

HOUSE RECORD

2nd Year of the 155th Session of the General Court Calendar and Journal of the 1998 Session

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Concord N.H.

Wednesday, January 7, 1998

No. 3

HOUSE JOURNAL No. 1

Wednesday, January 7, 1998

This day, January 7, 1998, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 155th General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 1998 House of Representatives and called the session to order at 10:00 a.m.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

As we gather together in the freshness of a New Year, grant unto us, O God, a sense of the questions You are asking, the needs You are perceiving, and the hopes You are planting. Enable these representatives and those who support them to work with energy and imagination for Your coming justice so that our common life may be inspired by their vision and nourished by their labors. Amen.

Reps. Knowles and Norelli led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. George Brown, Jane Clemons, Earle Chandler, David Cote, Patricia Cote, Ferguson, Robert Foster, Claudette Jean, Spear, Paul Taylor, Donald Welch and Wright, the day, illness.

Reps. Adams, Briefs, Flint, Hart and Langley, the day, important business.

Rep. MacAuslan, the day, death in the family.

INTRODUCTION OF GUESTS

Eric Lofton, Jesi Novick, Prachayan Sangcaanan, Francisco Dabus and Mamadou Alpha Thiam, guests of Rep. Owen. Coralie Hansen and Gail Johnson, guests of Rep. Hansen. John J. Cooney, Jr., nephew of Rep. Cooney. Nashua Mayor Donald Davidson, guest of the Nashua Delegation. Patti and Olivia Bowser, guests of Rep. French. Kathie Corbett, guest of Rep. Searles. Sharon Guaraldi and Dean Ogleby, wife and guest of Rep. Guaraldi. David C. Dalrymple and David M. Dalrymple, husband and son of Rep. Dalrymple. Mary Lou Nowe and Steve Emmanouil, wife and guest of Rep. Nowe. Eleanor Lyons and Dorothy Sundgren, guests of Rep. Hoadley. Former NH Rep. Richard Ahern, guest of the Public Works and Highways Committee. Ann Whaling, guest of Rep. Avery. Neil Rabideau and Nancy D'Addario, husband and grandmother of Rep. Rabideau. D.J. Withee, guest of Rep. Flora. Mary and Dick Barnes, guests of Rep. Alger.

SPECIAL GUESTS

The Raymond High School Boys' Varsity Soccer Team, 1997 Class "M" champions, guests of the House.

PRESENTATION AND REMARKS

On behalf of the House of Representatives, the Speaker presented Donn Tibbetts, State House Bureau Chief for the Manchester Union Leader with a Declaration on the occasion of his retirement.

Rep. Simmons moved that the remarks of Mr. Tibbetts be printed in the Journal.

Hearing no objection, the Speaker so ordered.

Mr. Tibbetts addressed the House.

Madam Speaker, the honorable Majority Leader, the honorable Democratic Leader and the Libertarians if they are here, too. I just want to thank you very much and to publicly applaud not

only those of you that are here today, but your predecessors who over the years have answered some of the tough questions that we posed on behalf of the public. Also to commend you and your predecessors for the public service that you truly perform in this state. When you get \$100 per year for what you do, for the sacrifices that you have to make in order to serve, the State of New Hampshire should be very grateful to each and every one of you. You have a tough session ahead. I guess it was a good time for me to decide to step down. I wish you luck. I'm confident that you will come up with a solution to the problem as has been the case in years gone by. Fight the good fight, but please be kind to each other. God bless you. Thank you very much.

communications

September 1, 1997

Hon. Donna Sytek, Speaker of the House

It is with much regret that I offer my resignation as State Representative.

Since I have accepted employment as a consultant with a lobbying firm, naturally part of my responsibilities will involve lobbying.

Because I wish to avoid a conflict, or even the appearance of a conflict, I believe my resignation to be the most prudent course of action.

Cynthia A. McGovern, Rock. 35

The Speaker accepted the resignation with regret.

September 12, 1997

Hon. Donna Sytek, Speaker of the House

It is with deep regrets that I inform you of my resignation from the New Hampshire House of Representatives effective today at 12:00 noon. My recent appointment with the New Hampshire Liquor Commission and my future educational goals no longer afford me the much needed time to effectively manage and represent my district.

The Legislature and all the wonderful friends I have made while serving the General Court will truly be missed and will always be in my memories.

Dana S. Hilliard, Straf. 14

The Speaker accepted the resignation with regret.

October 7, 1997

Hon. Donna Sytek, Speaker of the House

Due to personal reasons and employment constraints I regret to inform you that I must submit my resignation from the New Hampshire Legislature. This will be effective immediately.

Whereas I no longer reside in District 12, I have removed the plates from my car and have attended no committee or subcommittee meetings in recent weeks. I will notify the Town of Pembroke of my decision.

I wish to thank you for your assistance during this past session. My one year in the Legislature has truly been a marvelous education and a worthwhile experience. Thank you and best of luck for the next session.

Kathleen A. Colburn, Merr. 12

The Speaker accepted the resignation with regret.

November 13, 1997

Hon. Donna Sytek, Speaker of the House

It is with mixed emotions that I write to inform you of our most recent purchase. Susan and I have recently purchased a new home. Although we love our new home, sadly, we will no longer reside in my district. This is the same district, neighborhood, and home I've lived in all my life.

I began my service in the New Hampshire House in 1991 in a special election as a result of a vacancy due to a move out of the district. How ironic it is now that I must resign for the same reason.

I want to express to you, and to all members of this House, my sincere thanks for your many acts of kindness and mutual respect. To the members of the Democratic Party, I thank them for their support and confidence in my abilities. To the members of the Executive Departments and Administration Committee, whom I will especially miss, I thank you for your friendships and your abilities to disagree without being disagreeable, your ability to compromise and common sense. Finally, Madam Speaker, I want to publicly thank my constituents for their confidence in me and allowing me to be their voice in the General Court. I will always cherish the many fond memories of this honorable institution and all those who serve the fine citizens of this great state.

My resignation will be effective today, November 13, 1997.

I will keep you all in my prayers and wish you well.

Robert Paul Asselin, Hills. 47

The Speaker accepted the resignation with regret.

October 8, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Rockingham 13, Frank Sapareto, r, Derry (14 Oxbow Lane) 03038

Rockingham 26, Janeen Dalrymple, r, Salem (82 Lake St.) 03079

Sullivan 9, Amy Robb-Theroux, d, Claremont (68 Ridge Ave.) 03743

William M. Gardner, Secretary of State

November 6, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 16, Marie N. Rabideau, r, Plaistow (54 Forrest St.) 03865

William M. Gardner, Secretary of State

November 19, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Rockingham 35, Jacqueline Pitts, d, Portsmouth (110 Ledgewood Dr.) 03801

Hillsborough 33, Chris Konys, d, Nashua (10 Decatur Dr.) 03062

Hillsborough 14 Robert H. Rowe, r, Amherst (Box 1117) 03031

William M. Gardner, Secretary of State

December 17, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Strafford 14, Richard F. Heon, d, Somersworth (PO Box 269) 03878

William M. Gardner, Secretary of State

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 50

memorializing State Representative LeRoy S. Dube of Plaistow

WHEREAS, it is with great sadness we have learned of the death of our esteemed colleague, LeRoy S. Dube, who was in the midst of his fifth consecutive term as an honorable and dedicated member of the House of Representatives, and

WHEREAS, during his distinguished nine-year legislative tenure, which began in January of 1989, LeRoy S. Dube, with competence and great energy, did serve as a member of the Standing Committees on Constitutional & Statutory Revision, and Election Law, and also did serve as a member of the Rockingham County Delegation Executive Committee, and

WHEREAS, having been born in Haverhill, Massachusetts, LeRoy S. Dube, fifty years ago, did choose to settle and make his home in the Town of Plaistow, where over that time he faithfully did serve the citizenry in a myriad of ways, including as Chairman of the Board of Selectman, as a member of the Town Budget Committee and as Town Auditor, as well as energetically having led the way to computerize the Town's tax-billing process, and

WHEREAS, having been an amicable man blessed with an abundance of energy and the credentials of leadership, LeRoy S. Dube did establish, in 1974, the New Hampshire Housing Finance Commission, and did sit as a diligent member of the Site Committee for the Plaistow District Courthouse, and

WHEREAS, LeRoy S. Dube never abandoned or forgot the city of his birth, having served with the United Fund of Greater Haverhill and as a Director of the Rotary Club of Haverhill, having recorded forty years of perfect attendance, and

WHEREAS, LeRoy S. Dube was an active and devoted supporter of the Boy Scouts of America, and a faithful communicant and leader at Holy Angels Parish in Plaistow, and was the recipient of numerous awards and honors from the Town Fathers and from many organizations, now therefore be it

RESOLVED, by the House of Representatives in regular session convened, that LeRoy S. Dube be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his like service to the Community, and that he be acknowledged for his gentlemanliness and integrity, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

HOUSE RESOLUTION NO. 51

memorializing State Representative David S. Feng of Hudson

WHEREAS, it is with profound sadness and deep regret that word has come to us of the death of our esteemed legislative colleague, David S. Feng, who was in the midst of his second term as an honorable and diligent member of the House of Representatives, and

WHEREAS, David S. Feng easily did earn the esteem of his fellow Representatives while sitting on the Standing Committees on Finance and Science & Technology, faithfully serving with great enthusiasm and devotion, his constituency of District 23 of Hillsborough County, and

WHEREAS, having been blessed with a great sense of community spirit fueled by high energy, David S. Feng did serve the people of Hudson as chairman of the School Board, as a member of the Budget Committee and as a member of the State Board of Education, and

WHEREAS, David S. Feng was an erudite man who did place a high value on education and who did matriculate and earn degrees at Tamkang College in Taipei, Taiwan, Rutgers University and Boston University, and did study at Massachusetts Institute of Technology, and,

WHEREAS, David S. Feng was a well respected member of the engineering community and was an active member of the American Society of Engineering Education and the Institute of Electrical and Electronic Engineers, and

WHEREAS, David S. Feng was born in Shanghai, China, and was widely known as an amicable family man, devoted to his wife, Helen and their three children, now therefore be it

RESOLVED, by the House of Representatives in regular session convened, that David S. Feng be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his major service to the Town of Hudson, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

CALL OF THE ROLL

With 309 members having answered the call of the roll, a quorum was declared present.

REMARKS

Rep. Lozeau moved that the remarks made by Speaker Sytek be printed in the Journal.

Hearing no objection, the Speaker so ordered.

I want to welcome you all back. It is kind of like the first day of school. Everybody is in their fancy duds and bright shiny faces and ready to work. I told you last year that you were serving in an historic session. I didn't know quite how historic it was going to be. Given the additionally complex issues that were added to our agenda, I think it falls under the heading of "no good deed goes unpunished." We are here to earn our \$100 this year. But you need to think about a few things. This isn't the first time we've had to grapple with complex issues. We've done it before and we've done it successfully. We can do it again. I also want to remind us all that we shouldn't be so consumed with one or two issues that we forget the other 800 or so other bills that have been introduced. There are committees that have a lot of work to do that are equally important. We don't know which of the bills we pass this year will have the long-term impact. Only hindsight will be able to determine that. We need to concentrate our efforts on all the bills that are before us. To echo a little bit of what Donn Tibbetts said, I think that we need to be guided at all times by a sense of civility and propriety. The more contentious the issue is the more vital it is that we not let our emotions overcome our good sense. We are elected to govern, not to grandstand. And lastly, on a little personal note, I want to address one theme that has emerged over the past few weeks. That theme is bi-partisanship. The pundits are asking me on the Claremont decision, "Well, what is it going to be, Madam Speaker, is it going to be politics or is it going to be bi-partisanship?" The answer to this is right before you today. Look around. We are Republicans, we are Democrats. We are, in effect, a 400-member blue-ribbon committee to solve the problems that the Supreme Court has laid at our doorstep. We've done this before. We have the expertise in our standing committees. We have the history of 400 members life experience. We have the expertise of the people who have been working with these policies for years. We have the infusion of new ideas in the part of our new members. We have the stuff to get the job done and we will do it in a bi-partisan way as we always have in this House. Each of us has opinions on the pivotal issues of the day, myself included, and from time-to-time I'll be speaking out in favor of or opposed to something. I think that is nothing more than the prerogative that each one of us has and I encourage you to exercise it. But, I want to ensure that our process of deliberating is at all times open and fair. That is my responsibility as your presiding officer. It is a responsibility I am privileged to have and enjoy doing. It is going to be a challenging year. We can get the job done and we can do it in a manner that makes the public proud for having elected us to serve them at this important time. Thank you.

RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1011, 1040 and 1100 through 1657, Constitutional Amendment Concurrent Resolutions numbered 30 through 43, House Concurrent Resolutions numbered 20 through 25, House Resolutions numbered 52 thorough 54, and House Joint Resolutions numbered 20 through 24, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HJR and HRs

First, second reading and referral

HB 1011-FN, prohibiting possession of gambling machines unless specifically authorized under state law. (Henderson, Rock 20; C. Brown, Graf 14: Criminal Justice and Public Safety)

HB 1040-FN-A, decreasing the rate of the communications services tax. (Kurk, Hills 5; Vaughn, Rock 35; Hess, Merr 11: Finance)

HB 1100-FN, relative to the design and construction of a new medium security prison in Berlin and removing the population cap and closing date for the lakes region department of corrections facility. (David Welch, Rock 18; G. Chandler, Carr 1; Knowles, Straf 11; Hansen, Hills 2; K. Rogers, Merr 22: Public Works and Highways)

HB 1101, requiring juvenile case and court records to be unsealed in certain cases. (Arnold, Hills 20: Criminal Justice and Public Safety)

HB 1102, barring perpetrators of crimes from recovering civil damages for injuries sustained during criminal conduct. (Arnold, Hills 20; Boyce, Belk 5; L. Jean, Hills 17; M. Brown, Merr 10: Judiciary and Family Law)

HB 1103-L, relative to the state representative districts of towns. (Arnold, Hills 20: Election Law)

HB 1104, relative to building a certain dam in Windham. (Arndt, Rock 27; Morris, Rock 27; Griffin, Rock 27: Resources, Recreation and Development)

HB 1105, providing a cause of action for agricultural disparagement. (Melcher, Hills 11; Trelfa, Graf 2; Musler, Straf 6; Alger, Graf 9; Heath, Rock 20: Judiciary and Family Law)

HB 1106-FN, relative to special deer permits. (Rollo, Straf 10; Nowe, Rock 3: Wildlife and Marine Resources)

HB 1107-L, relative to the rate setting duties of the department of revenue administration. (Dodge, Rock 4; M. Brown, Merr 10; Whipple, Dist 8: Local and Regulated Revenues)

HB 1108, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks. (Hunter, Hills 7: Criminal Justice and Public Safety)

HB 1109, allowing prepayment of property taxes before April 1. (McKinney, Rock 29: Local and Regulated Revenues)

HB 1110, prohibiting telemarketers from blocking their telephone numbers. (Clegg, Hills 23; Francoeur, Dist 14: Commerce)

HB 1111, relative to the types of investments allowable by local treasurers. (Packard, Rock 29; McKinney, Rock 29: Municipal and County Government)

HB 1112, relative to the placement of articles on the official ballot. (Wheeler, Hills 7: Municipal and County Government)

HB 1113, relative to reports of town and school district meetings to be certified to the department of revenue administration. (Wheeler, Hills 7: Municipal and County Government)

HB 1114, relative to registration procedures for the use of antique plates. (Mirski, Graf 12; L. Foster, Hills 10; Rubens, Dist 5: Transportation)

HB 1115-L, relative to boundary markers. (Flanagan, Rock 14: Election Law)

HB 1116, relative to division of property in no-fault divorces. (Luebkert, Hills 42: Judiciary and Family Law)

HB 1117-L, repealing the needle exchange program. (F. Riley, Hills 44; David Welch, Rock 18; Letourneau, Rock 13; Boyce, Belk 5; Varrell, Rock 9; Podles, Dist 16; Rubens, Dist 5; D. Wheeler, Dist 11: Health, Human Services and Elderly Affairs)

