

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, April 27, 2001 No. 38

Contains: Reports and Amendments Special Ordered to May 3, List of Bills Retained in Committee, Committee Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, May 3, at 10:00 a.m.

All members are asked to be considerate and reminded of the rules of decorum for the House chambers. No food or drink is allowed in the chamber. Also, please refrain from reading newspapers and other non-relevant material during House sessions.

Chairmen and Vice Chairmen will meet on Tuesday, May 1 at 9:00 a.m. in Room 201 LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, May 3 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, May 3 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE OF RECONSIDERATION

This day, Thursday, the 26th of April, 2001, at 4:27 p.m., Representative Howard C. Dickinson, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it found **HB 469-FN-L**, relative to the applicable minimum wage for hourly employees. inexpedient to legislate.

Karen O. Wadsworth, Clerk of the House

REGULAR CALENDAR

SPECIAL ORDER TO THURSDAY, MAY 3

RESOURCES, RECREATION AND DEVELOPMENT

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill creates a study committee to address, and hopefully resolve, the conflicts and complexities regarding state-operated trails for all terrain vehicles (ATVs). The study will bring the interested parties to the table with the intent of arriving at a workable model to balance user needs and landowner interests on state-operated trail systems. The committee removed the moratorium on state ATV or trail bike trails with assurances from the Department of Resources and Economic Development (DRED) that they would not pursue development of new trail systems on state lands until the study was completed. The committee also amended the bill to increase the cost for non-resident snowmobile registrations to \$60, a \$15 increase. The reasoning for the change comes as a result of two factors. First, the state of Maine plans to repeal the reciprocity agreement previously held with New Hampshire snowmobile operators. And, second, due to heavy trail maintenance demands during this long winter season, the grant funds available via DRED have been totally depleted. The increased registration fee will still be below these non-resident registration costs of our neighboring states. **Vote 14-0.**

HB 769-FN-L, relative to fees paid by municipalities for excavating and dredging permit applications. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: Current excavating and dredging permit applications are calculated on a per-square foot formula and large projects such as the one pending for the Cochecho River could cost as much as \$45,000 for the permit alone. As this would grossly exceed the real cost to the Department of Environmental Services (DES), the committee recommends passage of this bill to cap those applications with a maximum fee of \$10,000. It was also indicated that future legislation will be filed to explore another method for calculating application fees which more accurately reflects the cost to process the application. **Vote 13-2.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 423, relative to public utilities mergers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb. E. Bradley for Science, Technology and Energy: Due to germaneness the committee held a second public hearing on HB 423. The amendment replaces all of the original language that dealt with Public Utilities Commission (PUC) review of utility mergers. This committee amendment makes several alterations to the electric industry deregulation statute due to significant changes in the marketplace for electricity since that statute was enacted in June 2000. Those marketplace changes include sharply escalating commodity prices for crude oil and natural gas that remain high. Customer payments for installed electric generation capacity (set by the Federal Energy Regulatory Commission) have increased dramatically. Uncertainty in the regional electric markets is also probably contributing to higher prices. The bottom line in New England: the market price of

generated electricity (without any delivery charges) has almost doubled since June 2000. The price of electricity in New England has increased for most utilities regardless of their regulatory or deregulatory status. For instance Until, a fully regulated utility that serves the Seacoast and Capital regions of New Hampshire, recently increased rates by 25%. Against this backdrop of higher electricity prices and volatility, the committee believes changes are necessary to the deregulation statute in order to prevent large price increases for industrial and commercial customers and cost deferrals (which would need to be paid back later with interest) for residential customers. The primary change is that the PUC would not proceed with the sale of all of PSNH generation assets at this time. PSNH would retain its coal and oil fired generation assets for two additional years unless the PUC determines that an earlier sale makes sense because electricity markets have stabilized. PSNH would use these generation assets to supply electricity to customers on Transition Service that is designed for customers who have not made a competitive choice of an electricity generator. These PSNH coal and oil generation assets are low cost in comparison to the market price of electricity in New England. The market price of electricity in New England is about \$80 per megawatt hour (mwh). PSNH's cost is about \$45 per mwh. PSNH would supply this power at their cost of service or alternatively the PUC would have authority to raise the price of this power to a market rate if PSNH's stranded costs are "fully, effectively, and contemporaneously mitigated." What that means is that the PUC could establish market rates in order to jump start customer choice. However, the PUC could only do this if stranded costs are reduced on a dollar for dollar basis and a customer's overall rates do not increase because the increased price of power is balanced by a corresponding decrease in stranded costs. Requiring PSNH to retain its coal and oil assets recognizes that electricity markets are still forming in New England and that keeping a lid on electricity prices in New Hampshire is critical to the state's economy especially if an economic slowdown is coming. With recent higher electricity prices, this proposed change in law would allow New Hampshire to move forward with electric deregulation rationally. The PUC will retain control over the sale of these low cost generation assets and as such should provide a hedge against price increases and volatility in New England. The legislation recognizes that Seabrook ought to be sold both to reduce stranded costs and shift nuclear risk to new owners. Virtually everyone agrees that a quick sale of Seabrook makes sense. The amendment also lengthens the time period that Transition Service may be provided for under the PSNH settlement. Conservation funding is also increased. Demand for electricity is increasing in New Hampshire. Increasing conservation funding will help to limit price volatility and price spikes during periods of peak demand. The amendment makes certain that PSNH receives the full incentive if they can successfully renegotiate high priced wood to energy plants costs. The amendment allows a temporary surcharge in order to reduce deferrals. It should be noted that this surcharge would not be necessary as long as PSNH retains its coal and oil generation assets. Lastly, the amendment states that the secure bonding authority enacted in law in June 2000 and approved by the PUC shall not be influenced by any of legislative changes. That bonding triggers the PSNH write-off of about \$450 million and the approximate 10% additional rate reduction due to take affect on May 1. With passage of this legislation PSNH customers will receive the benefits of the Settlement and should avoid price spikes that have plagued many regions of the country including New England. Lastly, it should be noted that 6700 megawatts of generation capacity in New England (including 1245 megawatts in New Hampshire) are due to come on line by the summer of 2002. The region is addressing supply and demand issues unlike other states that have not built new power plants, particularly in the west. 6700 megawatts represents about 25% of the region's existing generation capacity. **Vote 16-0.**

HB 443, relative to a 20-year state comprehensive energy plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William W. Gabler for the Majority of Science, Technology and Energy: Recognizing that energy is essential for the health and safety and economic well being of all New Hampshire residents, this bill calls for a forward looking analysis of our energy needs, and the preparation of a comprehensive state energy plan. This plan will evaluate the future demand for both natural gas and electricity while also assessing the adequacy of our transmission and distribution infrastructure, siting requirements, fuel diversity and energy efficiency programs. In so doing, the plan will lay the groundwork for efforts to ensure that New Hampshire does not experience energy supply and demand problems similar to those recently encountered in other states. In addition, this plan will provide the framework for New Hampshire to participate in regional and national energy planning forums that may impact our state. Given the essential nature of energy to our lives, the committee feels that the state needs to look ahead and take steps now to ensure that the energy infrastructure is safe, reliable and adequate in the future. Funding for the development of this plan will come from existing conservation funds. The bill authorizes the expenditure of up to \$100,000 of those funds, which amounts to approximately $\frac{1}{2}$ of 1 percent of the state's conservation funds for 2002. While the committee acknowledges that this is not a minor amount of money, it feels strongly that the expenditure is inexpensive in comparison to the potential cost of supply and demand problems that a thorough energy study may help us avoid. **Vote 12-3.**

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: This bill will cost New Hampshire electric ratepayers \$100,000 and although extremely well intentioned, will not accomplish the purpose as sought by its sponsors. The questions posed by the amended version of this legislation which are to be answered by a consultant fall outside the scope of any New Hampshire agency to adequately ascertain.

HB 740, relative to decommissioning of nuclear electric generating facilities. **OUGHT TO PASS**

Rep. Jeb E. Bradley for Science, Technology and Energy: Passage of this bill will update the nuclear decommissioning statute so that it enables the sale of the Seabrook power plant to a non-regulated new owner as part of electric industry restructuring. Currently the Nuclear Decommissioning Finance Committee (NDFC) determines the expected life of the plant and the amount of money necessary for future decommissioning based upon minimum Nuclear Regulatory Commission (NRC) radiological standards and New Hampshire site specific restoration standards. That will not change under the proposed legislation. Today decommissioning charges appear as a surcharge on customer's bill. With the change in ownership, customers will no longer be responsible for decommissioning expenses and the surcharge will disappear. New owners of the plant, not electricity customers, will be responsible for making timely payments into the decommissioning fund as determined by the NDFC. The statute is being revised so that the NDFC will have ample authority to insure that a new owner provides financial assurance that decommissioning will occur safely and within a reasonable timeframe. The NDFC must approve a financial assurance plan for a new owner prior to the transfer in ownership occurring. As part of the sale of the plant, about \$50 million from the sale proceeds will be deposited into the decommissioning fund. This is being done pursuant to the legislation in order to ensure that at time of closing, there will be enough money in the fund to meet minimum radiological decommissioning standards established by the NRC. The law also changes the site restoration standard to one consistent with commercial and industrial uses as opposed to the existing state "greenfields" standard. The Town of Seabrook supports this change. As an adjunct to this legislation, the existing owners of the facility have agreed to upgrade (at their expense) the appearance of the never completed Seabrook II. As part of the consideration of this legislation the counsel to the NDFC, with the cooperation of the existing Seabrook owners and other interested parties, has prepared annotations to the bill that explain its intent. These April 12, 2001 annotations will be part of the legislative history of the bill. An issue involving decommissioning funding in the event of a premature shutdown may prompt a later amendment to the bill. The committee believes enactment of this legislation will enhance the sale of Seabrook. All proceeds from the sale of the plant will reduce stranded costs. Given the increasing price of electricity, the sale value of Seabrook is also expected to increase. The committee believes it is a good time to sell Seabrook both to reduce stranded costs and shift operational risks away from customers. **Vote 14-0.**

HB 758, relative to the sale of gasoline containing ethers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: Methyl tertiary-butyl ether (MTBE) is an alcohol-based gasoline additive that was first introduced in the 1970's to replace lead as an octane booster. Since the early 1990's it has also been added in higher concentrations to reformulated gasoline (RFG) to meet the minimum oxygen requirement of the federal RFG program. Because of the potential for contamination of water resources by MTBE and other ethers, the desire to take action at the state level to ban or limit the use of MTBE is justifiable. Unfortunately, the federal Clean Air Act (CAA) places restrictions on states' ability to regulate fuel components without approval of the US Environmental Protection Agency (EPA). In addition, four New Hampshire counties that are in non-attainment for ozone are required to use RFG based upon a decision by NH to opt into the program in 1991 as part of our ozone reduction strategy required by law. At that time the decision was seen as a way of avoiding some of the more onerous requirements of centralized auto emissions testing. RFG has a minimum oxygenate requirement of 11% by volume of gasoline. The most common oxygenate used to meet this mandate is MTBE. Ethanol is an alternative used in some areas, primarily in the Midwest where it is more readily available, however, ethanol cannot be readily blended with gasoline sold in the east because of transportation and distribution problems.

Several states have attempted to limit MTBE concentrations in gasoline. Minnesota substituted ethanol. Maine took the legal route of opting out of the RFG program with EPA approval. New York and California both banned MTBE and are now being sued in federal court for violating federal law. Connecticut is considering moving the date further out for their ban because their only option is to substitute ethanol. In light of these actions in other states, it appears the quickest and most successful route to the elimination of MTBE is by opting out of the federal RFG program.

The bill as introduced would have limited MTBE and other ethers by October of this year to levels that are below those contained even in conventional gasoline and virtually eliminated all ethers by 2003. Conventional gasoline is currently the fuel that is being sold in the six New Hampshire counties that are not required to use RFG. Due to the fact that state regulations would then contradict federal regulations it is unlikely that fuel dealers would even consider supplying non-RFG gasoline in the four counties where it is federally required due to the imposition of significant daily fines for violating the federal rule. In other words the committee felt that either RFG would continue to be supplied despite the proposed legislation, or we would be faced with the situation where there would be supply disruptions and price spikes. We do not believe this was the intention of the sponsors, however, it would be an unintended consequence of the proposed legislation if enacted.

The committee shares the sponsors' goals of removing MTBE in the shortest time-frame possible. The committee believes that the first step toward accomplishing this goal is to opt out of the RFG program with EPA approval. Failure to achieve federal

approval would mean the need to substitute ethanol (contrary to the proposed legislation that limits ALL ethers) because the RFG program still contains a mandate for oxygenated gasoline. Requiring the use of ethanol would be a distribution nightmare on the East Coast both in terms of gasoline price increases and supply disruptions. Thus without EPA approval to opt out and without substituting ethanol, the state would end up in federal court as California and New York have.

The bill, as amended by the committee, requires the NH Department of Environmental Services (DES) to submit a request by January 1, 2002, to the EPA to opt out of the RFG program as soon as possible, but no later than January 1, 2004. The bill contains authorizations for DES to substitute air emission reductions for the loss of RFG air credits. Thus it is much more likely that New Hampshire will be able to successfully opt out of the RFG program without the threat of federally-imposed auto emissions testing or legal challenges. Once the opt-out has been approved the committee amendment strengthens the existing statutory authority the DES commissioner already has to limit or ban MTBE. The amendment requires the commissioner to limit or ban MTBE provided a readily available, reasonably priced alternative exists.

