cost of an adequate education as calculated in a given biennium shall be equal in each year of such biennium.

AMENDED ANALYSIS

This bill:

- I. Makes changes to the formula for calculating adequate education grants by using 3 years of statewide assessment program results administered in the third and sixth grades.
- II. Provides that for each fiscal year the statewide cost of an adequate education for all pupils shall be adjusted by the 3-year average change in the implicit price deflator as calculated by the Bureau of Economic Analysis, United States Department of Commerce.
- III. Provides that the per pupil cost of an adequate education shall be equal in each year of such biennium.
- IV. Repeals the January 2, 2003 repeal of the education property tax and the calculation of adequate education grant amounts, and the July 1, 2003 repeal of the education property tax hardship relief provisions.

2001-0335h

Amendment to HB 748-FN-A-LOCAL
Proposed by the Committee on Education - R

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

AN ACT relative to the distribution of aid to pupils eligible for free or reduced-price meals.

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

1 School Money; Definition of Weighted Pupil Amended. RSA 198:38, VII (d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality’s elementary average daily membership in residence by the fraction of the pupils from each school in the school district eligible to receive a free or reduced-price meal multiplied by:

- (1) If less than 15 percent of a school’s pupils are eligible to receive a free or reduced-price meal, zero.
- (2) For those pupils representing between 15 percent and 19 percent of each school’s enrollment who are eligible to receive a free or reduced-price meal, 0.11.
- (3) For those pupils representing between 20 percent and 24 percent of each school’s enrollment who are eligible to receive a free or reduced-price meal, 0.22.
- (4) For those pupils representing 25 percent or more of each school’s enrollment who are eligible to receive a free or reduced-price meal, 0.33.

2 New Subparagraph; School Money; Definition of Weighted Pupils. Amend RSA 198:39 by inserting after subparagraph (d) the following new subparagraph:

(e) Nothing in this paragraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a school district in any fiscal year.

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

AMENDED ANALYSIS

This bill amends the formula for weighted pupils based on eligibility to receive a free or reduced-price lunch based on the percentage of pupils in each school who are eligible to receive a free or reduced-price meal.

State of

New Hampshire

HOUSE RECORD

First Year of the 157th Session of the General Court

Calendar and Journal of the 2001 Session

Vol. 23 Concord NH Thursday, March 22, 2001 No. 24A

Contains: Additional Reports and Amendments for March 22

ADDENDUM TO HOUSE CALENDAR

thursday, march 22

additional regular calendar

ENVIRONMENT AND AGRICULTURE

CORRECTED COMMITTEE REPORT

HB 293 authorizing the production of industrial hemp. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: The majority of the committee felt that regardless of the undemonstrated claims of the economic value of hemp crop, it's even more unlikely environmental benefits and the botanical relationship with marijuana, one clear, relevant issue stood out. Hemp is federally illegal without a DEA permit. The bill makes no provision for that but would put the Commissioner of Agriculture up against breaking federal law with every permit he granted. **Vote 7-6.**

Rep. Derek Owen for the Minority of Environment and Agriculture: The minority for the passage of HB 293 felt that there is still no way hemp should be confused with marijuana. There is no way to produce paper, cloth, rope, food or personal body products, or animal foods or bedding from marijuana plants. Hemp leaves are no substitute for marijuana in that one would only get a headache from smoking it. The 1937 Marijuana Tax Act was not meant to prohibit the growth of hemp, but was meant to derive income from the growth of marijuana. The definition of marijuana does not include the stalks or fiber. The growing of hemp would need a license from the Department of Agriculture, Foods and Markets and also would require the grower to be responsible for annual testing and reporting for THC at harvest time. All this bill does is to allow NH growers to grow hemp if the Drug Enforcement Agency issues a permit. It does not intend to circumvent any Federal laws.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill will allow the state to pay in addition to workmen’s compensation the difference in pay up to the base salary of the state police employee provided the injury is due to a hostile or overt act. The amendment extends this benefit to all state employees. Employees who are injured, but not by a hostile or overt act, will be eligible for workmen’s compensation from the state and the difference between it and the employees base salary will be paid from the employees vacation and sick time. **Vote 12-1.**

THURSDAY, MARCH 22

ADDITIONAL AMENDMENTS

2001-0426h

Corrected Floor Amendment to HB 270-FN

Proposed by Reps. Dickinson and Burling - R

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

1 General Court; Travel Allowance to Members. Amend RSA 14:15-a, I, (b)(1) and (2) to read as follows:

(1) For the first 45 miles, [~~\$.38~~] **\$.77** per mile, ***provided that no member’s reimbursement amount shall be less than \$8;*** and

(2) For all miles in excess of 45 miles, [~~\$.19~~] **\$.38** per mile.

2 Application. The rules for travel allowance for members of the general court provided for in RSA 14:15-a, I(b)(1) and (2) as amended by section 1 of this act shall be used for the calculation of reimbursement to members beginning on or after December 4, 2002.

3 Effective Date. This act shall take effect December 4, 2002.

2001-0434h

Amendment to HB 649-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the bill by replacing section 1 with the following:

1 New Section; Compensation for State Employees Injured in Line of Duty. Amend RSA 21-I by inserting after section 43 the following new section:

21-I:43-a Compensation for State Employees Injured in Line of Duty. A state employee who is injured in the line of duty by a hostile or overt act that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. The executive head of the employee’s agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, and, after approval by the governor and council, the determination shall be final. The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee.