

HOUSE RECORD

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Contains: Committee of Conference Statements

HOUSE CALENDAR

COMMITTEE OF CONFERENCE STATEMENTS

THURSDAY, MAY 2

SENATE BILLS

CONSENT CALENDAR

SB 300, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

The Senate conferees agreed with the House version that stated that only votes in the affirmative or negative shall be included in the calculation of any majority for any ballot questions.

Rep. Betsey L. Patten

SB 301, relative to an innovation initiative within the division of economic development.

The Committee of Conference amendment refines the scope of the New Hampshire E-Commerce Advisory Commission which is created in the House version of SB 301. The committee amendment reduces the number of members to twelve from fifteen by reducing public members appointed by the Speaker and the Senate President by three each, by adding the Commissioner of the Department of Resources and Economic Development or his designee, and by increasing the number of House members from two to four. It refines, with minor changes, the "findings" section of the bill; sunsets the New Hampshire E-Commerce Advisory Commission as of December 31, 2003; and adjusts the terms of appointed members of the commission to conform to the sunset provision, refines the duties of the commission to include review of the impact of New Hampshire's Communications Services Tax on E-Commerce.

Rep. Norman L. Major

SB 318, relative to transfers of funds from the sweepstakes fund for sweepstake purposes.

The House and Senate conferees agreed to further amend the House version of the bill to accomplish the exact objective sought by the Sweepstakes Commission which further tightens the bill as preferred by the House. The bill clarifies that the

Sweepstakes Commission may set approval from Fiscal to request the Governor and Council to transfer funds for expenses related to retirement and health benefits.

Rep. David W. Hess

SB 366, relative to biennial reports of the public utilities commission.

The Senate agreed to recede from their position. No changes have been made to the bill as previously adopted by the House.

Rep. David J. Alukonis

SENATE BILLS

REGULAR CALENDAR

SB 161, relative to treatment for individuals with disabilities and making an appropriation therefor.

This bill authorizes the Department of Health and Human Services to relocate and expand the secure Laconia facility for treatment of individuals with significant mental, emotional and functional problems who engage in behaviors that may endanger their communities. Moving the facility is consistent with the legislature's commitment to Laconia. The conferees on SB 161 agreed to support the House position, amending it to allow the project to proceed once the Department has obtained "reasonable assurance" (rather than "approval") that the facility will qualify for medicaid reimbursement. Design costs may be incurred prior to receiving such assurance.

Rep. Neal M. Kurk

SB 430, allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an optional date for filing exemptions.

The Senate amendment again added the increased elderly exemption that would have added multiple incomes and asset levels for each elderly age group. The conferees could not agree. The intent and effect of these changes need to be examined by a full committee. An Ad Hoc study committee will be formed to review all aspects of the property tax exemptions, credits and deferrals over this upcoming summer.

Rep. Betsy L. Patten

SB 442, establishing a committee to study revising the statutes relative to the state militia and the state guard.

The Senate receded from its position of nonconcurrance with the House amendment. The Senate and House then recommended adoption of an amendment to eliminate a line that was repetitive. The bill, as amended, creates a study committee, creates new rules for national guard facilities, allows commissioned and warrant officers to act as notaries in certain circumstances and allows the NH National Guard to use force to protect any armory, arsenal, camp, range, base or other facility of the NH National Guard.

Rep. Stephen G. Avery

HOUSE BILLS

CONSENT CALENDAR

HB 617, relative to additional exceptions to junk yard regulation.

The Senate added a new section limiting the outside storage of antique vehicles or parts of antique vehicles that equal in bulk to fifteen. The conferees agreed to allow up to five antique vehicles or parts of antique vehicles that equal in bulk to five. The conferees also changed the effective date to July 1, 2002.

Rep. James E. Twombly

HB 1106, repealing the water pollution control revolving loan fund advisory committee, the local government advisory

committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee.

The House members agreed to concur with the Senate amendment. The Senate amendment retains the Environmental Research Advisory Committee and establishes a radon study committee.

Rep. Maurice E. Goulet

HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax.

The House conferees agreed with the Senate amendments, which added two things, to the House version. First, it remedies a recent administrative change by making it clear that tips and gratuities are not subject to the Rooms and Meals Tax. Second, it standardizes the appeal process from DRA decisions so that both the Superior Court and Board of Tax & Land Appeals follow the same rules. Finally, the House and Senate agreed to change the effective date for the tipping provisions from July 1, 2002 to May 1, 2002.

Rep. David W. Hess

HB 1311, relative to certain mental health records and establishing a committee to study the protection of certain medical information.

The committee of conference agreed to the Senate position and to also clarify the language which makes it clear that all court documents shall be sealed and the involuntary interagency admissions shall be annulled. The petition, the police record, the transport request, and medical record established as a result of an involuntary emergency admission shall remain with the accepting agency and shall only be released upon informed written consent of the individual.

Rep. Henry P. Mock

HOUSE BILLS

REGULAR CALENDAR

HB 134, permitting challenges to judges.

The House version of this bill would have allowed one challenge to a judge in the district courts. The Senate version limited this to a pilot program in one county for civil cases only. The Senate version also added \$300,000 for court security. This duplicated an appropriation passed by both houses in HB 1411. The House conferees agreed to recede from the House position and concurred with the Senate version with the \$300,000 appropriation for court security removed.

Rep. Phyllis L. Woods

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults.

This bill has been worked on for 2 years. There were two changes in the Senate version that caused House members some concern. One was the addition that a caregiver had to be acting in a fiduciary capacity to be held liable. It was agreed to delete the word 'fiduciary' and replace it with the wording that the caregiver "...is aware that the person receiving the care is dependant upon the care provided." Section IV of the Senate version suggested that the caregiver would not be found neglectful if he/she "is carrying out the request..." of a competent person, (which might result in injury or death). The sentence was amended by the committee of conference to read "...who is carrying out the lawful request---" etc. These changes satisfied the conferees.

Rep. Maxwell D. Sargent

HB 213-FN, establishing a study committee on education property tax hardship relief.

This bill establishes a study committee for education hardship relief and is designated to determine the amount to be appropriated for the cost of hardship relief. The Senate version carries this a step further in examining the methodology of assessed valuation in order to better reflect fair assessing procedures. Both the House and Senate members agree that it is imperative that assessment procedures be standardized and reflect uniform standards throughout the state. The study committee created by this bill should also allow this information necessary to make improvements to the hardship relief system.

Rep. Frank V. Sapareto

HB 447, establishing a task force on family law.

The Committee of Conference agreed to the following: Clarify that the Judicial Council is responsible for payment of indigent defense expenses. Establish a study committee to assess issues related to shorthand court reporting, postpone to July 1, 2003 the effective date of changes to RSA 331-B, relative to shorthand court reporting contained in HB 706.

Rep. Edward P. Moran

HB 465, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

The House version of this bill would have mandated a vote of members of the New Hampshire Bar Association to determine if membership in the Association should continue to be required by law. The House version also contained safeguards for members with minority view points and limited lobbying by the Bar Association. The Senate version removed the required vote of the Association, eliminated some safeguards, but allowed Association members to withhold dues used for lobbying. The Committee of Conference saw significant compromise on both sides. The Senate version was adopted, but the Senate agreed to require a non-binding poll of Association members and to establish a joint legislative committee to review the poll results and consider issues related to the unified bar.

Rep. Christopher P. Reid

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

HB 559 is a bill that authorizes the use of a direct deposit dedicated account as an alternative to wage assignment for child support payments for non TANF families. The Senate had eliminated some of the guide lines that were inserted in the original bill. A compromise was reached in the wording of the bill. The wording was re-worked and re-inserted. The compromise does not change the meaning and intent of HB 559. The Senate did clarify a retroactive effective date for modification of support payments in those cases where the obligee's income had been terminated because of an involuntary lay-off, termination of employment, or provable loss of income through no fault of the obligor's. The Committee of Conference amendment to HB 559 does not change the original intent of the bill.

Rep. L. Randy Lyman

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons.

The Senate amendment added an optional extension for disabled persons and allowed an eligible disabled person at 65 years of age to choose between the current disabled exemption and the elderly exemption. The intent and effect of this exemption was unknown. It also added means testing for the disabled. This was one of several bills pertaining to tax exemption credits. The House and Senate conferees could not agree. After several efforts it was agreed to disagree on all bills and an ad hoc committee will be established to study all aspects of property tax exemptions and credits.

Rep. Robert W. Brundige

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

The conference agreed to the following changes on the bill on smart growth;

The Office of State Planning shall (instead of "may") consult with officials of regional planning commissions and regional and local planning and development agencies; the deletion of a phrase pertaining to regional planning commissions; and a change the effective date to July 1, 2002.

Rep. Robert W. Brundige

HB 1134, relative to lighting requirements for motor vehicles and trailers.

The Committee of Conference agreed to support the Senate version. Both House and Senate bills included a provision related to stop lamps. The Senate version included two additional provisions regarding establishing grants coordinator for the Department of Safety and a transfer from the police standards and training council fund to pay for the position. The position was justified and no further general funds were required. Since the intent to convey a higher level of required information to state and local authorities through this new computer system is an honorable one, the committee agreed.

Rep. Sherman A. Packard

HB 1235, relative to operation of motorized vessels and safe boater education.

The Committee of Conference agreed to the following: "Boat slips"—The size of slips in a lake 10,000 acres or larger was increased to mean a volume of water 25 feet long, 8 feet wide and 3 feet deep as measured at the high water mark. In lakes smaller than 10,000 acres the boat slip will be a volume of water 20 feet long, 6 feet wide and 3 feet deep at the high water mark. "Structures" – On waterfront property three structures will be allowed without a wetland permit; a bench, a landing and stairs, within specified parameters. "Temporary Seasonal Docks" – A notification requirement to Department of Environmental Services (DES) for the installation of seasonal temporary docks was added. The property owner only has to notify the Department of Environmental Services for their installation. "Dwelling over Water" – A section was added pertaining to dwellings over water that the Commissioner of DES shall adopt rules relative to the waiver of existing standards. Such rules shall list the specific criteria to be used by the Commissioner in determining whether a waiver should be granted. "'Historic Boathouse'"—this section was deleted from the bill at the request of the sponsor of this amendment. "House Bill 1172" – This bill containing provisions for permit for notification for wetlands was incorporated into HB 1235 for simplification of the legislative process with the full support of all conferees.

Rep. H. Charles Royce

HB 1273-FN, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

The Committee of Conference agreed to add a new section providing for a Contract Administrator with the Department of Fish and Game, Division of Law Enforcement. This position is to oversee contracting with local law enforcement agencies. A new section was added to exempt youth model ATV's and snowmobiles from registration fees. These low-power machines travel at about a fast walk, that children under 12 years of age would ride with an adult 18 years or older with a license to operate an OHRV.

Rep. H. Charles Royce

HB 1298, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.

The Senate concurs with the House position that the "Adopt a Highway" program be renamed "Sponsor a Highway" program.

Rep. Charles W. Morse

HB 1344, establishing a village plan alternative subdivision in zoning and land use planning.

The House conferees agreed to minor changes contained in the Senate version that clarified and strengthened the purpose of the bill. Additionally there are three word changes that improve but do not change the intent of the bill.

Rep. Robert W. Brundige

HB 1365-FN, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

The Committee of Conference has approved the original bill and has removed the Senate amendment (3637). Therefore, section 2 and 3 are removed from the bill.

Rep. Rogers L. Johnson

HB 1396, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

The Senate withdrew its amendment which would have allowed the importation of white tail deer. The original bill gave the state veterinarian the authority to spread rabies vaccine packets around the state with certain restrictions.

Rep. David L. Babson

HB 1406, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire

national guard education assistance act.

The conferees corrected a reference in the amendment that was added in the Senate that would allow for \$630,000 in federal funds for the renovations of State Armory kitchens. The original amendment referenced the capital budget of 1999 rather than the 2001 capital budget.

Rep. Stephen G. Avery

HB 1413, relative to disclosure of information by hospitals.

The original Senate amendment was a non-germane amendment that revisited HB 1251, relative to mercury amalgam. The committee of conference accepted one of the two changes as a technical correction by adding the word "methods." The other addition was to remove the phrase "including the use of amalgam in children under the age of 6." The committee of conference agreed to not remove the phrase. Otherwise the original bill was unchanged.

Rep. John B. Hunt

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders.

The House agreed with the Senate amendment and the Senate agreed to allow local law enforcement agencies to photograph any individual required to register.

Rep. William V. Knowles

HB 1429, relative to the scope of the consumer protection act.

The committee of conference agreed that the Senate language was more confusing than the current law which it was intended to fix. The new amendment was much simpler and all interested parties agree was much clearer and to the point about who is exempt from the consumer protection act.

Rep. John B. Hunt

HB 1433, prohibiting intoxication and constructive possession of alcohol by minors.

The House and Senate conferees agree that the language contained in the House version of the bill substantially meets with their agreement. Minor changes in the wording, (changing Constructive Possession to Intoxication) and the addition of making .02 blood alcohol level prima facie evidence of intoxication resulted in the agreement of the House and Senate conferees.

Rep. John E. Tholl, Jr.

HB 1436-FN, relative to requiring treatment for persons convicted of DWI offenses.

The Senate and House conferees agree that although this important issue deserves to be addressed time constraints will not allow the work necessary to construct a workable piece of legislation. Legislation will be pursued in the following sessions.

Rep. John E. Tholl, Jr.

HB 1478-FN-A, relative to public health emergency preparation and response.

This bill is one of the most important bills to come before the General Court this session. It amends existing statute: RSA 141-C regarding communicable diseases and RSA 107-C that deals with the state's emergency response structure. Not only does this bill respond to the real need to take the necessary steps to deal with a bio-terrorism attack, it also attempts to address the neglected state of public health services in New Hampshire that seriously limit the state's ability to respond to an emergency.

This bill names the Governor as having the power to declare a state of emergency and defines emergency powers. In addition, RSA 107-C:17 & 18 define the emergency powers of the Commissioner of the Department of Health and Human Services.

The result will be a public health response that plans for a variety of public health emergencies, the testing of those plans and the implementation of the powers and duties needed during the existence of a state of emergency.

It is understood that certain types of public health emergencies require swift and decisive action to respond to contagious diseases to minimize the spread of disease before it becomes an epidemic. When a state of emergency is declared, civil rights

may be temporarily suspended to allow for a public health response designed to protect those in severe danger from the effects of a bio-terrorism attack.

Considerable time and energy was spent to protect the health of New Hampshire citizens without unduly abrogating civil rights. A number of protections have been added. Individuals who have been ordered to have a physical examination, provide specimens, have medical treatment or care or immunization, isolation or other orders can request a hearing before a superior court which must be held within 48 hours under the due process clause (RSA 141-C:14-a). The legislation also contains a sunset provision. A joint legislative oversight committee is established so that the legislature can monitor the activities required by the bill and recommend new legislation. A gubernatorial declaration of a state of emergency shall terminate automatically after 21 days unless the Governor renews a state of emergency. If the Governor decides that a state of emergency is no longer justified, the Governor shall issue an executive order terminating the state of emergency. In addition, the legislature may terminate a state of emergency by adopting a concurrent resolution. This action will also negate the Governor's power of renewal. No one will be required to take a physical examination, medical treatment or immunization if the individual objects and no criminal penalties shall be imposed. However, a person may be subject to isolation or quarantine for the minimum period necessary to protect the public health as determined by the court in its decision following a hearing.

A section is added to RSA 125-F establishing the Radiation User and Laboratory Fees Fund. The joint legislative fiscal committee is given the authority to approve the new position required to carry out the activities required by the act. No general funds shall be used for the position created under this act.

In conclusion, September 11, 2001, has caused us to re-examine our ability to protect the citizens of this country from an enemy that indeed does walk our streets bent on the destruction of United States citizens and the freedoms we so cherish. It is the responsibility of the federal and state governments to insure that appropriate preparation planning for a bio-terrorism or related attack by an enemy is in place. In addition, the committee that worked on this bill spent considerable time on the civil rights and due process of our citizens incorporated in this bill and included a permanent legislative oversight committee which will monitor and continually make recommendations for legislative adjustments to this important piece of legislation.

The Senate changes to the bill were few in number and did not affect the integrity of the version passed by the House. The length of a state of emergency which can be declared by the Governor was changed from seven days to twenty-one days; "vaccination" was changed to "immunization"; the effective date was changed; "reinforces" was changed to "establishes", etc. The minor give and take were acceptable to both the House and the Senate.

Rep. Peter L. Batula

HB 2000, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

The Senate amended the bill adding a section correcting a potential tax problem for the scenic railroads. In 2001 legislation was passed and some communities felt this allowed them to collect property taxes on the state owned rights of way. The amendment removes any question. The Senate also removed the time line for the Troy bypass under the House amendment. The Senate also added a study of the "design build concept." The House had bills in the 1999 and 2001 sessions on this subject which were defeated. However, keeping an open mind, we feel it does no harm to revisit the issue. The Committee of Conference added back language showing full support for all of the projects in the 10-year plan including the Troy by-pass. Every other part of HB 2000 remains unchanged.

Rep. Edwin O. Smith

HCR 28, a resolution urging increased federal funding for quality breast cancer research.

The Senate had taken out the reference to men in this breast cancer resolution. The House position was clearly in favor of recognizing that over 15,000 men are diagnosed with breast cancer every year and we need to call attention to this as well as ask for more money for research and treatment of this horrible disease. We agreed to add lines on increasing awareness about male breast cancer and guaranteeing access to quality diagnosis and treatment.

Rep. Stephen G. Avery