The committee believes the amendment is likely to provide the quickest, most successful route to the elimination of MTBE and other ethers. Some people disagree with this approach and want a more confrontational approach. Unfortunately states that have adopted more confrontational approaches may feel they have accomplished something, but in reality these states have neither banned nor limited MTBE with much success to date. **Vote 13-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 12, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jonathan E. Hill for State-Federal Relations and Veterans Affairs: The number of miles of natural gas pipeline in New Hampshire has increased significantly in recent years and it is anticipated that it will increase even more in the future. At the present time, the state Public Utilities Commission has a role in some aspects of interstate pipeline safety, but not all aspects. HCR 12 asks the federal government to allow the state greater involvement in pipeline safety and to clarify jurisdictional issues. The Public Utilities Commission testified that there are several pipelines crossing our state that New Hampshire has no safety information on. The Public Utilities Commission further testified that it would be advantageous for New Hampshire to have a more hands-on involvement in interstate pipeline safety. **Vote 11-2.**

TRANSPORTATION

HB 590, relative to access to motor vehicle records by insurance companies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill as amended establishes the terms and conditions under which life insurance companies may access motor vehicle records. The bill as introduced would have allowed life insurance companies unfettered access to the motor vehicle records. This would have subverted our privacy law as passed by this House. This amended bill allows our citizens consent and knowledge of motor vehicle record access for life insurance underwriting purposes. This amendment also allows for trucking companies to access motor vehicle records for Commercial Drivers Licenses as required by federal law. **Vote 14-3.**

WAYS AND MEANS

HB 218-FN, relative to the motor vehicle road toll law and motor vehicle registration fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Ways and Means: The committee feels that this bill, as amended, accomplishes the intent of the Dept. of Safety and the Transportation Committee. This bill allows the Commissioner of Safety to hire inspectors and increases the fees of trucks and motor vehicle registrations which haven't been raised since 1989. It also removes the "Dedicated Funds" section of the bill. The fiscal impact for 2002 is a \$4,500,000 net gain to the highway fund; \$900,000 for much needed truck emissions, dealer and inspection station enforcement and \$600,000 to local governments for local road assistance. Without passage of this bill and increased levels of enforcement for which it provides, the state of New Hampshire could lose \$14-15,000,000 of Federal Aid Highway Funds each year. **Vote 15-2.**

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses. **OUGHT TO PASS**

Rep. Jeff Gilbert for Ways and Means: The Committee voted on a bipartisan basis 12-6 to approve the proposed license fee increases of approximately 40% over a two year period. These fees represent nearly all of the sources of funding for the Department of Fish and Game. The fees have not been raised since 1989 and the new fee structure is essential to maintaining the Department's present level of services. The Committee noted the strong support given to the bill by the Fish and Game Committee and Executive Director Vetter's testimony that the new fee structure will be very competitive with our neighboring Northeastern states and in numerous meetings around the state and the public hearing before the Fish and Game Committee no objections were voiced by our citizens or sportsmen or conservation groups. **Vote 12-6.**

HB 742-FN-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **MAJORITY: OUGHT TO PASS AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Frank V. Sapareto for the Majority of Ways and Means: The majority of the committee felt that this bill accomplishes two extremely important efforts. First, by treating a state tax like a state tax it eliminates the ability to determine a donor or receiver town. Public perception of the state property tax is poor at best due to the concept of donor/receiver. Second, this bill provides substantial and much needed relief to property tax payers who can't afford property taxes and ensures that no one will be forced from their homes. This is the most refined circuit breaker/safety net proposal as it has been introduced and crafted over four legislative terms. Unlike other circuit breakers, this program is self-funding and actually generates state revenues. It is estimated that it will generate approximately ten times the amount of property tax relief, under the current hardship provision, which it completely replaces. Critics complain that the interest generated by this tax belongs to the towns. But, the majority feels that this money belongs to the taxpayers and not to the towns. People pay taxes, not towns. The appropriations for this bill, as stated in the bill, are derived from the Education Trust Fund. **Vote 9-7.**

Rep. Susan W. Almy for the Minority of Ways and Means: This bill is the sketch of a plan to move the collection of the statewide property tax (at \$6.60) to the Department of Revenue Administration, in order to take the "float" (recompense for administration of the tax) from the municipalities and use it for an education property tax circuit breaker. It would require at least five million dollars for start up and two million a year for routine administration, but no appropriation has been provided. Numerous details necessary for this to work have been omitted. This is an extremely expensive way to fund the circuit breaker, which is similar to that in most other plans, but which would apparently be left with about the same amount of money that now funds only state-wide property tax relief in donor towns.

BILLS REMOVED FROM CONSENT CALENDAR

COMMERCE

HB 304-FN, relative to insurance coverage for prostate cancer testing. **INEXPEDIENT TO LEGISLATE**

Rep. William B. Tsiros for Commerce: The committee recognizes that prostate cancer is one of the leading causes of death in this country. However, this bill does not offer any new or better methods to diagnose or treat the disease. On the other hand, it will create havoc in managed health care by allowing a man to ignore the advice of his physician and seek examinations and diagnostic decisions on his own, putting early and accurate treatment at more risk. **Vote 15-0.**

HB 668, prohibiting the use of genetic testing for certain insurance purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill prohibits life, disability and long-term care insurers from requiring an individual to undergo genetic testing or to disclose the results of a genetic test. The majority of the committee believes that this bill is too broad and is also premature. Under present laws, an applicant for these types of insurance is required to provide information about his or her own health history. Under this bill, an applicant would be permitted to withhold health information from an insurer. In addition, the definition of genetic testing in the bill is over broad and could be construed to include a number of routine medical tests. Although other states have adopted laws relative to genetic testing, none of these laws incorporate the provisions in HB 668. If requirements such as these were to be adopted in New Hampshire, they could have a chilling effect on the insurance market in the state, especially the emerging long-term care market.

This issue has been discussed in the legislature in previous sessions. Last year a committee to study issues relating to the use of medical testing in underwriting insurance was established with the adoption of HB 1589 (Chapter 304, Laws of 2000). Unfortunately, this committee was not able to fulfill its charge before the reporting date and has requested an extension. The committee believes that since insurers are not requiring applicants to undergo genetic testing in New Hampshire now, it makes more sense to allow for the careful review of this issue. As the use of genetic testing expands in the future, we will be able to

identify any problems associated with it and will have the opportunity to craft responsible legislation to address any problems
Vote 9-4.

HB 670, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would establish a legislative commission to review existing trade agreements made at the federal level. The committee feels that it would not be appropriate to establish this commission for the following reasons: 1) the state already has an International Trade Advisory Council which includes legislative members, 2) careful review of those trade agreements would require staff and hired consultants, funding for which is not included in the bill and, 3) passage of this bill would send a negative message to New Hampshire businesses that export and to our global trading partners. The Department of Research and Economic Development testified in strong opposition to HB 670. **Vote 14-0.**

HB 690, adopting the "Financial Information Privacy Protection Model Act." **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment replaces the entire bill. As amended HB 690 will create a medical privacy statute covering all insurance companies and agents. Under this law no medical information may be shared without the consumer giving permission (opt-in). The committee feels that although the Health Insurance Portability & Accountability Act of 1996 (HIPAA) regulations are not completed, it is important to have a medical privacy law in New Hampshire. The committee also feels it is very important that department rules generated under this act not be confused with other rules generated by the insurance department as required under a separate federal statute known as Gramm-Leach-Bliley (GLB). GLB is an act relative to financial institutions and does not effect medical privacy. **Vote 11-1.**

EDUCATION

HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: The committee believes a study of models of out-of-school care is of great importance in addressing issues such as early onset substance abuse, teen pregnancy and juvenile crime, in addition to its implications for education. The amendment broadens the commission's membership to reflect these complexities. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 346-FN, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would remove the requirements of periodic medical examinations and determination of gainful occupation in excess of disability benefits for a group II member who is granted an accidental disability retirement due to injury in the performance of duty. The committee felt that to remove these safeguards would not be in the best interest of the retirement system in general or the remaining members within the benefit pool. The fiscal note estimated the cost of this bill at approximately \$800,000.00 to the retirement system. In addition, there was testimony that this bill could involve Article 28-a issues and might be in violation of the constitution. **Vote 17-1.**

FINANCE

HB 306-FN, relative to driver education training reimbursement. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer, Sr. for Finance: We are obligated under current law to fund the high school driver training program with funds appropriated from the vanity plate sales. There are sufficient funds for the high school program but to include the private school driver training would cause us to fund the addition with general funds. **Vote 20-0.**

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

Rep. Francine Wendelboe for Finance: This bill provides for supplemental grants from the Education Trust Fund to certain municipalities to cap tax effort per pupil. The sponsor's intent was to insure that no community would have to pay more than \$5.00 per thousand of assessed valuation. While the committee was sympathetic to the sponsor's goal of targeting aid, this

approach does not help bring the legislature closer to resolving the pressing issues of funding an adequate education now before us. Once we have agreed upon a basic structure, this and other proposals might better be considered. **Vote 21-1.**

FISH AND GAME

HB 158, relative to the use of an artificial light to locate moose. **OUGHT TO PASS WITH AMENDMENT**

Rep. David S. Woodward for Fish and Game: This bill as amended would allow people and moose tours in Coos County to use lights for "spotting" moose for recreational viewing through the second Monday in October (i.e. Columbus Day). The Committee felt that this north country activity was an excellent addition to tourism and a way for people to enjoy seeing New Hampshire's wildlife. **Vote 16-1.**

JUDICIARY

HB 495, relative to judicially appointed officials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: The bill provides guidelines for the court on how to appoint administrators and guardians ad litem. This bill would allow parties to come together and pick their own administrator or guardian. Also, the bill would provide a uniform way of appointing masters and guardians throughout the state. Currently, each court exercises its own discretion in the procedures of appointing these individuals. The bill excludes marital masters and guardian ad litem appointed in child custody cases. **Vote 12-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 724, relative to pooled risk management programs for public employers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee felt this bill was an attempt to involve the legislature in a business battle for clients. One company wants the legislature to force a depletion of surplus of the competing party to force an increase in the competition rates to a level as high as theirs. Since the beneficiary of this bill is the "new kid on the block" and passage would result in increased costs to city and town insurance, the committee recommends Inexpedient to Legislate. **Vote 12-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 596, relative to the acquisition of land by a town. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill enables a town to acquire real estate by a majority vote of the board of selectmen instead of requiring a vote by the legislative body. The proposal must first be approved by the planning board and the conservation commission. The selectmen must then hold two (2) public hearings at least ten (10) days but no more than fourteen (14) days apart. Upon the written petition of fifty (50) or more voters prior to the selectmen's vote, the proposed acquisition or sale shall be inserted in the warrant for town meeting. **Vote 16-1.**

PUBLIC WORKS AND HIGHWAYS

HB 716-FN, relative to minimum wages of employees in public works. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: This bill proposes establishing certain minimum wage determinations for the construction of public projects. This bill would dramatically increase the costs associated with the construction of public projects for local communities, counties and the state. The prevailing wage rate for construction projects would be set by the Commissioner of Labor. This legislation would add another layer of government when it is not necessary. Because of the additional cost and increase in the size of government without helping to solve any existing problems, the committee felt that this was not in the best interest of all citizens involved. This legislation is almost identical to a statute that was repealed in 1985. **Vote 13-5.**

WAYS AND MEANS

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. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: This bill, as amended by the sponsors, proposes a combination consumption and sales tax which is so high it will fund our current education obligations while at the same time raising sufficient revenues to generate a 4 billion dollar "education trust fund" in 10 years. While this may be a laudable goal, it clearly places an extreme burden on our taxpayers in the short term. For this reason, and the fact that all other provisions of this bill are included in legislation retained by the committee, we unanimously recommend HB 562 as inexpedient to legislate. **Vote 17-0.**

HB 761-FN-A-L, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: This bill would have imposed an income tax without reducing or removing the statewide property tax. Additionally, it would allow for differing property tax rates to exist between communities for the purpose of funding the state's responsibility for adequacy. It would also have let the Dept. of Revenue Administration change the rate annually with no legislative oversight. We have other bills which better address education funding. **Vote 16-0.**

THURSDAY, MAY 3

REGULAR CALENDAR

WAYS AND MEANS

HB 320-FN, relative to leasing certain portions of railroad properties. **OUGHT TO PASS WITH AMENDMENT**

Rep. Giuda for Ways and Means: The committee voted unanimously to pass the amended HB320. This bill accomplishes both an administrative cleanup of existing railroad tax law, and simplifies the process of taxation for those railroads designated as amusement railroads. It also applies railroad tax law to categories rather than specific named entities, removing the need for and act of the Legislature to add or delete railroads to the amusement railroad list. **Vote 16-0.**

HB 375, making technical corrections in the tax laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert Guida for the Majority of Ways and Means: HB 375, as amended, addresses our anticipated budget deficit with appropriate funding sources. With this proposal the Ways and Means Committee has recognized and responded to the specific concerns expressed by House members about some of the elements included in HB 50, including the unconstitutionality of some provisions. This bill establishes a permanent and durable funding solution for the state's general and education fund obligations by balancing the budget without implementing a new broad-based tax. It does not enact any radical and risky new taxes that are difficult or nearly impossible to predict. Rather, this proposal works largely within our current tax structure, which is easy to forecast. In short, the bill raises approximately \$195 million for the 2002-2003 biennium (\$105 million in FY '02 and \$ 90 million in FY '03).

This revenue is generated by two sources. The first, and largest (\$80 million in FY '02 and \$65 million in FY '03), adjusts our current business taxes by eliminating the credit that businesses can take by applying their Business Enterprise Taxes (BET) paid as a credit against their Business Profits Tax (BPT) obligations. This proposal affects only a small percentage of the 60,000 business tax filers in the state.

The second source of revenues involves increasing the existing Electricity Consumption Tax (RSA 83-E) from a rate of \$.00055 per kilowatt hour to \$.0031 per kilowatt hour. There is no change to an existing circuit breaker for low-income users through the Systems Benefit Charge for those consumers earning up to 150% of the federal poverty level. The Public Utilities Commission has estimated that the monthly tax on an average home in the state would be \$1.50 per month. This will generate \$ 25 million per year.

While funding the anticipated deficit, HB 375 also lowers the statewide education property tax from \$6.60 to \$6.30 and funds \$50 million in property tax relief. A significant property tax hardship relief program is included in the bill and is funded with \$14 million in each year of the biennium. This hardship relief program would allow for relief of up to 100% of the statewide property tax, which would otherwise be paid on a home with an equalized, assessed value of up to \$150,000. Unlike other plans, this hardship relief program takes effect immediately, in 2002, and is not delayed. Additionally, unlike the current property tax

hardship program, this proposal will allow families throughout the state, in donor and receiver towns alike, to seek relief if they meet the eligibility requirements. Additional property tax relief is generated with the dedication of \$22 million, which is devoted to reducing the statewide property tax rate in all the communities throughout the state. As amended, HB 375 is a responsible, reliable, and sustainable plan to balance our budget. **Vote 11-7.**

Rep. Christine M. Konys for the Minority of Ways and Means: The minority of the committee believes that House Bill 375 has several serious defects. By both repealing the BET credit against the BPT, and raising electric rates for all customers, this bill effectively raises business taxes by 25%. We received a great deal of testimony from the business community that passage of this bill means New Hampshire will have one of, if not the highest, effective business taxes in the nation. If this bill passes, it will have a negative impact on economic growth, and will result in increased costs being passed on to consumers in areas such as bank loans and insurance rates. Additionally, the constitutionality of this bill was questioned by several of those who testified, and will be immediately challenged in court. House Bill 375 also raises the tax on residential and business electricity consumption just after the tax is actually imposed on customers, and just as we are about to receive much-needed relief from the second highest electric rates in the country. House Bill 375 represents another inadequate, short-term fix rather than a viable, durable and constitutional solution to the problem of funding an adequate education for all our children.

2001 house bills retained in committee

CHILDREN AND FAMILY LAW

HB 179-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age.

HB 386, relative to the relocation of the principal residence of a child.

HB 447, relative to the establishment of parenting plans in certain domestic cases.

HB 449, relative to access to adoption records.

HB 507, opening hearings in abuse and neglect cases to members of the general court and to certain other persons.

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders.

HB 586, excluding stepchildren from the definition of "child" in the context of support orders.

HB 599-FN, relative to unlawful possession of alcohol by a minor.

HB 660, relative to out-of-home placements in juvenile abuse and neglect cases.

HB 661, relative to hearing timelines in abuse and neglect cases.

HB 686, relative to the scope of discovery in abuse and neglect cases.

HB 706, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings.

COMMERCE

HB 264, relative to the state treasurer and relative to certain unclaimed or abandoned property.

HB 313-FN, limiting access to certain business records.

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.

HB 470, relative to caller identification requirements for persons engaged in telephone solicitation.

HB 514, relative to uniform prescription drug information cards.

HB 524, relative to unfair insurance trade practices.

HB 541-FN, requiring certain hospitals to provide charity care and continually appropriating a special fund.

HB 619, relative to the sale or lease of goods or services to residents of this state via the Internet.

HB 672, relative to coverage for mental and nervous conditions.

HB 710-FN, relative to liquor licenses and fees.

HB 713-FN, addressing public health issues relative to indoor smoking.

HB 765-FN-A, establishing an historic homeownership mortgage credit program.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 223, allowing a state resident to obtain a license for a pistol or revolver for life.

HB 301-FN, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community.

HB 550-FN, relative to remedies under the right-to-know law.

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.

HB 565-FN, relative to liability for providing alcoholic beverages to minors.

HB 567-FN-LOCAL, granting female inmates access to certain rehabilitation related programs.

HB 678, relative to notice of release of an inmate from state prison.

HB 729, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim.

HB 756, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone.

HB 768-FN, relative to DNA testing of criminal offenders.

EDUCATION

HB 329-FN-LOCAL, relative to school safety.

HB 631-LOCAL, relative to access to public school programs by home educated pupils.

HB 750-LOCAL, relative to the development and adoption of the school administrative unit budget.

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.

ELECTION LAW

HB 137, establishing a committee to study the definition of domicile for voting purposes.

HB 225, relative to applications for recounts.

HB 266, establishing a committee to study recodification of the election laws.

HB 379, apportioning the executive council districts.

HB 380, apportioning county commissioner districts.

HB 384, relative to political expenditures.

HB 419, apportioning delegates to state party conventions.

HB 420, apportioning state representative districts.

HB 436, eliminating nomination of a party by nomination papers.

HB 478, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations.

HB 519, relative to the ballot law commission.

HB 544-FN, relative to reporting by candidates of independent expenditures.

HB 666, permitting the placement of political advertising on highway rights-of-way.

HB 722, relative to town elections.

ENVIRONMENT AND AGRICULTURE

HB 392, establishing a committee to study the property tax status for land of agricultural fairs.

HB 581-FN, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

HB 654-FN-LOCAL, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities.

HB 655-FN-A-LOCAL, establishing an advance disposal fee to fund local mercury presorting and recycling programs.

HB 675, relative to mercury source reduction.

HB 728-FN-A-LOCAL, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 282-FN-LOCAL, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees.

HB 314-FN, relative to administrative rules governing privacy.

HB 341-FN, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system.

HB 462-FN, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

HB 483, repealing the Uniform Aircraft Financial Responsibility Act.

FINANCE

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.

CACR 22, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose.

CACR 23, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose.

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

HB 253-FN, relative to mercury reductions.

HB 298-FN-L, relative to charter schools and establishing a charter school revolving fund.

HB 353-FN-A, relative to diversified agricultural development, and making an appropriation therefor.

HB 515-FN-L, establishing parental choice scholarships.

HB 555-FN-L, relative to the billing of counties for certain expenses by the department of health and human service.

HB 560-FN-A, establishing a contributory judicial retirement plan.

HB 587-FN-A, establishing a commission on the status of men, and making an appropriation therefor.

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

HB 656-FN-L, relative to the formula for distributing school building aid grants.

HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor.

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

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 169-FN, repealing the certificate of need law.

HB 235, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire.

JUDICIARY

CACR 2, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court.

CACR 3, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed.

CACR 4, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed.

HB 280-FN, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature.

HB 281-FN, establishing an independent administrative office of the courts.

HB 352, limiting railroad liability for passenger rail service.

HB 409, relative to qualification for admission to the New Hampshire bar.

HB 465, relative to the admission to practice law and to bar association membership for attorneys.

HB 566, establishing terms for the offices of administrative judges of the courts.

HB 582, establishing a judicial nominating commission.

HB 608-FN, establishing a judicial ethics advisory committee.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 589, relative to eligibility for unemployment benefits for part-time workers.

HB 744-FN-A, establishing a family and disability leave program.

LEGISLATIVE ADMINISTRATION

CACR 21, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business.

MUNICIPAL AND COUNTY GOVERNMENT

HB 251, establishing that local zoning ordinances regulating location are applicable to community living facilities.

HB 285-FN-LOCAL, relative to the adoption of a state building code.

HB 342-FN, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property.

HB 365-LOCAL, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes.

HB 432, relative to the limit on appropriations to the capital reserve fund of a county.

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.

HB 498, relative to standards for records filed with a registry of deeds.

HB 506, prohibiting the granting of certain variances from zoning ordinances.

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

HB 522-LOCAL, establishing discretionary preservation easements for preserving historic agricultural structures.

HB 549-FN-LOCAL, relative to procedures of the department of revenue administration concerning the reassessment of property.

HB 601-FN-A-LOCAL, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state.

HB 607-FN-A-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school.

HB 617, relative to zoning for hobby vehicles.

HB 627-FN, establishing a market-based water pollutant trading program.

HB 650-FN, relative to master plans.

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency.

HB 689, establishing a committee to study the effectiveness and fairness of county government.

HB 701, relative to municipal regulation of renewable energy systems.

HB 712-FN, relative to the coordination of state, regional, and local planning efforts.

PUBLIC WORKS AND HIGHWAYS

HB 336-FN-A, making capital appropriations to the university system of New Hampshire.

HB 494, establishing a committee to study the permitting and hearing processes for proposed highways.

HB 634, relative to public/private partnership projects in the department of transportation.

HB 730, establishing a committee to study the transfer of the Goffstown district court to a new location.

RESOURCES, RECREATION AND DEVELOPMENT

HB 414, relative to the adoption of instream flow rules.

HB 472, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire.

HB 476, relative to the definition of a campsite.

HB 556-FN-A, making certain appropriations to the department of cultural resources and the department of safety.

SCIENCE, TECHNOLOGY AND ENERGY

HB 284-FN, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants.

HB 316-FN, establishing the position of state energy manager.

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.

HB 755, relative to groundwater contamination and gasoline sampling.

TRANSPORTATION

HB 209-FN, relative to original and youth operators’ licenses.

WAYS AND MEANS

CACR 24, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 ½ percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each

house of the general court.

CACR 25, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

HB 212-FN, expanding income eligibility limits for education property tax hardship relief.

HB 213-FN, increasing the allowable amount of education property tax relief.

HB 294-FN, excluding certain pension income from household income for purposes of determining education property tax hardship relief.

HB 334-FN-A, adopting a single sales factor method of apportionment under the business profits tax.

HB 378, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire.

HB 424, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

HB 427, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management.

HB 523, establishing a commission to investigate the possibility of setting up a division of hearings within the department of justice.

HB 558-FN-A-LOCAL, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.

HB 592-FN-A, relative to a milfoil prevention and research grant program and fund.

HB 644-FN-A-LOCAL, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines.

HB 762-FN-A, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund.

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.

LAID ON TABLE

HB 50-FN-A-L, relative to sources of funding an adequate education. (Pending question is Inexpedient to Legislate.)

HB 185-FN-L, repealing the prospective repeals of the education property tax and related laws. (Pending question is the adoption of the majority committee report of Ought to Pass.)

HB 358-FN, relative to tolls on the Everett turnpike. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)

HB 747-FN-LOCAL, relative to increases in the cost of an adequate education. (Pending question is the adoption of the committee amendment.)

HR 10, affirming revenue estimates for fiscal years 2001, 2002, and 2003. (Pending question is Ought to Pass.)

HOUSE BILLS AMENDED BY THE SENATE

HB 107, naming a certain bridge in the town of Milford. (SJ 4/12/01)

- HB 142**, establishing a committee to study encryption of confidential information. (SJ 3/29/01)
- HB 143**, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (SJ 3/29/01)
- HB 230**, relative to scheduled permanent impairment awards under the workers’ compensation law. (SJ 3/29/01)
- HB 232**, relative to compensability of work-related stress injuries under the workers’ compensation act. (SJ 4/19/01)
- HB 238**, relative to interstate banking. (SJ 3/29/01)
- HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (SJ 3/29/01)
- HB 367-LOCAL**, relative to the establishment of a town forest in the town of Randolph. (SJ 4/19/01)
- HB 433**, clarifying the duties of the oversight committee on health and human services. (SJ 3/29/01)
- HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service. (House Concurred 4/19/01))
- HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children’s vaccines. (SJ 4/12/01)
- HB 585**, relative to the membership and duties of the council on resources and development. (SJ 4/19/01)

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, APRIL 30

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.

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (RSA 12-H:1), Room 207, LOB

9:00 a.m. Director of Information Technology Management, Tom Towle, will present the status of the state information technology plan. Pending "IT" legislation will also be reviewed.

TUESDAY, MAY 1

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 26**, relative to probate court procedures regarding adoptions.

10:45 a.m. **SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families.

11:30 a.m. **SB 74**, relative to providing services under the Child Protection 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. Subcommittee work session on **HB 768-FN**, relative to DNA testing of criminal offenders.

EDUCATION, Room 207, LOB

10:00 a.m. **SB 78-FN-L**, relative to the distribution of special education records to certain educationally disabled pupils.

11:00 a.m. Rescheduled public hearing on **SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs.

1:00 p.m. Rescheduled public hearing on **SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on **HB 675**, relative to mercury source reduction.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 282-FN-LOCAL**, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees and **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system.

10:00 a.m. **SB 71**, establishing a **study committee** relative to the regulation and compensation of persons licensed under the real estate practice act.

11:00 a.m. **SB 143-FN**, establishing a **study committee** relative to registering and regulating home improvement contractors.

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

10:00 a.m. Work and executive session on the following bills:

HB 587-FN-A, establishing a commission on the status of men, and making an appropriation therefor.

HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor.

FINANCE - (DIVISION I), Room 209, LOB

1:00 p.m. Work and executive session on the following bills:

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.

HB 253-FN, relative to mercury reductions.

HB 353-FN-A, relative to diversified agricultural development, and making an appropriation therefor.

HB 560-FN-A, establishing a contributory judicial retirement plan.

FINANCE - (DIVISION II), ROOM 212, LOB

1:00 p.m. Work and executive session on the following bills:

HB 298-FN-L, relative to charter schools and establishing a charter school revolving fund.

HB 515-FN-LOCAL, establishing parental choice scholarships.

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

HB 656-FN-LOCAL, relative to the formula for distributing school building aid grants.

Discussion of Turnpikes Audit

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

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

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee D work session on **HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney’s professional conduct committee to the legislature, **HB 281-FN**, establishing an independent administrative office of the courts and **HB 608-FN**, establishing a judicial ethics advisory committee.

11:00 a.m. **SCR 1**, urging the supreme court to expand the membership of the advisory committee on rules to include legislative members.

1:00 p.m. **SB 82**, relative to service of process in marital matters.

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

9:00 a.m. Subcommittee work session on **HB 689**, establishing a committee to study the effectiveness and fairness of county government.

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

11:00 a.m. Subcommittee work session on **HB 549-FN-LOCAL**, relative to procedures of the department of revenue administration concerning the reassessment of property.

1:00 p.m. Subcommittee work session on **HB 522-LOCAL**, establishing discretionary preservation easements for preserving historic agricultural structures.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **SB 45**, relative to the legislative oversight committee on electric utility restructuring.

11:00 a.m. **SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act.

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. **SB 28**, permitting disclosure of final decisions of the commissioner of revenue

administration.

10:30 a.m. **SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor.

11:00 a.m. **SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment.

Immediately following the public hearing on SB 147, work session on consumption tax.

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

WEDNESDAY, MAY 2

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on **HB 449**, relative to access to adoption records.

1:00 p.m. Subcommittee work session on **HB 447**, relative to the establishment of parenting plans in certain domestic cases.

COMMERCE, Room 302, LOB

9:30 a.m. **SB 56**, relative to health care providers discontinuing service in New Hampshire.

10:30 a.m. **SB 57**, relative to the economic development matching grants program.

11:30 a.m. **SB 98**, relative to notice requirements prior to the sale of manufactured housing parks.

1:30 p.m. **SB 99**, relative to the exemption from the community benefits law for charitable trusts.

2:30 p.m. **SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **SB 71**, establishing a **study committee** relative to the regulation and compensation of persons licensed under the real estate practice act, **SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system and **SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation.

JUDICIARY, Room 208, LOB

9:30 a.m. **SB 155-LOCAL**, limiting the liability of teachers and other educational employees.

10:30 a.m. **SB 62**, relative to guardianships.

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

2:00 p.m. Subcommittee work session on **HB 352**, limiting railroad liability for passenger rail service.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

9:00 a.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 193-FN-A-L***, relative to changes in the property tax system and making an appropriation therefor.

1:30 p.m. ***SB 23***, relative to the amount of interest on late paid property taxes which may be waived by the tax collector.

2:30 p.m. ***SB 50***, relative to the abatement of taxes in unincorporated towns or unorganized places.

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

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Room 204, State House

11:00 a.m. Regular meeting.

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

3:00 p.m. Rescheduled regular meeting.

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

2:30 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

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

FRIDAY, MAY 4

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

9:00 a.m. Special meeting to take up all items postponed from the April 20 meeting.

MONDAY, MAY 7

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB

2:00 p.m. Regular meeting.

CERTIFICATE OF NEED TASK FORCE (RSA 151-C:16), Rooms 306-308, LOB

10:00 a.m. Regular meeting.

TUESDAY, MAY 8

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on ***HB 599-FN***, relative to unlawful possession of alcohol by a minor.

COMMERCE, Room 302, LOB

10:00 a.m. Rescheduled public hearing on ***SB 21***, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

10:45 a.m. Rescheduled public hearing on ***SB 121***, relative to the advisory committee on international trade.

11:30 a.m. Rescheduled public hearing on ***SB 40***, changing the method by which the insurance department assesses insurers to fund its administration fund.

1:30 p.m. Rescheduled public hearing on ***SB 41***, relative to technical corrections for life, accident and health insurance.

2:30 p.m. Rescheduled public hearing on ***SB 47***, relative to ownership of certified public accounting firms.

3:30 p.m. Rescheduled public hearing on ***SB 108***, relative to the definition of "funeral home."

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

HISTORICAL COMMITTEE (RSA 17-I), Room 105A, State House

9:00 a.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. ***SB 64***, establishing a fund to pay mediators in the probate courts.

11:00 a.m. ***SB 63***, relative to administration of estates and filing of wills by executors.

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

9:00 a.m. Subcommittee work session on ***HB 498***, relative to standards for records filed with a registry of deeds.

1:00 p.m. Subcommittee work session on ***HB 650-FN***, relative to master plans and ***HB 712-FN***, relative to the coordination of state, regional, and local planning efforts.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. ***SB 190***, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton.

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

WEDNESDAY, MAY 9

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19), Department of Health and Human Services, Main Building, State Office Park South, 105 Pleasant Street, Concord

2:30 p.m. Regular meeting.

FRIDAY, MAY 11

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

10:00 a.m. Regular meeting.

MONDAY, MAY 14

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

1:00 p.m. Complaint hearing.

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

9:30 a.m. Regular meeting.

TUESDAY, MAY 15

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

2:00 p.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:00 a.m. Subcommittee work session on ***HB 432***, relative to the limit on appropriations to the capital reserve fund of a county.

1:00 p.m. Subcommittee work session on ***HB 617***, relative to zoning for hobby vehicles.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. Continued public hearing on ***SCR 2***, calling on the President and the Congress to fully fund the federal government’s share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

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

FRIDAY, MAY 18

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

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN POSTSECONDARY EDUCATION AND RECIPIENTS OF ASSISTANCE TO NEEDY FAMILIES (SB 313, Chapter 122:3, Laws of 2000), Room 205, LOB

1:00 p.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, MAY 21

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 22

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. Subcommittee work session on ***HB 506***, prohibiting the granting of certain variances from zoning ordinances.

OFFICIAL NOTICES

COUNTY DELEGATION MEETING

The Executive Committee of the Cheshire County Delegation will meet on Monday, May 14th at 10:00 a.m. in the Basement Conference Room at the Administration Building, 33 West Street, Keene. The purpose of the meeting is as follows: 1. To review the first quarter budget figures for the county’s 2001 budget. 2. To address any other matters that might come before the committee.

Rep. John M. Pratt, Chairman
Cheshire County Executive Committee

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, June 4 at 5:30 p.m.

Karen O. Wadsworth, Clerk of the House

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
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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, 181, 183, 184, 185, 186, 189, 204, 205, 207, 208, 209, 210, 211, 213, 214, 218, 253, 274, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 298, 299, 302, 303, 305, 308, 309, 313, 314, 315, 316, 317, 318, 319, 321, 322, 324, 325, 326, 327,328, 329, 334, 335, 337, 341, 344, 346, 347, 362, 414, 459, 463, 471, 511, 535, 538, 543, 544, 547, 548, 549, 552, 555, 556, 557, 559, 561, 587, 592, 604, 605, 606, 629, 643, 644, 648, 654, 655, 656, 667, 675, 708, 710, 713, 715, 736, 741, 744, 745, 747, 749, 754, 755, 758, 762 and 765. SBs 143.

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.

The Council on Applied Technology Committee will meet on April 30 at 9:00 a.m. in Room 207, LOB. House members are

welcome to attend but please notify the undersigned by e-mail (john.alger@connriver.net) so he can be sure the room has sufficient space.

Rep. John R.M. Alger

The Merrimack County Republican Committee will host a Tribute to the Republican Speakers of the House on Wednesday, May 2nd at the Grappone Conference Center at the Courtyard by Marriott in Concord. Doors open at 5:30 p.m. and dinner will be served at 6:15 p.m.

Rep. Michael D. Whalley

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 11:30 a.m. on the following Wednesdays: May 9 and May 23. These will be luncheon forums. The House Republican Alliance will also meet at 8:30 a.m. on the following Wednesdays: May 2 and May 16 in the Upham Walker House.

Rep. Paul M. Mirski

All freshmen legislators are invited to attend the Freshmen 2001 Assembly at 8:15 a.m. on Thursday, May 3rd in the cafeteria. This informal social group is open to all freshmen of both parties.

Reps. Edward R. Leach, Hilda W. Sokol, John A. Graham and Nancy M. Scovner

This year's National Day of Prayer will be held on Thursday, May 3rd from noon to 12:45 p.m. We will be gathering on the State House steps for prayer. This year is also the 50th anniversary of the National Day of Prayer.

Rep. Ronald J. Nowe

The NH Wellness and Primary Prevention Council, the NH Children's Trust Fund and the NH Department of Health and Human Services invites you to join them for a Legislative Breakfast to celebrate strengths of Family Resource Centers in New Hampshire. Keynote speaker will be Lew Feldstein, President of the NH Charitable Foundation. The breakfast will take place May 9 from 7:45 a.m. to 9:00 a.m. at St. Paul's Church. Family Resource Center staff from around the state will be present to share information about their programs.

Rep. Barbara C. French

The New Hampshire Women's Lobby is pleased and honored to announce that Sen. Katherine W. Wheeler and Rep. Barbara C. French will receive Meritorious Service Awards and Commissioner Donald Shumway will receive the Citizen Award at our

Annual "Spring Celebs" on Wednesday, May 9th from 4:30 to 6:30 p.m. at the Holiday Inn in Concord. All are invited to join us in honoring three outstanding New Hampshire citizens. Tickets are \$10 for members and \$15 for nonmembers and are available from members or from the NH Women's Lobby Office at 224-9105.

Reps. Frances D. Potter, Beth Rodd and Marjorie K. Smith

The Annual Legislative Shooting Day is scheduled for **Monday, May 14th**. Many members have asked for the date. Please call Mike Briggs (746-6782) if you are planning to join us.

Reps. Howard C. Dickinson and Candace C.W. Bouchard

In recognition of your support, the NH Law Enforcement Officers' Memorial Committee cordially invites you to the Annual NH Law Enforcement Officers' Memorial Ceremony. The ceremony will be held on Friday, May 18 beginning promptly at 10:00 a.m. on the memorial site in front of the LOB. The ceremony will proceed rain or shine. Refreshments will be provided immediately following the event. Please contact Captain Timothy J. Acerno of the Fish and Game at 271-3129 or Chief John Curran of the Meredith Police Department at 279-4561 if you have any questions.

Gene G. Chandler, Speaker

The Kids Cabinet will meet at 2:00 p.m. in the Governor and Council Chambers on the following Fridays: May 18 and June 15.

Rep. Raymond Buckley

The OWLS Annual Golf Tournament will be held on Monday, June 18 at the Passaconway Golf Club, Litchfield. More information will follow.

Rep. Betsy McKinney

The Department of Transportation will hold the following meetings:

Apr 30 – Wentworth Elementary School Gymnasium, NH Route 25, Wentworth, 7:00 p.m. Public hearing (special committee) Warren-Wentworth, NH Route 25 bridge replacement over Baker River.

May 1 – Newfields Town Hall, NH Route 85, Newfields, 7:00 p.m. Selectmen's meeting, Newfields, NH Route 85 over B&M Railroad (construction detour discussion)

May 7 – Benton Town Hall, 221 Coventry Road, Benton, 6:30 p.m. Combined official/informational meeting, Benton, NH Route 116 over Whitcher Brook.

May 14 – Acworth Town Hall, Town Hall Road, 7:00 p.m. Public officials/informational meeting, Acworth, NH Route 123A/Cold River bridge rehabilitation.

- May 15 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Route 9, 10, 12 and 101 upgrade.
- May 16 – West Running Brook School, 1 West Running Brook Lane, Derry, 4:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening.
- May 23 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Route 9, 19,12 and 101 upgrade.
- May 24 – Londonderry High School Cafeteria, 295 Mammoth Road, Londonderry, 6:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening
- May 24 – Wayfarer Inn, Bedford, 8:00 a.m. 3rd Annual Conference, Bike/Ped Conference.

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 in **April 2000**. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. 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
April 30	11:00 & 12:30	Gonic Elem	4/60

NOTICE

The **28th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 11 at Androscoggin Valley Country Club in Gorham, NH. The entry fee for this annual tourney is \$60 per person and includes greens fee, cart, barbecue and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than May 29th to Sandy Wheeler at the LOB Lobby Desk. Please make checks payable to Legislative Golf Tournament, care of David S. Saltmarsh.

For your convenience, arrangements have been made with the Town & Country Motor Inn (located directly across the street from the golf course) for special lodging rates of \$44 plus tax per person, per night for those of you who may choose to come up early or stay late. If you choose to stay over, you must book your room in advance by calling the Inn at 1-800-325-4386. Currently, we are planning other events for Sunday and Monday, details to follow.

Reps. David M. Scanlan and Peter H. Burling

28th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_____(2)_____

(3)_____(4)_____

Telephone No: _____ Amount Enclosed: _____

THURSDAY, MAY 3
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2001-0825h

Amendment to HB 158

Proposed by the Committee on Fish and Game - C

Amend RSA 208:8-a, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The provisions of paragraph I shall not apply to a person using an artificial light to locate or view a moose prior to 9:00 p.m. on any day during the period of September 1 through the second Monday of October. In addition, the exception in this paragraph shall be limited to the following roads in Coos county.

- (a) Class I, II, and III state highways.
- (b) Class IV, V, and VI city or town roads, with the permission of the local governing body.

2001-0937h

Floor Amendment to HB 158

Proposed by Rep. McKinney

Amend RSA 208:8-a, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The provisions of paragraph I shall not apply to a person using an artificial light to locate or view a moose from 9:00 a.m. to 9:00 p.m. on any day during the period of September 1 through the second Monday of October. In addition, the exception in this paragraph shall be limited to the following roads in Coos county.

- (a) Class I, II, and III state highways.
- (b) Class IV, V, and VI city or town roads, with the permission of the local governing body.

2001-0468h

Amendment to HB 218-FN

Proposed by the Committee on Ways and Means - R

Amend the bill by replacing sections 6-7 with the following:

6 Motor Vehicles; Certificates of Title and Registration of Vehicles; Registration Fees; Fees to be Collected; Prorated Fees for Motor Vehicles. Amend RSA 261:141, III(g) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. [~~\$19.20 (\$1.60)~~] **\$25.20 (\$2.10** per month)

3001-5000 lbs. [~~\$31.20 (\$2.60)~~] **\$37.20 (\$3.10** per month)

5001-8000 lbs. [~~\$43.20 (\$3.60)~~] **\$49.20 (\$4.10** per month)

8001-73,280 lbs. \$.84 per hundred lbs. gross weight.

7 Appropriation; Motor Vehicle Inspectors. The sums of \$900,000 for the fiscal year ending June 30, 2002 and \$630,526 for the fiscal year ending June 30, 2003, are hereby appropriated to the department of safety for the purpose of hiring10 motor vehicle inspectors for the enforcement duties established in RSA 266:1-a. Said appropriations shall be a charge against the highway

fund.

Amend the bill by deleting section 8 and renumbering the original sections 9-10 to read as 8-9, respectively.

AMENDED ANALYSIS

- I. Deletes the maximum amount for road toll bonds required of licensed distributors of motor fuel.
- II. Permits the commissioner of safety to waive interest assessed for road toll violations.
- III. Requires the commissioner of safety to establish the interest rate assessed on road toll violations.
- IV. Requires special fuel users to retain records necessary for purposes of administering the road toll laws.
- V. Repeals road toll provisions relating to heating oil suppliers.
- VI. Increases registration fees for motor vehicles.
- VII. Makes an appropriation to pay for the hiring of motor vehicle inspectors.

This bill is a request of the department of safety.

2001-0945h

Floor Amendment to HB 304-FN

Proposed by Rep. Poulin

Amend RSA 417-G:2, I as inserted by section 1 of the bill by replacing it with the following:

- I. Each insurer that issues or renews any policy of accident and health insurance providing benefits for hospital expense, medical-surgical expense, or major medical expense shall provide in each group or individual policy, contract or certificate of insurance issued or renewed for persons who are residents of this state, coverage for testing for the presence of prostate cancer, in accordance with the standards of the American Cancer Society, for men 50 years of age or older with a life expectancy of 10 years, and for men 45 years of age or older who are recognized as high risk. The coverage shall be as follows:
 - (a) An initial examination conducted by his licensed doctor and any follow-up clinical tests deemed necessary by the doctor for men 50 years of age or older, and for men 45 years of age or older who are considered high risk.
 - (b) An annual examination conducted by his licensed doctor and any follow-up clinical tests deemed necessary by the doctor, including a prostate-specific antigen blood test or a digital rectal examination performed in accordance with the standards of the American Cancer Society, for men 50 years of age or older and for men 45 years of age or older who are considered high risk.

AMENDED ANALYSIS

This bill requires insurance coverage for testing for the presence of prostate cancer for men 50 years of age or older, and for men 45 years of age or older who are considered high risk.

2001-0923h

Amendment to HB 320

Proposed by the Committee on Ways and Means - R

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

AN ACT relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

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

2 Definition; Amusement Railroad. Amend RSA 82:1 to read as follows:

821 Definitions. *In this chapter:*

I. The word "company" as used in RSA 82:2 shall apply to all persons, co-partnerships or associations.

II. The term "express corporation or company" shall be construed to mean any corporation or company engaged in the business of transporting property as express over the lines of railroads.

III. *The term "amusement railroad" means a railroad operating as a tourist, scenic, or historic operation, which provides train rides solely for one or more such purposes.*

3 New Section; Amusement Railroads. Amend RSA 82 by inserting after section 25 the following new section:

82:25-a Amusement Railroads. The property of amusement railroads shall be appraised and taxed pursuant to the provisions of RSA 72, and shall not be subject to the provisions of this chapter.

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill restricts eligibility for certain leases of state-owned railroad properties, and increases the cost of such leases from \$5 to \$10 per running foot per year. This bill also defines amusement railroads and provides for their taxation.

2001-1054h

Amendment to HB 375

Proposed by the Majority of the Committee on Ways and Means - R

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

AN ACT relative to sources of funding an adequate education.

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

1 Education Property Tax Rate Reduced. 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]~~ **\$6.30** 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.

2 Electricity Consumption Tax. Amend RSA 83-E:2 to read as follows:

83-E:2 Imposition of Tax. A tax is imposed on the consumption in this state of electrical energy at the rate of ~~[\$.00055]~~ **\$.0031** per kilowatt hour.

3 New Subdivision; Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Low and Moderate Income Homeowners Property Tax Relief

198:56 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposed of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

- (a) A vendee in possession under a land contract;
- (b) One or more joint tenants or tenants in common; or
- (c) A person who has equitable title, or the beneficial interest for life in the homestead.

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which a claim is made. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IV. "Tax relief" means the low and moderate income homeowners property tax relief provided in this subdivision.

V. "New Hampshire household" means any person filing a federal income tax return as head of household or 2 or more adults who jointly share the benefit of the homestead. "New Hampshire household" shall not include those adults who share the homestead under a landlord-tenant relationship.

VI. "Dependent" means a person residing in a homestead who is claimed as a dependent for federal income tax purposes.

198:57 Low and Moderate Income Homeowners Property Tax Relief

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this act.

II. Residents shall apply to the department of revenue administration for such tax relief.

III. An eligible tax relief claimant is a person who:

- (a) Owns a homestead or interest in a homestead subject to the education property tax;
- (b) Resided in such homestead on April 1 of the year for which the claim is made, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile; and
- (c) Realizes total household income of:
 - (1) \$20,000 or less if a single person;
 - (2) \$40,000 or less if a head of a New Hampshire household with a dependent or dependents, or if a married person.

IV. All or a portion of an eligible tax relief claimant's education property taxes, RSA 76:3, shall be rebated as follows:

- (a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;
- (b) Multiply the product determined in subparagraph (a) by the current education property tax rate;
- (c) Multiply \$150,000 by the current education property tax rate;
- (d) Multiply either the product of the calculation in subparagraph (b) or (c), whichever is less, by the following percentage as applicable to determine the amount of tax relief available to the claimant:
 - (1) If a single person and total household income is:
 - (A) less than \$12,500, 100 percent;
 - (B) \$12,500 but less than \$15,000, 85 percent;
 - (C) \$15,000 but less than \$17,500, 65 percent; or
 - (D) \$17,500 but less than or equal to \$20,000, 50 percent.
 - (2) If a head of a New Hampshire household or a married person and total household income is:

(A) less than \$25,000, 100 percent;

(B) \$25,000 but less than \$30,000, 85 percent;

(C) \$30,000 but less than \$35,000, 65 percent; or

(D) \$35,000 but less than or equal to \$40,000, 50 percent.

(e) The amount determined by subparagraph (d) is the allowable tax relief in any year.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, tax relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims for tax relief shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

198:58 Rulemaking; Forms; Notice.

I. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of excess tax payments and the tax relief provisions of this subdivision.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

(a) Instructions on completing and filing the form;

(b) Sections for information concerning the claimant, the claimant's household, the property for which tax relief is sought, and such other information as is reasonably necessary to determine the accuracy of the claim;

(c) Instructions on appeal procedure and time limits relative to such appeals; and

(d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the tax relief provisions in a suitable manner.

198:59 Penalties; Assessment of Erroneous Claims.

I. Any person who files a claim for tax relief under this subdivision with fraudulent intent and any person who assisted in the preparation or filing of the claim or supplied information upon which the claim was prepared shall be guilty of a misdemeanor.

II. The commissioner may assess and collect the amount of any sums granted for property tax relief relative to a fraudulent or erroneously paid claim for tax relief including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

198:60 Appeals.

I. Whenever the commissioner refuses to grant a claimant a tax relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the commissioner’s refusal of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the commissioner’s action to be arbitrary or unreasonable.

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department’s receipt of the claim and all required documentation.

4 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

5 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~[2001]~~ **2003**.

6 Repeal. The following are repealed:

- I. RSA 77-A:5, X, relative to the business enterprise tax credit against the business profits tax.
- II. RSA 77-E:13, relative to application for the business enterprise tax credit against the business profits tax.
- III. RSA 198:50 through 198:55, relative to education property tax hardship relief.
- IV. 1999, 338:22, II, relative to the repeal of education property tax hardship relief.
- V. RSA 83-E:4, III, relative to an exemption from the electricity consumption tax for municipal providers.
- VI. 1997, 347:5, II, relative to the prospective repeal of the electricity consumption tax.
- VII. 1997, 347:7, I, relative to the effective date of 1997, 347:5, II.

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

8 Effective Date.

- I. Section 1 of this act shall take effect upon its passage, and shall apply to property taxes due for the tax year beginning April 1, 2002.
- II. Sections 2-5 and III-VII of section 6 of this act shall take effect July 1, 2001.
- III. Paragraphs I and II of section 6 of this act shall take effect July 1, 2001 and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.
- IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

- I. Reduces the rate of the education property tax.
- II. Increases the rate of the electricity consumption tax and removes an exemption for municipal providers.

III. Establishes a low and moderate income homeowners property tax relief program.

IV. Extends the temporary rate of the communications services tax.

V. Repeals certain business tax credits.

2001-0835h

Amendment to HB 423

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

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

AN ACT relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire.

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

1 Findings. The general court finds that:

I. Commodity prices for oil and natural gas have substantially increased in the past year, resulting in higher wholesale electricity prices in New Hampshire and throughout the New England region. The higher wholesale electricity prices have prevented competitive electricity suppliers from being able to compete with standard transition service causing them to exit the market or not even enter it in the first place.

II. Given the increase in wholesale electricity prices and the potential lack of a significant number of viable competitive suppliers, it is important that measures be taken to protect customers from the potential of a noncompetitive and volatile electricity market. A critically important measure that should be undertaken to protect customers from price volatility and a noncompetitive market is for the public utilities commission to delay the divestiture of Public Service Company of New Hampshire's ("PSNH") fossil generation assets until the commission determines such sale is in the public interest. Delay in the divestiture of PSNH's fossil generation assets would allow for the use of those assets to serve transition service. While this delay in divestiture dates is in the public interest today, the general court finds that competitive electricity markets should provide benefits for customers over the long term. When the sale of PSNH's fossil assets is in the public interest, the public utilities commission should proceed with the sale of those assets in order to establish competitive electricity markets.

III. The planned sale of PSNH's generation assets will be done in a manner consistent with RSA 374:30.

IV. Changes to RSA 369-B and RSA 374-F which are designed to protect PSNH customers from current price volatility must be accomplished in a manner that shall not affect the validity, effectiveness, or finality of Order No. 23,550 issued by the public utilities commission, and does not diminish the value of the settlement agreement to either PSNH or PSNH's customers.

2 Limited Electrical Energy Producers; Retention of Savings by Electric Utility. Amend RSA 362-A:4-d to read as follows:

362-A:4-d Retention of Savings by Electric Utility. An electric utility that is party to an approved renegotiation of a commission order under RSA 362-A:4-c shall be entitled to retain ~~up to~~ 20 percent of the savings resulting from such renegotiation~~[-, subject to order of the commission]~~.

3 Authority to Issue Finance Orders; Transition Service. Amend RSA 369-B:3, IV(b)(1)(A)-(D) to read as follows:

(A) ***For purposes of implementing RSA 369-B:3, IV(b), transition service shall be available for the periods of time set forth in subparagraphs (b)(1)(B) and (b)(1)(C), subject to the commission's authority to lengthen the transition service period under RSA 374-F.*** From competition day until ~~[initial transition service end day]~~ ***the completion of the sale of PSNH's ownership interests in fossil and entitlement interests in nuclear generation assets located in New Hampshire***, PSNH shall supply ***such*** transition service and default service in its retail electric service territory ***from its generation assets and, if necessary, through supplemental power purchases in a manner approved by the commission.*** ~~[After initial transition service end day]~~ ***Once PSNH is no longer supplying transition service, to the extent applicable***, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until 24 months after initial transition service end day. From competition day until initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From 12 months after initial transition service end day to 24 months after initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) If the commission extends transition service beyond 33 months while PSNH retains its fossil generation assets, the price of transition service during such period may be PSNH's actual, prudent, and reasonable costs of providing such power, as approved by the commission. The commission, in approving such transition service pricing, shall also consider setting a transition price which will facilitate a smooth transition to market prices, provided the commission determines such transition effectively, fully, and contemporaneously mitigates stranded costs and is in the public interest.

(iii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until 12 months after initial transition service end day. From competition day to initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to ~~12 months after initial transition service end day~~ **the day that PSNH ceases to provide transition service**, the price of transition service for these customers ~~shall~~ **may be PSNH's actual, prudent, and reasonable costs of providing such power as approved by the commission. The commission may extend transition service for these customers if it determines an extension to be in the public interest. The commission, in approving such transition service pricing, shall also consider setting a transition price which will facilitate a smooth transition to market prices, provided the commission determines such transition effectively, fully, and contemporaneously mitigates stranded costs and is in the public interest. Thereafter, the price of transition service shall be** the competitively bid price for transition service;

(D) Any difference between the price of transition service from competition day to ~~initial transition service end day~~ **the day that PSNH ceases to provide transition service** and PSNH's actual, prudent, and reasonable costs of providing such power **as determined by the commission** shall first be separated between the 2 groups of customers described in subparagraphs (b) (1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

4 Authority to Issue Finance Orders; System Benefits Charge. Amend RSA 369-B:3, IV(b)(6) to read as follows:

(6) The total system benefits charge shall be ~~fixed at \$0.002~~ **no greater than \$0.003** per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

5 Electric Utility Restructuring Policy Principles; Universal Service; Default Service. Amend RSA 374-F:3, V(c) to read as follows:

(c) Default service should be designed to provide a ~~temporary~~ safety net and to assure universal access and system integrity. Default service should be procured through the competitive market ~~[and based on short-term market prices,]~~ and may be administered by independent third parties. The ~~cost~~ **allocation of the costs** of administering default service should be borne by the customers of default service **in a manner approved by the commission**. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.

6 Electric Utility Restructuring; Implementation; System Benefits Charge; Energy Efficiency Programs. Amend RSA 374-F:4,

VIII(b) to read as follows:

(b) ~~[The system benefits charge referred to in RSA 374-F:3, VI shall be limited as follows:~~

~~(1) During the first year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed 2.5 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.~~

~~(2) During the **first and** second year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge **referred to in RSA 374-F:3, VI** due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed 3 mills per kilowatt hour for any utility ~~[whose rates are at or above regional average as determined by the commission].~~~~

7 Sale of PSNH Fossil Generation Assets; Date. Amend 2000, 249, 7, II to read as follows:

II. The sale of PSNH fossil generation assets shall take place no ~~[later]~~ **sooner** than July 1, ~~[2004]~~ **2003**, unless the commission finds ~~[due to circumstances beyond its control]~~ that ~~[further delay]~~ **an earlier sale** is in the public interest.

8 Energy Efficiency Program. The public utilities commission shall phase-in, as quickly as can be effectively administered by Public Service Company of New Hampshire, an energy efficiency program for Public Service Company of New Hampshire that is funded at a rate of \$0.0018 per kilowatt-hour to be allocated from the system benefits charge. The public utilities commission shall not decrease the amount of the system benefits charge allocated to low-income customers due to passage of this act.

9 Liquidation of Generation Assets. As part of the public utilities commission's administration of the liquidation of Public Service Company of New Hampshire's generation assets, the commission shall:

I. Allow and consider bids for the generation assets that may include proposals for providing transition service at a ceiling price for any customer class. Should such a bid be accepted by the commission, the commission shall consider such transition service commitment as part of the competitive bid process under RSA 369-B:3, IV(b)(1)(A). If such transition service is used, then it shall be considered the "competitively bid price" for purposes of RSA 369-B:3, IV(b)(1)(B) and (C), as applicable.

II. Expeditiously initiate and complete, in a manner consistent with RSA 374:30, the sale of nuclear generation assets located in New Hampshire required by the settlement in a manner that benefits all New Hampshire customers with stranded cost recovery obligations associated with such assets.

10 Temporary Energy Surcharge. In order to avoid excessive deferrals that may accrue under the provisions of RSA 369-B:3, IV(b)(1)(B)(i), the public utilities commission may impose an energy surcharge on electricity purchased by residential, street lighting, and general delivery service rate G customers of Public Service Company of New Hampshire that take transition service between initial transition service end day and 24 months after initial transition service end day as defined in RSA 369-B:2, VII. Money collected from such a surcharge shall be applied to reducing any amounts that would otherwise be deferred under RSA 369-B:3, IV(b)(1)(B)(i) after taking into account the provisions of RSA 369-B:3, IV(b)(3)(D).

11 Effect on Finance Order. The provisions of this act shall amend the specific provisions of public utilities commission Order No. 23, 550, approving the issuance of rate reduction bonds, issued by the public utilities commission in Docket No. DE 99-099. All provisions of RSA 369-B, including the amendments made by this act, and all provisions of commission Order No. 23,550, as amended by this act, shall remain in full force and effect and are hereby ratified and confirmed in all respects. The provisions of this act shall not affect the validity, effectiveness, or finality of commission Order No. 23,550, or the validity of any rate reduction bonds issued thereto. The general court finds that commission Order No. 23,550, as amended by this act, satisfies all of the conditions and requirements of RSA 369-B, as amended, including without limitation, RSA 369-B:3, IV, and is deemed to be authorized and issued pursuant to RSA 369-B, as amended, and that the implementation of such order, as amended, is in the public interest.

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

AMENDED ANALYSIS

This bill:

I. Entitles an electric utility to retain 20 percent of the savings from an approved renegotiation of a public utilities commission order.

- II. Modifies the terms of transition service for customers of Public Service Company of New Hampshire.
- III. Modifies the system benefits charge authority.
- IV. Requires the public utilities commission to make certain determinations prior to approving the sale of Public Service Company of New Hampshire fossil generation assets.
- V. Authorizes the public utilities commission to impose an energy surcharge on transition service customers of Public Service Company of New Hampshire.

2001-1004h

Floor Amendment to HB 423

Proposed by Rep. Wendelboe

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

AN ACT relative to the system benefits charge.

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

1 Authority to Issue Finance Orders; System Benefits Charge. Amend RSA 369-B:3, IV(b)(6) to read as follows:

(6) The total system benefits charge shall be ~~[no greater than \$0.003]~~ **fixed at \$0.002** per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

2 Electric Utility Restructuring; Implementation; System Benefits Charge. Amend RSA 374-F:4, VIII(b) to read as follows:

(b) ~~[During the first and second year]~~ After competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge referred to in RSA 374-F:3, VI due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed ~~[3]~~ **2** mills per kilowatt hour for any utility.

3 Repeal. Section 14 of HB 489 of the 2001 session, relative to an energy efficiency program, is repealed.

4 Contingency. If HB 489 of the 2001 session becomes law, sections 1-3 of this act shall take effect upon its passage. If HB 489 of the 2001 session does not become law, sections 1-3 of this act shall not take effect.

5 Effective Date.

- I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.
- II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the energy efficiency program established by HB 489 of the 2001 session and reduces the system benefits charge that may be charged to certain customers.

2001-0576h

Amendment to HB 443

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

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

AN ACT relative to a state energy plan.

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

1 Purpose. The state of New Hampshire has recently moved to restructure its electric and natural gas industries. Electric utilities were formerly responsible for developing least cost energy plans and integrated resource plans. While it is expected that the restructuring of the electric and natural gas industries will provide market responses to energy supply and demand conditions, it is nonetheless important that the governor's office of energy and community services and the public utilities commission be involved in some aspects of energy planning.

2 Findings. The general court finds that a comprehensive and integrated energy plan will provide useful information about the supply of and demand for natural gas and electricity, the adequacy of transmission and distribution infrastructure, siting requirements, fuel diversity, and energy efficiency and conservation. The general court further finds that use of the system benefits charge to fund the plan within the limitations legislatively established for those charges is in the public interest.

3 State Energy Plan.

I. The governor's office of energy and community services, in consultation with the public utilities commission and other state agencies as needed, shall prepare a state energy plan covering a 10-year period. The governor's office of energy and community services shall solicit the input of independent parties, including the Whittemore School of Business and Economics at the University of New Hampshire. The plan shall be consistent with the legislative policies set forth in RSA 162-H, RSA 378:37, RSA 374-F, and RSA 369-A. The plan shall include:

(a) An analysis of the demand projections for energy consumption of electricity and natural gas in New Hampshire.

(b) An analysis of the adequacy of electricity generation in New Hampshire, and of transmission and distribution resources in New Hampshire for the natural gas and electric industries, and how regional generation, transmission, and distribution resources affect New Hampshire.

(c) An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources.

(d) An analysis of fuel diversity for electricity generation.

(e) An analysis of the efficient use of energy resources and conservation initiatives.

(f) An analysis of how these New Hampshire-specific issues relate to regional initiatives to assure the adequacy of generation, transmission, and distribution assets.

(g) Recommendations, based on the analyses completed under subparagraphs (a)–(f), for state implementation actions to achieve the legislative policies set forth in RSA 162-H, RSA 378:37, RSA 374-F, and RSA 369-A, or for other energy policies that should be pursued.

II. In developing the plan, the governor's office of energy and community services shall seek public comment by holding at least 4 public hearings in different geographic locations around the state.

III. The governor's office of energy and community services is authorized to expend up to \$100,000 to complete the plan. Such funds shall be provided proportionally by jurisdictional electric distribution utilities out of funds collected from the energy efficiency portion of each utility's approved system benefits charge, or as otherwise directed by the public utilities commission.

IV. The governor's office of energy and community services shall complete the state energy plan by November 1, 2002. Prior to publication of the plan, the governor's office of energy and community services shall consult with the legislative oversight committee on electric utility restructuring established by RSA 374-F:5 and the gas utility restructuring oversight committee established by RSA 374:60. Upon completion, the plan shall be distributed to the speaker of the house of representatives, the senate president, the chairpersons of the house science, technology, and energy committee and the senate energy and economic development committee, the governor, and the state library.

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

AMENDED ANALYSIS

This bill requires the governor's office of energy and community services, in consultation with the public utilities commission and other state agencies, to prepare a state energy plan covering a 10-year period. This bill authorizes the governor's office of energy and community services to expend up to \$100,000 to be provided by jurisdictional electric distribution utilities, to complete the plan.

2001-0860h

Amendment to HB 495

Proposed by the Committee on Judiciary - C

Amend RSA 493-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) "Appointed official" means an administrator, an administrator de bonis non, a special administrator, a guardian ad litem except as provided in subparagraph (b)(2), an auditor, an appraiser, a referee, a master, or any other person appointed by a court; part or all of whose compensation is to be paid by one or more parties to an action pending before the court.

(b) "Appointed official" shall not include:

- (1) An executor nominated by a decedent or an appraiser nominated by such executor.
- (2) A guardian ad litem appointed in a matter involving the custody of minor children.
- (3) A marital master duly appointed under the marital master program.

2001-0800h

Amendment to HB 590

Proposed by the Committee on Transportation - R

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

AN ACT permitting life insurance companies access to certain motor vehicle records.

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

1 New Subparagraph; Administration of Motor Vehicle Laws; Access to Records by Life Insurance Companies. Amend RSA 260:14, V(a) by inserting after subparagraph (9) the following new subparagraph:

(10) For use by life insurance companies authorized to write life insurance policies in this state, or their authorized agents, on a case-by-case basis, and upon representation by the company or authorized agent, on a form satisfactory to the department, that the named person's written consent to the release of the record has been obtained and that the record will be used solely in connection with claims investigation, rating, and underwriting.

2 Administration of Motor Vehicle Laws; Written or Express Consent. Amend RSA 260:14, V(c)(1) to read as follows:

(1) No person shall be required to provide his or her *written or* express consent to the release of personal information as a condition of doing business with any other person *or legitimate business*.

3 Administration of Motor Vehicle Laws; Clarification of Restriction on Re-release of Motor Vehicle Information. Amend RSA 260:14, VI(a) to read as follows:

(a) Except as provided in subparagraph (b), an authorized recipient of personal information for a particular use under the provisions of subparagraph V(a) may not ~~[use the information]~~ sell, rent, transfer, or make the information available to another person for the same or for any other use.

4 Administration of Motor Vehicle Laws; Re-release of Motor Vehicle Information by Certain Motor Vehicle Businesses and Life Insurance Companies. Amend RSA 260:14, VI(b) to read as follows:

(b) An authorized recipient of personal information for a particular use under subparagraphs V(a)(1), (4), (8), ~~[and]~~ (9), *and (10)* may sell, rent, transfer or make the information available to another person for the same use only, subject to the limitations in the particular subparagraph.

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

AMENDED ANALYSIS

This bill establishes the terms and conditions under which life insurance companies may access motor vehicle records. It also provides that written or express consent to the release of motor vehicle records shall not be required as a condition of doing business with another person or business. The bill further clarifies that an entity permitted to obtain motor vehicle records for a particular purpose may use the information but is restricted in the re-release of such information. Finally, the bill allows various motor vehicle businesses and life insurance companies to re-release motor vehicle information under certain circumstances.

2001-0853h

Amendment to HB 596

Proposed by the Committee on Municipal and County Government - C

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

1 Capital Reserve Funds; Acquisition of Land by Majority Vote of Town Selectmen. Amend RSA 35:15, II to read as follows:

II. Expenditures from any fund established for the acquisition of land pursuant to RSA 35:1 shall be made only as authorized:

- (a) By a majority vote of the legal voters present and voting at an annual or special meeting, in the case of a town, school district or village district, or by majority vote of the county delegation, in the case of a county, **or**.
- (b) *By the selectmen, appointed as agents pursuant to RSA 41:14-a, provided that the selectmen shall not have authority to expend any sum in excess of the amount contained in any capital reserve account created for the purchase of land other than any grant moneys which may be received.*

2 Town Officers; Sale of Town-Owned Land, Buildings or Both; Acquisition by Selectmen Permitted. Amend RSA 41:14-a to read as follows:

41:14-a **Acquisition or** Sale of ~~[Town-Owned]~~ Land, Buildings, or Both.

I. If adopted in accordance with RSA 41:14-c, ~~[in towns with 10,000 or more inhabitants,]~~ the selectmen shall have the authority to **acquire or** sell ~~[town-owned]~~ land, buildings, or both; provided, however, they shall first submit any such proposed **acquisition or** sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed **acquisition or** sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen’s vote, according to the provisions of RSA 39:3, the proposed **acquisition or** sale shall be inserted as an article in the warrant for the town meeting. The selectmen’s vote shall take place no sooner then 10 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to **the sale of** and the selectmen shall have no authority to sell:

- (a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.
- (b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.
- (c) *Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes.*

3 Town Officers; Sale of Town-Owned Land, Buildings or Both; Adoption Procedure. Amend RSA 41:14-c to read as follows:

41:14-c Adoption Procedure.

- I. Towns may adopt the provisions of RSA 41:14-a at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.**
- II.** Towns with 10,000 or more inhabitants may adopt the provisions of RSA ~~[41:14-a or 14-b or both,]~~ **41:14-b** at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.

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

AMENDED ANALYSIS

This bill enables a town of any size to acquire real estate by a majority vote of the board of selectmen. The bill also clarifies that a town does not have the authority to sell real estate given to a town for charitable or community purposes.

2001-0989h

Corrected Floor Amendment to HB 604-FN

Proposed by Reps. Dickinson, McKinney, McRae, Sapareto and Almy

Amend the bill by replacing sections 30 and 31 with the following:

30 Repeal. The following are repealed:

I. RSA 214:9, VIII(a), relative to the nonresident 15-day fishing license.

II. RSA 214:9, VIII-b, relative to the one-day family fishing license.

31 Effective Date.

I. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 of this act shall take effect March 1, 2003.

II. The remainder of this act shall take effect March 1, 2002.

2001-0982h

Floor Amendment to HB 668

Proposed by Rep. Kurk

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

AN ACT prohibiting the use of genetic testing for certain insurance purposes.

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

1 Long-term Care Insurance Coverage. Amend RSA 141-H:4 and RSA 141-H:5 to read as follows:

141-H:4 Use of Genetic Testing in Health Insurance **and Long-term Care Insurance**. ~~[A health]~~ **An** insurer in connection with providing health insurance **or long-term care insurance** shall not:

- I. Require or request directly or indirectly any individual or a member of the individual's family to undergo genetic testing.
- II. Require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.
- III. Condition the provision of health insurance coverage, **long-term care insurance coverage**, or health care benefits on whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.
- IV. Consider in the determination of rates or any other aspect of health insurance coverage, **long-term care insurance coverage**, or health care benefits provided to an individual whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

141-H:5 Use of Genetic Testing in Life~~[;]~~ **and** Disability Income~~[; and Long-term Care]~~ Insurance

I. Except as provided in paragraph II of this section, the provisions of this chapter shall not apply to the provision of life insurance~~[; or disability income insurance; or long-term care insurance]~~.

II. A person in the business of providing life[;] **or** disability income[; ~~or long-term care~~] insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing a type of insurance coverage other than life[;] **or** disability income[; ~~or long-term care~~] insurance.

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

AMENDED ANALYSIS

This bill provides that an insurer providing long-term care insurance shall not require persons to undergo genetic testing.

2001-0493h

Amendment to HB 679

Proposed by the Committee on Education - C

Amend the bill by replacing section 3 with the following:

3 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house, one of whom shall be a member of the education committee, one of whom shall be a member of the criminal justice and public safety committee, and one of whom shall be a member of the health, human services and elderly affairs committee.
- (b) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the education committee, one of whom shall be a member of the judiciary committee, and one of whom shall be a member of the public institutions, health and human services committee.
- (c) The chair of the New Hampshire School Boards Association or designee.
- (d) The chair of the New Hampshire School Administrator's Association or designee.
- (e) A representative of the business community, appointed by the governor.
- (f) A representative of the department of education, appointed by the commissioner of the department of education.
- (g) Representatives of the bureaus of child care development and of juvenile justice, division of children youth and families, appointed by the commissioner of the department of health and human services.
- (h) Three parents of children in kindergarten through grade 12, from different parts of the state, appointed by the governor.
- (i) A member of the New Hampshire Kids Cabinet, appointed by the governor.
- (j) A member of the New Hampshire Child Advocacy Network, specializing in the prevention of youth crime, appointed by the governor.
- (k) A representative of a statewide organization whose focus is out-of-school programming for school age children, appointed by the governor.
- (l) Two out-of-school care providers, appointed by the governor.

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

2001-0863h

Amendment to HB 690

Proposed by the Committee on Commerce - C

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

AN ACT relative to disclosure of nonpublic personal health information.

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

1 New Chapter; Disclosure of Nonpublic Personal Health Information. Amend RSA by inserting after chapter 406-C the following new chapter:

CHAPTER 406-D

Disclosure of Nonpublic Personal Health Information

406-D:1 Definitions. In this chapter:

I. "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

II. "Commissioner" means the insurance commissioner.

III. "Consumer" means an individual who in this state seeks to obtain, obtains, or has obtained a health insurance product or service from a licensee.

IV. "Customer" means a consumer who has a customer relationship with a licensee.

V. "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides health insurance products or services to the consumer.

VI. "Department" means the insurance department.

VII. "Health information" means any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provisions of health care to an individual.

VIII. "Licensee" means all licensed health insurers, and producers licensed or authorized or required to be authorized, or registered or required to be registered pursuant to the provisions of Title XXXVII.

IX. "Nonpublic personal health information" means health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

406-D:2 Authorization Required for Disclosure of Nonpublic Personal Health Information.

I. A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

II. Nothing in this chapter shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; actuarial, scientific, medical or public policy research; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; any activity that permits disclosure without authorization pursuant to the federal Health Insurance Portability and

Accountability Act privacy rules promulgated by the U. S. Department of Health and Human Services; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

406-D:3 Authorizations.

I. A valid authorization to disclose nonpublic personal health information pursuant to this chapter shall be in written or electronic form and shall contain all of the following:

- (a) The identity of the consumer or customer who is the subject of the nonpublic personal health information;
- (b) A general description of the types of nonpublic personal health information to be disclosed;
- (c) General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;
- (d) The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and
- (e) Notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

II. An authorization for the purposes of this section shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

III. A consumer or customer who is the subject of nonpublic personal health information may revoke an authorization provided pursuant to this section at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

IV. A licensee that is subject to examination by the department shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health information for a period of 6 years from the date the authorization ends or until the examination is completed, whichever is greater.

406-D:4 Authorization Request Delivery. A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice, provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information.

406-D:5 Relationship to Federal Rules. Irrespective of whether a licensee is subject to the federal Health Insurance Portability and Accountability Act privacy rule as promulgated by the U.S. Department of Health and Human Services (the "federal rule"), if a licensee complies with all requirements of the federal rule except for its effective date provision, the licensee shall not be subject to the provisions of this section.

406-D:6 Applicability. Nothing in this chapter shall preempt or supercede existing state law related to medical records, health or insurance information privacy.

406-D:7 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

406-D:8 Violation. A violation of this chapter shall be deemed to be an unfair method of competition or an unfair or deceptive act and practice in this state, in violation of RSA 417.

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

AMENDED ANALYSIS

This bill requires an insurance licensee to obtain certain authorization before disclosing nonpublic personal health information about consumers or customers. The bill grants the insurance commissioner rulemaking authority to administer the provisions of the bill.

2001-0961h

Floor Amendment to HB 690

Proposed by Rep. Kurk

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

AN ACT relative to personal health and financial information privacy.

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

1 New Chapter; Personal Health and Financial Information Privacy. Amend RSA by inserting after chapter 406-C the following new chapter:

CHAPTER 406-D

PERSONAL HEALTH AND FINANCIAL INFORMATION PRIVACY

406-D:1 Scope. This chapter governs the treatment of nonpublic personal health and financial information about individuals who seek to obtain or are claimants or beneficiaries of products or services primarily for personal, family, or household purposes from licensees. This chapter does not apply to information about companies or about individuals who obtain products or services for business, commercial, or agricultural purposes.

406-D:2 Definitions. In this chapter:

- I. "Affiliate" means any company that controls, is controlled by, or under common control with another company.
- II. "Clear and conspicuous" means that a notice is in plain English, reasonably understandable, and designed to call attention to the nature and significance of the information in the notice.
- III. "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol, or other identifying particular assigned to the individual, irrespective of the source of the underlying information.
- IV. "Commissioner" means the insurance commissioner.
- V. "Company" means corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship, or similar organization.
- VI. "Consumer" means an individual who in this state seeks to obtain, obtains, or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family, or household purposes, and about whom the licensee has nonpublic personal health information, or that individual's legal representative.
- VII. "Control" means the ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons, over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or the power to exercise, directly or indirectly, a controlling influence over the management of policies of the company, as the commissioner determines.
- VIII. "Customer" means a consumer who has a customer relationship with a licensee.
- IX. "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family, or household purposes.
- X. "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843 (k)).
- XI. "Financial product or service" means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843 (k)).

XII. "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state. Insurance services include a licensee's evaluation, brokerage, or distribution of information that the licensee collects in connection with a request or an application from a consumer for an insurance product or service.

XIII. "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed or authorized or required to be authorized, or registered or required to be registered pursuant to the provisions of title XXXVII.

XIV. "Nonaffiliated third party" means any company that is an affiliate solely by virtue of the director or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in section 4(k)(4)(H) or insurance company investment activities of the type described in section 4(k)(4)(I) of the federal Banking Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

XV. "Nonpublic personal financial information" means any nonpublic personal financial information, or any information regarding a customer that has been derived from a record of a financial institution or insurer concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, insurance history, or personal financial information.

XVI. "Nonpublic personal health information" means any nonpublic personal health information regarding a customer that has been derived from a record of a financial institution or insurer concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, insurance history, personal medical information, or personal health information.

XVII. "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public.

406-D:3 Privacy Notice Required.

I. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to customers and consumers on an annual basis.

II. A licensee shall deliver a privacy notice so that each consumer or customer can reasonably be expected to receive actual notice in writing, or if the consumer agrees, electronically.

III. Privacy notices shall include the categories of nonpublic personal health and nonpublic personal financial information that the licensee collects or discloses and the categories of nonpublic personal health and nonpublic personal financial information that the licensee discloses to affiliates and nonaffiliated third parties with which the licensee has contracted.

IV. Privacy notices shall contain an explanation of the consumer's or customer's right to authorize the disclosure of nonpublic personal health and nonpublic personal financial information to nonaffiliated third parties.

V. Privacy notices shall contain a description of the licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal health and nonpublic personal financial information.

406-D:4 Disclosure of Information; Opt-in for Nonpublic Personal Health and Nonpublic Personal Financial Information.

I. A licensee shall not disclose nonpublic personal health and nonpublic personal financial information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health and nonpublic personal financial information is sought to be disclosed.

II. Nothing in this section shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health and nonpublic personal financial information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying

out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise required by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

406-D:5 Authorization.

I. A valid authorization to disclose nonpublic personal health or nonpublic personal financial information pursuant to this chapter shall be in written or electronic form and shall contain the identity of the consumer or customer who is the subject of the nonpublic personal health or nonpublic personal financial information; a general description of the types of nonpublic personal health or nonpublic personal financial information to be disclosed; a general description of the parties to whom the licensee discloses nonpublic personal health or nonpublic personal financial information, the purpose of the disclosure and how the information will be used; the signature of the consumer or customer who is the subject of the nonpublic personal or nonpublic personal financial health information or the individual who is legally empowered to grant authority and the date signed; and a notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

II. An authorization for the purposes of this chapter shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

III. A consumer or customer who is the subject of nonpublic personal health or nonpublic personal financial information may revoke an authorization provided pursuant to this chapter at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

IV. A licensee that is subject to examination by this department shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health or nonpublic personal financial information for a period of 6 years from the date the authorization ends or until the examination is completed, whichever is greater.

V. A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-in notice provided that the request and the authorization form are clear and conspicuous.

406-D:6 Redisclosure of Information. The redislosure of nonpublic personal health or nonpublic personal financial information received by a licensee from any person or entity is limited to that person or entity, or the licensee's affiliates when the information is intended to be used in the ordinary course of business under which the information was originally obtained.

406-D:7 Fair Credit Reporting. Nothing in this chapter shall be construed to modify, limit, or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

406-D:8 Nondiscrimination. A licensee shall not discriminate against any consumer or customer because that consumer or customer has not authorized the disclosure of his or her nonpublic personal health or nonpublic personal financial information pursuant to the provisions of this chapter.

406-D:9 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

406-D:10 Violation. A violation of this chapter shall be deemed to be an unfair method of competition or an unfair or deceptive act and practice in this state, in violation of RSA 417.

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

AMENDED ANALYSIS

This bill requires an insurance licensee to obtain certain authorization before disclosing nonpublic personal health and financial information about consumers or customers. The bill grants the insurance commissioner rulemaking authority to administer the provisions of the bill.

2001-1005h

Floor Amendment to HB 690

Proposed by Rep. Kurk

Amend RSA 406-D:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Nothing in this chapter shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; actuarial research; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise required by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

Amend RSA 406-D as inserted by section 1 of the bill by deleting RSA 406-D:5 and renumbering RSA 406-D:6 – 406-D:8 to read as RSA 406-D:5 – 406-D:7, respectively.

2001-0869h

Amendment to HB 717

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

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing all after section 5 with the following:

6 OHRV Nonresident Registration; Increase for Snow Traveling Vehicles. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, ***\$60 for each snow traveling vehicle registration***, or \$45 for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, ***\$36 of each snow traveling vehicle registration***, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, ***\$12.10 from each snow traveling vehicle registration or \$11.10 from each 2-wheeled trail bike or other OHRV registration*** shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2001.

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

AMENDED ANALYSIS

This bill establishes a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes.

This bill also increases the nonresident OHRV registration fees for snow traveling vehicles.

2001-0548h

Amendment to HB 742-FN-LOCAL

Proposed by the Majority Committee on Ways and Means - R

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

1 Education Property Tax to be Collected by Department of Revenue Administration. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax.

*I. An annual education property tax at the uniform rate of \$6.60 on each \$1000 of the value of taxable property, **to be assessed annually as of April 1 and every year thereafter**, 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.*

II. The commissioner of revenue administration shall determine the amount owed by each taxpayer under this section and bill each taxpayer for ½ the amount payable by July 1 and ½ the amount payable by December 1 of each year.

III. Taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J; except that, notwithstanding the provisions of RSA 21-J:33, I, if the failure to pay is due to willful neglect or intentional disregard of law or rules but without intent to defraud, the penalty for taxes which are delinquent 60 days or more shall be equal to 20 percent of the amount of the nonpayment or underpayment.

IV. The commissioner shall collect and shall pay over to the state treasurer the taxes, interest, additions to tax, and penalties imposed under this chapter. The state treasurer shall deposit all taxes, interest, additions to tax, and penalties collected in the education trust fund established by RSA 198:39.

V. A municipality may collect delinquent taxes, interest on or additions to delinquent taxes, or penalties imposed by this section. If a municipality recovers such amount, the municipality may retain 10 percent of the amount owed to the state. If a municipality does not pursue the collection of delinquent taxes, the commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or the penalties imposed by this section.

VI. In the collection of the tax imposed by this section, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated. The state shall indemnify and hold harmless the commissioner and any state officials and employees acting to recover any tax, interest on tax, additions to tax, or penalties under this section.

VII. Appeals regarding valuation of property shall be made to the board of tax and land appeals or the superior court of the county in which the taxpayer resides in the manner prescribed in RSA 76:16-a and RSA 76:17. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.

VIII. Prior to January 1 of each year, each municipality shall transmit to the department information required by the department for the billing of taxpayers under paragraph II of this section.

2 Determination of Adequate Education Grants. Amend RSA 198:41, I to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality as follows:

(a) Multiply the average base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality;

(b) Add to the product of subparagraph (a), 70 percent of the municipality's apportioned transportation cost[;

~~(c) Subtract from the sum of subparagraph (b) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.]~~

3 Reference Change. Amend RSA 198:41, II(b) to read as follows:

(b) The total amount paid for items of current education expense as determined by the department of education [minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year].

4 New Subdivision; Education Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Education Property Tax Relief

198:56 Definitions. In this subdivision:

I.(a) "Claimant" means a person who:

(1) Has filed a claim with the department for reduction in such claimant's property taxes under this subdivision; and

(2) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(A) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from education property taxes in this state; and

(B) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code; and

(3) Did not during the prior federal income tax year, pay the alternative minimum tax.

(b) In this paragraph, the term "ownership interest" includes:

(1) A vendee in possession under a land contract;

(2) One or more joint tenants or tenants in common; or

(3) A person who has equitable title, or the beneficial interest for life in the homestead.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Education property taxes" means the sum of the statewide education property tax under RSA 76:3 and the education portion of property taxes assessed by a municipality.

V. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VI.(a) "Excessive education property taxes" means the sum of the state education rate determined under RSA 76:3 multiplied by the equalized value of the claimant's qualifying homestead and the amount of the local education portion of property taxes assessed on a claimant's homestead; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excessive education property tax claim.

(b) In this paragraph, "equalized assessed value of the qualifying homestead" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$100,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's

household, "excessive education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

VII.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

- (1) The land upon which the dwelling stands;
 - (2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other outbuildings;
 - (3) The land upon which such appurtenant structures stand;
 - (4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and
 - (5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.
- (b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.
- (c) In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.
- (d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.
- (e) Manufactured housing shall be considered a dwelling.

VIII. "Household income" means any and all income received by a household, including disability income, social security income, and other sources of income which are nontaxable under the United States Internal Revenue Code. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IX. "Education property tax" means the tax levied under RSA 76:3.

X. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended.

198:57 Claims for Education Property Tax Relief.

I.(a) Except as provided in RSA 198:66, a claimant shall be entitled to make claim to the department for education property tax relief equal to the excessive education property taxes levied under RSA 76:3 on the first \$100,000 of equalized valuation of the claimants homestead.

(b) Claims for tax relief under this subdivision shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

(c) Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

(d) The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this subdivision.

198:58 Payment of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if

such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

198:59 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this subdivision.

198:60 Claim is Personal. The right to file a claim under this subdivision shall be personal to the claimant. The right to file a claim under this subdivision shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

198:61 Administration; Rulemaking.

I. This subdivision shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this subdivision.

198:62 Forms for Claim. The commissioner of revenue administration shall make available suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

198:63 Fraudulent Claims; Penalty. A person shall be guilty of a class B felony who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

198:64 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this subdivision, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a-76:17.

198:65 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this subdivision may be applied by the department against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

198:66 Appeals for Local Abatements. A person who applies for local abatement of property taxes under RSA 76:16 or RSA 76:16-a shall not be eligible to make a claim based on the same property taxes for education property tax relief under this subdivision.

5 Education Trust Fund; Purpose; Hardship Relief Deleted. 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, and to provide education property tax ~~[hardship]~~ relief ~~[under RSA 198:55]~~. The state treasurer shall deposit into this fund immediately upon receipt:

6 Reference Change; Source of Funds; Education Trust Fund. RSA 198:39, I(g) is repealed and reenacted to read as follows:

(g) Education property taxes paid over to the state treasurer by the department of revenue administration pursuant to RSA 76:3.

7 Effective Date of Hardship Relief Repeals Amended. Amend 1999, 338:25, II to read as follows:

II. Section 22 of this act shall take effect July 1, ~~[2003]~~ **2002**.

8 Repeal of Prospective Repeals of Education Property Tax and Adequate Education Grant Determination Provisions. 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, 338:25, I, relative to the effective date of 1999, 338:21.

9 Repeal. The following are repealed:

I. RSA 76:8, I and II, relative to the commissioner's warrant.

II. RSA 76:9, relative to the commissioner's report.

III. RSA 198:46, relative to excess education property tax payment.

IV. RSA 198:47, relative to forms for reporting and remitting of excess education property tax.

10 Effective Date.

I. Sections 7-9 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill transfers the authority to collect the education property tax from the municipalities to the department of revenue administration. The bill establishes a program for the rebate of excessive education property tax payments made by eligible taxpayers in the state.

2001-0903h

Floor Amendment to HB 742-FN-LOCAL

Proposed by Rep. Sapareto

Amend RSA 76:3, I as inserted by section 1 of the bill by replacing it with the following:

I. An annual education property tax at the uniform rate of ~~[\$6.60]~~ \$6.30 on each \$1000 of the value of taxable property, to be assessed annually as of April 1 and every year thereafter, 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.

Amend the bill by replacing all after section 9 with the following:

10 Utility Property Tax. 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]~~ ***\$6.30*** 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.

11 Effective Date.

I. Sections 7-9 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill transfers the authority to collect the education property tax from the municipalities to the department of revenue administration. The bill establishes a program for the rebate of excessive education property tax payments made by eligible taxpayers in the state.

The bill also reduces the rate of the education property tax and the utility property tax.

2001-0874h

Amendment to HB 758

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

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

1 Purpose. In order to minimize the contamination of our water resources and to protect the public from potentially harmful health effects, New Hampshire must dramatically reduce or eliminate the amount of methyl tertiary-butyl ether (MTBE) and other ethers in gasoline supplied to New Hampshire. Since the oxygen mandate specified for federal reformulated gasoline (RFG) by the Clean Air Act has led to a dramatic increase in MTBE concentrations in gasoline, opting out of the federal RFG program and then limiting or banning MTBE and other ethers are the most effective ways to permanently reduce the concentrations of MTBE and other ethers in gasoline sold in New Hampshire. The state may be required by the Environmental Protection Agency to make up for emission reductions lost as a result of this action, and authorization is provided to do so.

2 Penalties. Amend RSA 485:16-b, I and II to read as follows:

I. ***Except as provided for in RSA 485:16-d***, the commissioner shall seek all necessary ~~[waivers]~~ ***authorizations*** from the Environmental Protection Agency ~~[such that conventional gasoline, or some other substitute gasoline that is readily available and reasonably priced, may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties. The waivers shall expire on January 1, 2002. The temporary waivers shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan]~~ ***to opt out of the federal reformulated gasoline program as soon as possible, but in no case later than January 1, 2004. The department of environmental services shall prepare and submit to the Environmental Protection Agency as soon as possible, but in no case later than January 1, 2002, all documentation necessary to accomplish this task.***

II. In addition to the ~~[authority to seek waivers under]~~ ***provisions of*** paragraph I, the commissioner, after consultation with the commissioner of health and human services, ~~[may]~~ ***shall limit to the greatest extent practicable***, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

(a) Readily available to New Hampshire consumers at a reasonable price;

(b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and

(c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions beyond those adopted under RSA 485:16-c.

3 New Sections; Air Pollution Control Measures. Amend RSA 485 by inserting after section 16-b the following new sections:

485:16-c Adoption of Other Air Pollution Control Measures. In order to fulfill federal air pollutant emission reduction obligations that may be created by opting out of the federal reformulated gasoline program under RSA 485:16-b or by implementing an alternative regional or federal approach under RSA 485:16-d, the commissioner shall be authorized to establish limits on the manufacture, use, or sale of consumer products in accordance with RSA 125-C:6, XVII.

485:16-d Regional and Federal Efforts.

I. The commissioner is authorized to promote such regional or federal efforts as may be required to reduce the ongoing contamination threat posed by MTBE and other gasoline ethers, including but not limited to efforts to eliminate the federal oxygen mandate in the federal Clean Air Act, secure waivers from federal fuel requirements, or implement cleaner, more protective reformulation of gasoline.

II. If an alternative regional or federal approach to cleaner gasoline is developed which provides equal or greater effectiveness in reducing concentrations of MTBE and other gasoline ethers than opting out of the federal reformulated gasoline program under RSA 485:16-b, I, or does so in a manner that requires less costly substitute emission control measures under RSA 485:16-c, then the commissioner may implement such alternative regional or federal approach. Such alternative regional or federal approach may substitute for opting out of the federal reformulated gasoline program under RSA 485:16-b, I if undertaken prior to

January 1, 2004.

4 New Paragraph; Definitions; Consumer Products. Amend RSA 125-C:2 by inserting after paragraph V-b the following new paragraph:

V-c. "Consumer products," any substance, product (including paints, coatings, and solvents), or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of air contaminants.

5 New Subparagraph; Rulemaking. Amend RSA 125-C:4, I by inserting after subparagraph (m) the following new subparagraph:

(n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.

6 New Paragraph; Duties of Commissioner. Amend RSA 125-C:6 by inserting after paragraph XVI the following new paragraph:

XVII. Implementing a program to control the emissions of air contaminants from consumer products for purposes of RSA 485:16-c, by establishing limits on the manufacture, use, or sale of such products, provided that such limits are not less stringent than those established under the Clean Air Act and amendments thereto, and in regulations promulgated under the Clean Air Act.

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

AMENDED ANALYSIS

This act authorizes the state to opt out of the federal reformulated gasoline program no later than January 1, 2004, and requires the department of environmental services to prepare and submit to the U.S. Environmental Protection Agency all documentation necessary to accomplish this task.

2001-0969h

Floor Amendment to HB 758

Proposed by Reps. Kurk, Dickinson, Martin, Downing and Kennedy

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

AN ACT relative to the sale of gasoline containing ethers and requiring an investigation by the attorney general.

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

2 New Subdivision; Ethers Content in Gasoline. Amend RSA 339-B by inserting after section 16 the following new subdivision:

Ethers Content in Gasoline

339-B:17 Definitions.

I. "Ethers" means organic compounds formed by the treatment of an alcohol with a dehydrating agent resulting in 2 organic radicals joined by an oxygen atom. Gasoline ethers include, but are not limited to, methyl tertiary-butyl ether (MTBE), tertiary-amyl methyl ether (TAME), ethyl tertiary-butyl ether (ETBE), and di-isopropyl ether (DIPE). Gasoline ethers shall include other ethers contained in, or added to, gasoline.

II. "Reid Vapor Pressure" (RVP) means the standardized measure of the vapor pressure of a liquid fuel in pounds per square inch absolute at 100 degrees fahrenheit.

339-B:18 Ethers Content in Gasoline.

I. As of January 1, 2002, the total ethers content, by volume, in all regular grade gasoline sold in this state shall not exceed one percent, in all mid-grade gasoline sold in this state shall not exceed 3 percent, and in all premium grade gasoline sold in this state shall not exceed 5 percent.

II. As of January 1, 2002, all gasoline that is distributed or marketed by bulk gasoline terminals or is delivered to gasoline service stations or bulk gasoline plants shall not have a Reid Vapor Pressure greater than 7.8 pounds per square inch during the

period between May 1 and September 15 of each year.

3 Investigation by Attorney General Required. In light of the decision in American Petroleum Institute v. United States Environmental Protection Agency, 198 F.3d 275 (2000), the attorney general shall investigate and pursue any and all legal remedy concerning the state's agreement with the Environmental Protection Agency to use reformulated gasoline. The attorney general shall report its findings and any recommendations to the speaker of the house of representatives, the house clerk, the senate president, the senate clerk, the governor, and the state library on or before January 1, 2002.

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

5 Effective Date. This act shall take upon its passage.

AMENDED ANALYSIS

This bill requires that regular grade gasoline sold in this state shall not exceed one percent total ethers by volume as of January 1, 2002, that mid-grade gasoline sold in this state shall not exceed 3 percent total ethers by volume as of January 1, 2002, that premium gasoline sold in this state shall not exceed 5 percent total ethers by volume as of January 1, 2002, and that all gasoline sold in this state shall not have a Reid Vapor Pressure greater than 7.8 pounds per square inch as of January 1, 2002. This bill also requires the attorney general to investigate the agreement with the Environmental Protection Agency and report the findings to the legislature.

2001-0890h

Floor Amendment to HB 761-FN-A-LOCAL

Proposed by Rep. DiFruscia

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

AN ACT ordering a statewide valuation of property.

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

1 Valuation Ordered. In accordance with part 2, article 6 of the New Hampshire constitution, which permits the general court to order valuations, the general court hereby orders a statewide valuation of property to be completed by December 31, 2002.

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

AMENDED ANALYSIS

This bill orders a statewide valuation of property to be completed by December 31, 2002.

2001-0844h

Amendment to HB 769-FN-LOCAL

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

Amend RSA 482-A:3, X(b) as inserted by section 1 of the bill by replacing it with the following:

(b) For tidal dredging projects with the primary purpose to improve navigation for a municipality, the maximum application fee for a municipality shall be \$10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with a municipality to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

2001-0612h

Amendment to HCR 12

Proposed by the Committee on State-Federal Relations and Veterans Affairs - R

Amend the resolution by replacing the title with the following:

A RESOLUTION requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

AMENDED ANALYSIS

This house concurrent resolution requests that the federal government clarify that the regulation of pipelines carrying gas and other hazardous substances be integrated with concurrent state and federal oversight.