HB 1118, relative to the expiration of contact lens prescriptions. (Dawe, Hills 33; McRae, Hills 7: Health, Human Services and Elderly Affairs)

HB 1119, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (MacNeil, Graf 7; Alger, Graf 9; Gordon, Dist 2: Municipal and County Government)

HB 1120, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. (Mock, Carr 3; Patenaude, Dist 7: Wildlife and Marine Resources)

HB 1121, making technical corrections to the election laws. (Flanagan, Rock 14; Krueger, Merr 7; Horton, Coos 3; Stritch, Rock 5: Election Law)

HB 1122, relative to the definition of charitable organization for the purposes of conducting bingo games. (Boyce, Belk 5: Local and Regulated Revenues)

HB 1123, relative to the importation of wolf hybrids. (McGuirk, Ches 1; Wright, Hills 22: Wildlife and Marine Resources)

HB 1124, relative to disposal of septage or sludge. (Owen, Merr 6: Environment and Agriculture)

HB 1125, repealing laws relative to trading stamp companies and solar equipment warranties. (Hunt, Ches 10: Commerce)

HB 1126-L, relative to municipal debt limits. (Anderson, Merr 7; F. King, Dist 1: Municipal and County Government)

HB 1127, requiring lending institutions to allow consumers to choose their own attorneys in connection with real estate financing loans. (Vachon, Straf 4; Bickford, Straf 1: Commerce)

HB 1128-FN, relative to space heaters. (Hunter, Hills 7: Criminal Justice and Public Safety)

HB 1129, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)

HB 1130-FN, relative to the distribution of beverages. (R. Kelley, Hills 18: Local and Regulated Revenues)

HB 1131, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (R. Kelley, Hills 18: Local and Regulated Revenues)

HB 1132-L, relative to the sale of fireworks. (Pfaff, Merr 11: Criminal Justice and Public Safety)

HB 1133-L, enabling the town of New Boston to rebuild or replace a dam on the Piscataquog River. (Clay, Hills 4; Roberge, Dist 9: Resources, Recreation and Development)

HB 1134, relative to the voting hours for the town of Sugar Hill. (W. Williams, Graf 3; F. King, Dist 1: Election Law)

HB 1135, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee. (Leone, Sull 2; Schotanus, Sull 3; Wiggins, Sull 4; Flint, Sull 4; Whipple, Dist 8: Transportation)

HB 1136, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. (Leishman, Hills 13; Musler, Straf 6: Local and Regulated Revenues)

HB 1137, establishing a study committee on controlling the spread of graffiti. (Belvin, Hills 14: Public Works and Highways)

HB 1138-FN-L, relative to New Hampshire route 111. (Raynowska, Rock 26; Noyes, Rock 26; Stickney, Rock 26; Weyler, Rock 18; J. Flanders, Rock 18: Public Works and Highways)

HB 1139-FN, relative to group II retirement system eligibility for law enforcement training specialists and assistant directors employed by the police standards and training council. (J. Flanders, Rock 18: Executive Departments and Administration)

HB 1140-FN, relative to special motor vehicle plates for district court judges. (Fields, Hills 18: Transportation)

HB 1141-FN-A, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. (Calawa, Hills 17; Whittemore, Merr 13; Daigle, Hills 28; O'Rourke, Hills 39: Public Works and Highways)

HB 1142, making technical corrections on behalf of the department of revenue administration. (Weyler, Rock 18: (Executive Departments and Administration)

HB 1143-FN, reclassifying Ayers Road in Northfield and Canterbury as a class III recreational road. (St. Cyr, Merr 8; Lockwood, Merr 9: Public Works and Highways)

HB 1144, relative to protecting personal privacy. (Sabella, Rock 13: Judiciary and Family Law)

HB 1145, relative to the definition of "livestock." (Marshall, Merr 4: Environment and Agriculture)

HB 1146, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements. (Packard, Rock 29: Municipal and County Government)

HB 1147, relative to corporate filings with the secretary of state. (Flanagan, Rock 14: Commerce)

HB 1148, relative to review of eligibility for a workers' compensation award where compensation was by lump sum agreement. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1149, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail. (Christie, Rock 22: Criminal Justice and Public Safety)

HB 1150, establishing a committee to study the authority, functions, duties, and responsibilities of the bureau of emergency medical services. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)

HB 1151-FN, relative to the testing of certain domestic animals. (Marshall, Merr 4: Environment and Agriculture)

HB 1152, permitting municipalities to further restrict watercraft on great ponds wholly within the municipality. (Steere, Ches 11; Dodge, Rock 4; Robertson, Ches 18: Transportation)

HB 1153, establishing a committee to study uninsured and underinsured persons who have diabetes. (Copenhaver, Graf 10; Amidon, Hills 9; Schotanus, Sull 3; McCarley, Dist 6: Commerce)

HB 1154, establishing a committee to study the issue of updating New Hampshire laws related to fences. (Marshall, Merr 4: Municipal and County Government)

HB 1155, relative to wastewater in low flow areas. (Royce, Ches 9; Musler, Straf 6; Trelfa, Graf 2; Merritt, Straf 8; Russman, Dist 19: Resources, Recreation and Development)

HB 1156-FN-L, relative to primary elections and absentee ballots. (Flanagan, Rock 14; P. Krueger, Merr 7; Horton, Coos 3; Stritch, Rock 5: Election Law)

HB 1157, relative to the layout of highways. (G. Chandler, Carr 1; Schotanus, Sull 3; P. LaMott, Graf 5; W. McCarty, Hills 38; K. Rogers, Merr 22: Public Works and Highways)

HB 1158, changing the process for designating a part-time district court justice a full-time district court justice. (Wall, Straf 9; Keans, Straf 16; Gordon, Dist 2; Pignatelli, Dist 13: Judiciary and Family Law)

HB 1159, establishing a committee to study strategies for increasing parental involvement in public education. (Estabrook, Straf 8; Yeaton, Merr 10; Dearborn, Rock 23; Weber, Graf 11: Education)

HB 1160, relative to the definitions of the terms "farm," "agriculture," and "farming." (Marshall, Merr 4; Melcher, Hills 11; Davis, Coos 1: Environment and Agriculture)

HB 1161-FN, requiring the state to rebuild and maintain the dam controlling Baxter Lake in the towns of Farmington and Rochester, New Hampshire. (Spear, Straf 5; Keans, Straf 16; Sullivan, Straf 3; J. Brown, Straf 17; Dunlap, Straf 18; McCarley, Dist 6: Resources, Recreation and Development)

HB 1162, relative to permit applications before the hazardous waste facility siting board. (Trelfa, Graf 2; Musler, Straf 6: Environment and Agriculture)

HB 1163, establishing a house study committee on methods used to compute tax rates related to funding for education and property tax assessments. (Cobbin, Graf 11; M. Brown, Merr 10; Boyce, Belk 5; Alger, Graf 9; Weber, Graf 11: Local and Regulated Revenues)

HB 1164, relative to requests for changes in superior court justices assigned to trials. (Cobbin, Graf 11; Hemon, Straf 11; Colburn, Merr 12: Judiciary and Family Law)

HB 1165, relative to the incorporation, management, branching and merger of banks. (Herman, Hills 13: Commerce)

HB 1166, relative to the oversight committee on health and human services. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)

HB 1167-L, relative to a reapproval process for community mental health programs and area agencies. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)

HB 1168-L, relative to municipal economic development and revitalization districts. (Dyer, Hills 8; Peterson, Hills 8: Municipal and County Government)

HB 1169-L, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. (Arndt, Rock 27: Election Law)

HB 1170-FN, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising. (Langley, Rock 24; Teschner, Graf 5; J. Clemons, Hills 31: Election Law)

HB 1171, to establish a committee to investigate the discrepancy in air fares between flights from Logan International Airport and Manchester Airport. (Rosen, Belk 7; Milligan, Hills 18: Transportation)

HB 1172-L, relative to the number of members on a municipal budget committee. (Cooney, Rock 26; Major, Rock 16: Municipal and County Government)

HB 1173, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. (Hunter, Hills 7: Judiciary and Family Law)

HB 1174, establishing a committee to study the state substance abuse treatment delivery system. (O'Keefe, Rock 21; Donovan, Sull 11; Case, Rock 2; Amidon, Hills 9; Hollingworth, Dist 23; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 1175-L, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (Yeaton, Merr 10; Emerton, Hills 7; F. King, Dist 1: Education)

HB 1176, prohibiting charges for the use of electronic customer service terminals. (A. Pelletier, Straf 12; Snyder, Straf 14; Richardson, Ches 12: Commerce)

HB 1177-FN, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding. (K. Rogers, Merr 22; Leber, Merr 1; G. Merrill, Coos 1; Whittemore, Merr 13; Calawa, Hills 17: Public Works and Highways)

HB 1178, relative to automobile leasing. (Christiansen, Hills 23; Clegg, Hills 23: Commerce)

HB 1179, limiting fees charged by financial institutions for use of electronic customer service terminals. (Fraser, Merr 21; Cushing, Rock 22; Hoadley, Merr 24; L. Foster, Hills 10; Hunter, Hills 7: Commerce)

HB 1180, relative to the composition of the legislative ethics committee. (McCann, Straf 11; Cobbin, Graf 11: Legislative Administration)

HB 1181, relative to the waiting period for workers' compensation benefits for undisputed claims. (Clegg, Hills 23; Lessard, Hills 23: Labor, Industrial and Rehabilitative Services)

HB 1182, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. (Burnham, Ches 8; Manning, Ches 9; P. Dowling, Rock 13; Ferguson, Hills 13; C. Moore, Merr 19; K. Wheeler, Dist 21; Blaisdell, Dist 10: Health, Human Services and Elderly Affairs)

HB 1183, relative to use of force to prevent an unlawful taking of property. (McCann, Straf 11; Hemon, Straf 11; Cobbin, Graf 11: Criminal Justice and Public Safety)

HB 1184-FN, expanding the victims eligible for compensation from the victims' assistance fund and changing the allocation of criminal penalty assessments. (McCann, Straf 11: Criminal Justice and Public Safety)

HB 1185, creating a committee to study the feasibility of establishing an audit division within the department of justice to audit and review state contracts. (Donald Welch, Hills 48: Executive Departments and Administration)

HB 1186, requiring all-night convenience stores to have 2 attendants on duty during night hours. (Whittemore, Merr 13: Commerce)

HB 1187, relative to breakwater permitting. (M. Whalley, Merr 5; Royce, Ches 9; E. Smith, Ches 6; Mercer, Hills 27; Dickinson, Carr 2; F. King, Dist 1; Patenaude, Dist 7: Resources, Recreation and Development)

HB 1188, requiring a 24-hour rest for beer at the warehouse after delivery to the wholesale distributor by the brewer or manufacturer. (Wallin, Merr 15; J. Clemons, Hills 31; St. Hilaire, Coos 7: Local and Regulated Revenues)

HB 1189-FN, increasing the limits of direct off-premises sales from breweries and brew pubs. (Avery, Ches 8; Wallin, Merr 15; St. Hilaire, Coos 7; J. Clemons, Hills 31; P. Katsakiores, Rock 13; Cohen, Dist 24: Local and Regulated Revenues)

HB 1190, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases. (Ham, Graf 4: Judiciary and Family Law)

HB 1191, relative to limiting the liability of governmental units under certain circumstances. (Snyder, Straf 14; McCarley, Dist 6: Judiciary and Family Law)

HB 1192, permitting the city of Concord to combine the positions of tax collector and treasurer. (Fraser, Merr 21; Hoadley, Merr 24; Lockwood, Merr 9; Dunn, Merr 24: Municipal and County Government)

HB 1193-FN, relative to installing vending machines at welcome and tourist information centers on state highways. (Vaillancourt, Hills 44; G. Chandler, Carr 1; W. McCarty, Hills 38; D'Allesandro, Hills 46; Cloutier, Sull 8: Public Works and Highways)

HB 1194, prohibiting a minor child from being forced to have visitation with an incarcerated parent. (Cushing, Rock 22; Spear, Straf 5; Pignatelli, Dist 13: Judiciary and Family Law)

HB 1195, allowing non-public school students access to the New Hampshire education improvement and assessment program at no cost to the state or local school district. (Root, Graf 8; D. White, Hills 25; Boyce, Belk 5; Alger, Graf 9; Rubens, Dist 5: Education)

HB 1196, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. (J. Bradley, Carr 8; MacNeil, Graf 7; R. Rogers, Straf 15; Patten, Carr 9; Johnson, Dist 3; Russman, Dist 19; Cohen, Dist 24; K. Wheeler, Dist 21; McCarley, Dist 6: Wildlife and Marine Resources)

HB 1197-FN, expanding the crime of felonious use of firearms to include felonious use of any deadly weapon and relative to the minimum mandatory and maximum sentences of imprisonment for felonies involving deadly weapons. (Boyce, Belk 5; Howard, Carr 10; Colburn, Merr 12; Varrell, Rock 9: Criminal Justice and Public Safety)

HB 1198, relative to the registration of vehicles owned by trusts. (Letourneau, Rock 13; Packard, Rock 29: Transportation)

HB 1199, requiring that applicants for a concealed weapons license complete a gun safety course. (McCann, Straf 11: Criminal Justice and Public Safety)

HB 1200-FN, prohibiting the manufacture, possession, or transfer of large capacity ammunition magazines. (McCann, Straf 11: Criminal Justice and Public Safety)

HB 1201-FN, relative to the use of motor vehicle repair plates. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

HB 1202, establishing a study committee on probate court administration and procedures. (Gibbons, Rock 13: Judiciary and Family Law)

HB 1203, establishing a committee to study methods of increasing the funding for the insurance fraud investigation unit. (Donald Welch, Hills 48: Commerce)

HB 1204, relative to political party expenditures. (Almy, Graf 14: Election Law)

HB 1205-FN, making technical corrections to the securities laws. (Flanagan, Rock 14: Commerce)

HB 1206, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary. (Rosen, Belk 7; M. Brown, Merr 10: Public Works and Highways)

HB 1207-L, relative to the disqualification of election officials. (J. Foster, Hills 33: Election Law)

HB 1208, authorizing the housing finance authority to sell or transfer certain land. (Calawa, Hills 17: Public Works and Highways)

HB 1209, revising the interagency agreement for special education. (O'Hearn, Hills 26: Education)

HB 1210-FN, relative to the licensing rate for beverage manufacturers. (Avery, Ches 8; Wallin, Merr 15; St. Hilaire, Coos 7; J. Clemons, Hills 31; P. Katsakiores, Rock 13; Cohen, Dist 24: Local and Regulated Revenues)

HB 1211-FN-A, appropriating startup funds for Governors state park in Laconia. (Rosen, Belk 7; Laflam, Belk 2: Public Works and Highways)

HB 1212, prohibiting the use of credit reports to deny property or casualty insurance. (McGough, Hills 18; Fuller Clark, Rock 36; Lindblade, Sull 7; Gordon, Dist 2: Commerce)

HB 1213-L, relative to the authority of a town to name a trustee to expend funds for certain purposes. (Klemm, Rock 28: Municipal and County Government)

HB 1214-FN, encouraging employers to provide health insurance for their employees by providing a "New Hampshire Way" designation. (Allen, Hills 1: Commerce)

HB 1215, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. (O'Hearn, Hills 26; Hill, Graf 1; Estabrook, Straf 8; Snyder, Straf 14; Dearborn, Rock 23: Education)

HB 1216-FN, relative to motorcycle registration for drivers and riders who wear approved helmets. (Boyce, Belk 5: Transportation)

HB 1217, relative to balancing the operating budget. (Klemm, Rock 28; Leber, Merr 1; M. Brown, Merr 10; Kurk, Hills 5; F. Torr, Straf 12: Finance)

HB 1218, requiring the secretary of state to print a question to the voters relative to the public financing of political campaigns on the 1998 general election ballot. (J. Foster, Hills 33; Hollingworth, Dist 23; Rubens, Dist 5: Election Law)

HB 1219-FN, relative to the provision of free potable water at outdoor public events. (Below, Graf 13; I. Pratt, Ches 5; Pilliod, Belk 3; Nordgren, Graf 10; Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)

HB 1220, establishing a committee to study prevention of youth drug abuse. (McGough, Hills 18; Belvin, Hills 14; Dearborn, Rock 23; Flora, Hills 15; Batula, Hills 18; Roberge, Dist 9: Education)

HB 1221-L, relative to the acceptance of personal property donated to towns or village districts. (Klemm, Rock 28: Municipal and County Government)

HB 1222, increasing the membership of the Christa McAuliffe planetarium commission. (Fuller Clark, Rock 36; Malcolm, Rock 22; Blaisdell, Dist 10; Johnson, Dist 3; Squires, Dist 12: Executive Departments and Administration)

HB 1223-FN, repealing the alternative fuel motor vehicle law. (MacGillivray, Hills 21; J. Bradley, Carr 8; Below, Graf 13: Science, Technology and Energy)

HB 1224, relative to the regulation of biosolids. (Musler, Straf 6; Babson, Carr 5; Melcher, Hills 11; Leishman, Hills 13; L. Pratt, Coos 4: Environment and Agriculture)

HB 1225, restricting the land application of solid wastes within certain distances of natural, rural, and community rivers. (Musler, Straf 6; Melcher, Hills 11; Trelfa, Graf 2; Davis, Coos 1; Messier, Hills 46: Environment and Agriculture)

HB 1226-FN, creating the educational credential of master teacher. (Estabrook, Straf 8; Yeaton, Merr 10; Dearborn, Rock 23; Hill, Graf 1; Gordon, Dist 2: Education)

HB 1227-FN, authorizing extended terms of imprisonment for persons who assault emergency medical personnel and fire services personnel. (McGough, Hills 18; Pfaff, Merr 11: Criminal Justice and Public Safety)

HB 1228, relative to notice required upon an agency's receipt of federal funds. (D. White, Hills 25; Boyce, Belk 5: Finance)

HB 1229, exempting biological control agents from registration requirements for pesticides. (McRae, Hills 7; Owen, Merr 6; Heath, Rock 20; Melcher, Hills 11; L. Pratt, Coos 4: Environment and Agriculture)

HB 1230-FN-L, establishing a teacher improvement and evaluation program. (Yeaton, Merr 10; Durham, Hills 22; Estabrook, Straf 8; Dearborn, Rock 23: Education)

HB 1231, relative to greywater recycling. (Owen, Merr 6: Resources, Recreation and Development)

HB 1232-FN, establishing a procedure for the proposal of special license plates which designate the proceeds for use by a state agency. (Packard, Rock 29: Transportation)

HB 1233, relative to administrative attachment of regulatory boards and commissions. (Steere, Ches 11; Emerton, Hills 7; Langer, Merr 11; Robertson, Ches 18: Executive Departments and Administration)

HB 1234-FN, establishing an office of volunteerism. (Peterson, Hills 8; Emerton, Hills 7; M. Fuller Clark, Rock 36; Lovett, Graf 6; Barnes, Dist 17; Blaisdell, Dist 10; Roberge, Dist 9; Whipple, Dist 8: Executive Departments and Administration)

HB 1235-FN, relative to the small business innovation research program. (Akins, Graf 14; Kaen, Straf 7: Commerce)

HB 1236-L, relative to limitations on the amendment of warrant articles in official ballot voting. (Patten, Carr 9; Dokmo, Hills 14; Metzger, Ches 13; Turner, Belk, 7; Daniels, Hills 13; Johnson, Dist 3; Whipple, Dist 8: Municipal and County Government)

HB 1237, relative to "salvage" motor vehicles. (Langley, Rock 24; W. McCarthy, Hills 41: Commerce)

HB 1238, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural character, and environmental quality. (Richardson, Ches 12; Metzger, Ches 13; Woods, Rock 25; Cohen, Dist 24; Russman, Dist 19: Environment and Agriculture)

HB 1239-L, allowing school districts and village districts to independently adopt the provisions of the municipal budget law concerning establishment of a budget committee. (Daniels, Hills 13; M. Brown, Merr 10: Municipal and County Government)

HB 1240-FN, establishing wetlands permits for slips-only marinas. (Avery, Ches 8: Resources, Recreation and Development)

HB 1241-FN-A, repealing the temporary increase of the communications services tax and increasing the tobacco tax. (C. Brown, Graf 14; Lynde, Hills 24; Holt, Hills 35: Finance)

HB 1242-FN, prohibiting discounts and rebates of any wagers at racetracks. (Lovett, Graf 6: Local and Regulated Revenues)

HB 1243-FN-A, relative to the regulation of pesticides and establishing a pesticide cleanup account in the hazardous waste fund. (Melcher, Hills 11; Alger, Graf 9; Trelfa, Graf 2; F. King, Dist 1: Environment and Agriculture)

HB 1244-FN, relative to collusive bidding at auctions. (Beaulieu, Rock 10; Dodge, Rock 4; Langer, Merr 11: Executive Departments and Administration)

HB 1245, relative to the management of New Hampshire retirement system funds by the board of trustees. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

HB 1246, relative to enforcement of oil spillage laws. (Alger, Graf 9: Resources, Recreation and Development)

HB 1247, establishing a study committee relative to access to public school facilities by home school students. (Clay, Hills 4; Colburn, Merr 12; Rubens, Dist 5; Podles, Dist 16: Education)

HB 1248-FN, establishing the crime of assault against a sports official. (Mercer, Hills 27; J. Bradley, Carr 8; Blaisdell, Dist 10: Criminal Justice and Public Safety)

HB 1249, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. (Root, Graf 8; Burke, Hills 15; D. White, Hills 25; Alger, Graf 9; Christiansen, Hills 23; D. Wheeler, Dist 11: Finance)

HB 1250-FN-L, providing that beginning with the tax year 2002, the education portion of a property taxpayer's tax bill shall not exceed 50 percent of the total tax due and establishing a committee to recommend legislation necessary to implement this act. (Robertson, Ches 18; Steere, Ches 11: Municipal and County Government)

HB 1251, concerning the recovery of costs and expenses to a defendant agricultural operation in a nuisance suit. (Melcher, Hills 11; Trelfa, Graf 2; McRae, Hills 7; Marshall, Merr 4; Musler, Straf 6: Judiciary and Family Law)

HB 1252, relative to the right to farm. (McRae, Hills 7; Musler, Straf 6; Heath, Rock 20; Babson, Carr 5; Melcher, Hills 11: Municipal and County Government)

HB 1253-L, relative to disposal of state property which is no longer in use for state purposes. (M. Brown, Merr 10; Leber, Merr 1; Noyes, Rock 26; Boyce, Belk 5; T. Colburn, Merr 12: Public Works and Highways)

HB 1254-FN-L, relative to the taxation of land held for water supply purposes. (Melcher, Hills 11; Davis, Coos 1; Trelfa, Graf 2; Heath, Rock 20; Philbrick, Carr 4; Whipple, Dist 8: Municipal and County Government)

HB 1255-FN-A, increasing the fee for a resident trapping license and continually appropriating the increased revenue for the purpose of wildlife rehabilitation. (Vaillancourt, Hills 44; K. Rogers, Merr 22; Wallin, Merr 15; K. Wheeler, Dist 21; Roberge, Dist 9: Wildlife and Marine Resources)

HB 1256, transferring the wildlife rehabilitation program to the department of resources and economic development. (Vaillancourt, Hills 44; K. Rogers, Merr 22; Wallin, Merr 15; K. Wheeler, Dist 21; Roberge, Dist 9: Wildlife and Marine Resources)

HB 1257, authorizing landlords to conduct criminal background checks on prospective tenants with the consent of the prospective tenants. (Adams, Merr 9; Langley, Rock 24: Commerce)

HB 1258, establishing a committee to study and investigate issues related to The State of New Hampshire v. Edward Silva. (W. McCarthy, Hills 41; Pepino, Hills 40; Vaillancourt, Hills 44; Bickford, Straf 1; McDonald, Hills 41: Criminal Justice and Public Safety)

HB 1259-FN, relative to the salaries of security employees of certain state institutions. (Dunn, Merr 24; Calawa, Hills 17; Larsen, Dist 15: Executive Departments and Administration)

HB 1260, limiting the use of appropriated funds to influence state contracting and financial transactions, and legislation. (Cobbin, Graf 11; M. Brown, Merr 10; Dodge, Rock 4: Finance)

HB 1261-FN, prohibiting part-time judges from sitting on courts located within 50 miles of their primary places of business. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)

HB 1262-FN-A, establishing the position of medical review subcommittee administrator under the board of registration in medicine. (Pilliod, Belk 3; Emerton, Hills 7; Copenhagen, Graf 10; Nordgren, Graf 10; Squires, Dist 12; Blaisdell, Dist 10: Executive Departments and Administration)

HB 1263, relative to the confidentiality of juvenile records. (McRae, Hills 7: Criminal Justice and Public Safety)

HB 1264, requiring legislative approval before lotteries and horse or dog race sweepstakes may be authorized by the sweepstakes commission. (Lovett, Graf 6: Local and Regulated Revenues)

HB 1265, establishing a study committee on the enactment of laws which would allow the office of the attorney general to freeze assets in white collar crime cases. (Mirski, Graf 12: Criminal Justice and Public Safety)

HB 1266, relative to reporting of alleged criminal conduct by the professional conduct committee and the judicial conduct committee. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1267, relative to membership on the professional conduct committee and the judicial conduct committee of the supreme court. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1268, prohibiting an attorney who is a director of a bank from holding client trust accounts in such bank without the permission of the client and the probate court. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1269, requiring beneficiaries to file statements of receipt with the probate court when money is received from an estate after a final account of the estate has been filed. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1270, requiring verification of assets when an account is filed with the probate court by an administrator or executor. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1271-FN, relative to the board of acupuncture licensing. (Goulet, Hills 15; J. Bradley, Carr 8: Executive Departments and Administration)

HB 1272-L, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. (Leber, Merr 1; G. Chandler, Carr 1; Keans, Straf 16; F. Torr, Straf 12; DeChane, Straf 6; Wall, Straf 9; McCarley, Dist 6; Gordon, Dist 2: Public Works and Highways)

HB 1273-FN, relative to a percentage loss of state funding as a penalty for failing to comply with minimum public school standards. (Root, Graf 8; Alger, Graf 9; Fesh, Rock 13; G. Katsakiores, Rock 13; Rubens, Dist 5: Education)

HB 1274-FN, relative to enforcement of air pollution laws by the department of environmental services. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21; Russman, Dist 19; Pignatelli, Dist 13: Science, Technology and Energy)

HB 1275-FN, relative to training for marine patrol officers. (M. Whalley, Merr 5; Royce, Ches 9; Adler, Sull 5; Bartlett, Belk 6; Dickinson, Carr 2; Gordon, Dist 2; Johnson, Dist 3; Patenaude, Dist 7; Fraser, Dist 4: Criminal Justice and Public Safety)

HB 1276, relative to charitable organizations conducting bingo. (Fenton, Hills 24: Local and Regulated Revenues)

HB 1277, prohibiting beverage, wine, and liquor tasting in grocery and convenience stores. (J. Clemons, Hills 31; McGuirk, Ches 1; St. Hilaire, Coos 7: Local and Regulated Revenues)

HB 1278, prohibiting the use of instant redeemable coupons for the purchase of beverage. (J. Clemons, Hills 31; Wallin, Merr 15; St. Hilaire, Coos 7: Local and Regulated Revenues)

HB 1279-FN-L, relative to the procedures for vacating uninhabitable or unsafe buildings. (Cardin, Hills 32; Squires, Dist 12; Pignatelli, Dist 13: Criminal Justice and Public Safety)

HB 1280-L, clarifying the procedures for background criminal checks for school employees and volunteers. (MacGillivray, Hills 21; Christie, Rock 22: Education)

HB 1281, eliminating the requirement for precertification from a primary care physician to access OB/GYN services in managed care plans. (Fuller Clark, Rock 36; Norelli, Rock 31: Commerce)

HB 1282-L, requiring a public hearing and vote of the town before a conservation commission may expend funds received through the current use penalty. (Klemm, Rock 28: Municipal and County Government)

HB 1283, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)

HB 1284-FN-A, appropriating funds to the liquor commission for the siting and design of a combination state liquor store, welcome center, and New Hampshire products store, to be located in the city of Keene. (Avery, Ches 8; R. Kelley, Hills 18; Lynch, Ches 19; Blaisdell, Dist 10; Barnes, Dist 17; Danaïs, Dist 20: Public Works and Highways)

HB 1285-FN, relative to penalties under the youth access to and use of tobacco products law. (Emerton, Hills 7: Transportation)

HB 1286-FN, establishing a "no sales solicitation calls" list. (Estabrook, Straf 8; Clay, Hills 4; Lovett, Graf 6; MacGillivray, Hills 21; A. Merrill, Straf 8; Roberge, Dist 9; Gordon, Dist 2: Commerce)

HB 1287-FN, relative to sales of tobacco products to persons under 21 years of age. (M. Brown, Merr 10; Hager, Merr 18; Pilliod, Belk 3: Commerce)

HB 1288-FN-A-L, relative to reimbursement of funds for recipients in nursing homes. (Hart, Hills 37: Finance)

HB 1289-FN, relative to meals for legislators on session days. (G. Brown, Straf 17; P. Cote, Hills 32: Legislative Administration)

HB 1290-FN, relative to the authority of the state fire marshal. (Hunter, Hills 7: Criminal Justice and Public Safety)

HB 1291-FN, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (Royce, Ches 9; Adler, Sull 5; Patenaude, Dist 7: Resources, Recreation and Development)

HB 1292-FN-L, relative to payment by public utilities for output of limited electrical energy producers. (Luebker, Hills 42: Science, Technology and Energy)

HB 1293-FN-L, requiring school districts without a high school program to provide transportation for its resident students to an out of district high school. (Christiansen, Hills 23; Golden, Belk 5: Education)

HB 1294-FN, establishing the propane and natural gas board and regulating propane and natural gas installers. (Whittemore, Merr 13; Phinney, Graf 8: Executive Departments and Administration)

HB 1295-FN, relative to reimbursing the state medical assistance program. (Amidon, Hills 9; McCarley, Dist 6: Finance)

HB 1296-FN, allowing race track licensees to offer telephone and account wagering. (DePecol, Ches 14: Local and Regulated Revenues)

HB 1297-FN-A, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. (L. Pratt, Coos 4: Environment and Agriculture)

HB 1298-FN-L, requiring health care providers to wear identification. (Copenhaver, Graf 10; Batula, Hills 18; Podles, Dist 16: Health, Human Services and Elderly Affairs)

HB 1299, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements. (Beaulieu, Rock 10: Executive Departments and Administration)

HB 1300, relative to the revenue stabilization reserve account. (A. Torr, Straf 12; C. Brown, Graf 14; F. Torr, Straf 12; Burling, Sull 1; Blaisdell, Dist 10; J. King, Dist 18: Finance)

HB 1301, relative to ticket scalping. (Vaillancourt, Hills 44; Buckley, Hills 44; W. McCarthy, Hills 41: Commerce)

HB 1302, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather. (Merritt, Straf 8; Woods, Rock 25; F. Torr, Straf 12; Danaïs, Dist 20: Judiciary and Family Law)

HB 1303-FN-A-L, continually appropriating boating fees and other revenues to the division of safety services. (Dickinson, Carr 2; Mock Carr 3; Weyler, Rock 18; Barnes, Dist 17; Gordon, Dist 2; Blaisdell, Dist 10; Fraser, Dist 4; Johnson, Dist 3: Finance)

HB 1304-FN, relative to the qualifications and compensation of division directors of the department of environmental services. (Musler, Straf 6; F. Torr, Straf 12; Royce, Ches 9; Trelfa, Graf 2; Russman, Dist 19: Executive Departments and Administration)

HB 1305, requiring persons using roller blades, roller skates, and skateboards to adhere to the rules of the road. (Malcolm, Rock 22: Transportation)

HB 1306, adopting a conditional post-conviction release act. (Pepino, Hills 40: Criminal Justice and Public Safety)

HB 1307, relative to penalties for habitual offenders. (Bartlett, Belk 6: Criminal Justice and Public Safety)

HB 1308, protecting the rights of distributors. (Pfaff, Merr 11; Hess, Merr 11; Langer, Merr 11: Commerce)

HB 1309, relative to an exemption from the notification requirement for telemarketing firms. (G. Katsakiores, Rock 13; Emerton, Hills 7: Criminal Justice and Public Safety)

HB 1310, relative to legislative approval of expenditure of federal and other funds. (Kurk, Hills 5; Rep. Wheeler, Hills 7: Finance)

HB 1311, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities. (Mittelman, Hills 37; J. Foster, Hills 33: Commerce)

HB 1312, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit. (Mittelman, Hills 37; J. Foster, Hills 33: Commerce)

HB 1313, relative to wholesale distributors who are delinquent in making payment of accounts. (Wallin, Merr 15; P. Dowling, Rock 13; J. Clemons, Hills 31; P. Katsakiores, Rock 13; St. Hilaire, Coos 7; Cohen, Dist 24: Local and Regulated Revenues)

HB 1314, relative to enforceable provisions in retail installment contracts for motor vehicles. (Hunt, Ches 10: Commerce)

HB 1315-L, relative to leasing of state-owned property. (Fuller Clark, Rock 36; Pantelakos, Rock 30; Norelli, Rock 31; Blanchard, Rock 34; Cohen, Dist 24: Public Works and Highways)

HB 1316, establishing a commission to study minimum staffing guidelines in nursing homes for certified nursing assistants, registered nurses, and licensed practical nurses. (Cushing, Rock 22: Health, Human Services and Elderly Affairs)

HB 1317, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (Woods, Rock 25; Frechette, Rock 33: Judiciary and Family Law)

HB 1318, relative to extended terms of imprisonment for crimes substantially motivated by hostility towards the victim's religion. (Luebkert, Hills 42: Criminal Justice and Public Safety)

HB 1319, relative to foreclosure sales. (Hemon, Straf 11; McCann, Straf 11: Commerce)

HB 1320, amending provisions of the advisory committee on the education of students with disabilities. (O'Hearn, Hills 26; Yeaton, Merr 10; Hill, Graf 1; Estabrook, Straf 8; Snyder, Straf 14: Education)

HB 1321-FN-A, to provide marine patrol officers with adequate communications systems and making an appropriation therefor. (Dickinson, Carr 2; Laflam, Belk 2; Royce, Ches 9; M. Whalley, Merr 5; Barnes, Dist 17; Johnson, Dist 3; Cohen, Dist 24: Finance)

HB 1322-FN-L, requiring seat belts on school buses. (Ham, Graf 4: Transportation)

HB 1323, requiring probate judges to impose the same accounting requirements on attorney and non-attorney fiduciaries. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1324, requiring parental notification before abortions may be performed on certain minors. (Adams, Merr 9; Lyman, Carr 5; Boyce, Belk 5; Flora, Hills 15; Letendre, Hills 15: Judiciary and Family Law)

HB 1325, relative to the rooms and meals tax and occupants of rooming houses. (Guaraldi, Graf 14: Judiciary and Family Law)

HB 1326, relative to applications for exemption to the state hiring delay. (F. Torr, Straf 12: Finance)

HB 1327, clarifying enforcement when structures such as manufactured housing are relocated without payment of taxes. (K. Taylor, Straf 11; Fraser, Merr 21: Criminal Justice and Public Safety)

HB 1328-FN, extending the period for motor vehicle titles. (Bartlett, Belk 6; Milligan, Hills 18: Transportation)

HB 1329, clarifying the in-state status of veterans for purposes of obtaining resident tuition rates within the university system of New Hampshire. (Salatiello, Belk 2: Education)

HB 1330-FN, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (Phinney, Graf 8; Gordon, Dist 2: Public Works and Highways)

HB 1331-FN, relative to expanding the authority to grant special hunting and fishing licenses to include persons aged 65 or over, and adding trapping licenses. (Sabella, Rock 13: Wildlife and Marine Resources)

HB 1332, requiring probate court judges to issue a contempt citation when an auditor's request for records is refused. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1333-FN-L, relative to voting booth requirements at primary and special elections. (Brundige, Hills 18; Batula, Hills 18; Milligan, Hills 18; McGough, Hills 18; Roberge, Dist 9: Election Law)

HB 1334-FN, establishing the position of deputy adjutant general. (E. Smith, Ches 6; Fenton, Hills 24; David Welch, Rock 18; Dickinson, Carr 2; Golding, Hills 38; Blaisdell, Dist 10; Patenaude, Dist 7; Barnes, Dist 17: State-Federal Relations and Veterans Affairs)

HB 1335-FN, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee. (Leber, Merr 1; DeChane, Straf 6; Kenney, Carr 6; Whipple, Dist 8; Gordon, Dist 2: Public Works and Highways)

HB 1336-FN, defining medical necessity for insurance purposes. (Fuller Clark, Rock 36; Emerton, Hills 7; Calvert, Belk 5; Pilliod, Belk, 3; Podles, Dist 16; K. Wheeler, Dist 21: Commerce)

HB 1337-FN, making technical corrections in laws related to the department of corrections. (Knowles, Straf 11: Executive Departments and Administration)

HB 1338-FN-A, authorizing the extension and expanding the powers of the committee on investigations of the late John C. Fairbanks and others and making an appropriation therefor. (Cobbin, Graf 11; Richardson, Ches 12; Bickford, Straf 1; DePecol, Ches 14; Whipple, Dist 8; Roberge, Dist 9: Judiciary and Family Law)

HB 1339-FN, regulating the sale by mail of liquor, wine, and beer. (Hunt, Ches 10: Local and Regulated Revenues)

HB 1340-L, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire. (LaMott, Graf 5: Public Works and Highways)

HB 1341, relative to temporary seasonal docks on lakes and ponds. (Whalley, Merr 5; Royce, Ches 9; E. Smith, 6; Mercer, Hills 27; Dickinson, Carr 2; F. King, Dist 1; Patenaude, Dist 7: Resources, Recreation and Development)

HB 1342, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education. (Burke, Hills 15; Donald Welch, Hills 48: Legislative Administration)

HB 1343, relative to multiple and contingent warrant articles under the official ballot voting process. (Burke, Hills 15; Dodge, Rock 4; Thulander, Hills 6; Alger, Graf 9; Rice, Belk 7; Barnes, Dist 17; Johnson, Dist 3; Roberge, Dist 9; Rubens, Dist 5: Municipal and County Government)

HB 1344-FN, relative to state employees receiving workers' compensation benefits. (McCann, Straf 11: Executive Departments and Administration)

HB 1345, relative to school crosswalks. (Letourneau, Rock 13; Dowd, Rock 13; P. Katsakiores, Rock 13; Packard, Rock 29; G. Katsakiores, Rock 13: Transportation)

HB 1346, relative to the definition of disposal under the solid waste management act. (Melcher, Hills 11; Musler, Straf 6: Environment and Agriculture)

HB 1347, providing visitation rights to siblings. (J. Brown, Straf 17; I. Pratt, Ches 5; M. Smith, Straf 8; Richardson, Ches 12; Keans, Straf 16; Gordon, Dist 2; McCarley, Dist 6: Judiciary and Family Law)

HB 1348, limiting fees for use of electronic customer service terminals. (Lynde, Hills 24; Fraser, Merr 21; A. Pelletier, Straf 12: Commerce)

HB 1349-FN, relative to using department of revenue administration income data in calculating foundation aid. (Larrabee, Merr 9; Rubens, Dist 5: Finance)

HB 1350-FN-A, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. (Alukonis, Hills 23; Searles, Hills 23; Hill, Graf 1; Roberge, Dist 9: Education)

HB 1351-FN, extending "the Laboratory for New Ideas in Information Technology" pilot project. (Howard, Carr 10; J. Bradley, Carr 8; MacGillivray, Hills 21; Johnson, Dist 3: Science, Technology and Energy)

HB 1352-FN-A, authorizing electronic games of chance at pari-mutuel licensee locations. (Thomas, Belk 3: Local and Regulated Revenues)

HB 1353-FN-A, relative to additional unemployment benefits for persons with dependents. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)

HB 1354-FN, relative to fishing in the Connecticut River by residents of Vermont and relative to the use of funds from the sale of timber on fish and game lands. (MacNeil, Graf 7: Wildlife and Marine Resources)

HB 1355-FN-L, revising the New Hampshire statewide education improvement and assessment program to require minimum test scores. (Hinman, Graf 7; MacNeil, Graf 7; Rollo, Straf 10: Education)

HB 1356-L, revising the procedures for withdrawal from a cooperative school district. (Belvin, Hills 14: Education)

HB 1357-L, authorizing teachers in public schools to remove dangerous, disruptive, or uncooperative pupils from the classroom. (Yeaton, Merr 10: Education)

HB 1358, relative to failure to cooperate with proceedings of the supreme court committee on professional conduct or the judicial conduct committee. (Mirski, Graf 12: Judiciary and Family Law)

HB 1359, relative to senior citizens' applications for moose hunting permits. (Wiggins, Sull 4; Abbott, Rock 19; Palmer, Sull 11; McGuirk, Ches 1; Flint, Sull 4: Wildlife and Marine Resources)

HB 1360, revising the formula for determining child support. (Luebker, Hills 42: Judiciary and Family Law)

HB 1361, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (Alger, Graf 9; Roberge, Dist 9: Executive Departments and Administration)

HB 1362, requiring a vote of 2/3 of the house and senate to pass any bill approving the issuance of bonds which would increase state indebtedness. (Alger, Graf 9; Mirski, Graf 12; Root, Graf 8; F. Riley, Hills 44; Wright, Hills 22; Johnson, Dist 3; Francoeur, Dist 14: Finance)

HB 1363-FN, relative to special license plates and related fees for emergency personnel with 2-way radio equipment in their vehicles. (Rosen, Belk 7; Adler, Sull 5: Transportation)

HB 1364-L, establishing a bus only commercial driver license. (W. Williams, Graf 3; Searles, Hills 23; Roberge, Dist 9: Transportation)

HB 1365, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital. (Vaillancourt, Hills 44; Chabot, Hills 48; Roberge, Dist 9: Commerce)

HB 1366, establishing a committee to study the possibility of televising sessions and selected hearings of the house of representatives. (Vaillancourt, Hills 44: Legislative Administration)

HB 1367, requiring motorcyclists to wear protective headgear. (Copenhaver, Graf 10; Pilliod, Belk 3; Nordgren, Graf 10: Transportation)

HB 1368, relative to distribution services and metering and billing in electric utility restructuring. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21: Science, Technology and Energy)

HB 1369, revising the student membership of the university system of New Hampshire board of trustees. (Hinman, Graf 7; Rollo, Straf 10; MacNeil, Graf 7; Gordon, Dist 2; Rubens, Dist 5: Education)

HB 1370, abolishing the judicial council. (Hemon, Straf 11; McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)

HB 1371, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Clay, Hills 4; Woods, Rock 25: Judiciary and Family Law)

HB 1372, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm. (Calawa, Hills 17: Criminal Justice and Public Safety)

HB 1373, enabling towns and cities to adopt a procedure allowing for the denial of a planning board application by a vote of the municipality. (Steere, Ches 11: Municipal and County Government)

HB 1374, relative to contracts for major capital projects of the departments of fish and game and resources and economic development. (Royce, Ches 9; Pfaff, Merr 11; Trelfa, Graf 2; Mock, Carr 3; Musler, Straf 6: Public Works and Highways)

HB 1375, establishing a legislative accountability act, requiring that certain laws apply to the legislature. (Cushing, Rock 22: Legislative Administration)

HB 1376, relative to co-parenting of children. (Bickford, Straf 1; Luebker, Hills 42: Judiciary and Family Law)

HB 1377-FN, establishing a state commission on the status of men. (Bickford, Straf 1; J. McCarthy, Rock 24; Jacobson, Merr 2; D. Wheeler, Dist 11: Executive Departments and Administration)

HB 1378-FN, making the penalty for the offense of official oppression a felony, (Hemon, Straf 11; Cobbin, Graf 11; McCann, Straf 11; Mirski, Graf 12: Criminal Justice and Public Safety)

HB 1379, making attorneys subject to the Consumer Protection Act. (Hemon, Straf 11; McCann, Straf 11; Cobbin, Graf 11: Commerce)

HB 1380-FN, relative to energy costs for persons dependent upon life-support equipment. (Bonneau, Ches 2; D. White, Hills 25; L. Jean, Hills 17: Commerce)

HB 1381, relative to charitable organizations eligible to sell Lucky 7 tickets. (Patten, Carr 9: Local and Regulated Revenues)

HB 1382, requiring a court order or a power of attorney executed by a beneficiary for sale of estate assets by the administrator of the estate. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1383-L, relative to zoning for small businesses in rural areas. (Lessard, Hills 23; David Welch, Rock 18; Searles, Hills 23; Clegg, Hills 23; Francoeur, Dist 14: Municipal and County Government)

HB 1384-FN-A, making appropriations for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Avery, Ches 8; Fuller Clark, Rock 36; Flanagan, Rock 14; Johnson, Dist 3; Larsen, Dist 15; Danais, Dist 20: Finance)

HB 1385, relative to clarifying independent medical examinations under the workers' compensation law. (P. Katsakiores, Rock 13; G. Katsakiores, Rock 13: Labor, Industrial and Rehabilitative Services)

HB 1386, to establish a committee to study alternative school systems. (G. Katsakiores, Rock 13; Noyes, Rock 26; Arndt, Rock 27; F. Riley, Hills 44; Wright, Hills 22: Education)

HB 1387-FN, relative to the state art fund. (F. Riley, Hills 44; Noyes, Rock 26; W. McCarty, Hills 38; David Welch, Rock 18; D. Wheeler, Dist 11: Public Works and Highways)

HB 1388, establishing a committee to study commercial, suburban, and rural sprawl. (Fuller Clark, Rock 36; Russman, Dist 19: Municipal and County Government)

HB 1389-FN-L, relative to agreements for telecommunications-related uses of the state highway system. (Calawa, Hills 17; G. Chandler, Carr 1; Schotanus, Sull 3: Public Works and Highways)

HB 1390, adopting a drug dealer liability act. (Wall, Straf 9; DePecol, Ches 14; Keans, Straf 16; Woods, Rock 25; Pignatelli, Dist 13; K. Wheeler, Dist 21; Squires, Dist 12; Whipple, Dist 8: Judiciary and Family Law)

HB 1391, requiring insurance coverage for the screening and treatment of glaucoma. (Emerton, Hills 7; Leber, Merr 1; Holt, Hills 35; Major, Rock 16: Commerce)

HB 1392, relative to student drivers. (Gleason, Rock 13; O'Hearn, Hills 26: Transportation)

HB 1393, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee. (Thulander, Hills 6: Education)

HB 1394, extending the reporting date for the school building aid system study committee. (Thulander, Hills 6; R. McKinley, Straf 2; Rubens, Dist 5: Education)

HB 1395-L, relative to property tax exemptions for water and pollution control facilities. (M. Whalley, Merr 5; Noyes, Rock 26; L. Foster, Hills 10; Johnson, Dist 3; F. King, Dist 1: Local and Regulated Revenues)

HB 1396-FN, relative to training programs for emergency medical services instructors and funding of certain testing programs. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)

HB 1397-FN-A-L, reestablishing the investment tax credit against the business profits tax under the community development finance authority. (Fuller Clark, Rock 36; Avery, Ches 8; Metzger, Ches 13; Hunt, Ches 10; Blaisdell, Dist 10; Whipple, Dist 8; Hollingworth, Dist 23; Johnson, Dist 3: Finance)

HB 1398-FN-L, relative to tuition reimbursement for kindergarten and eligibility criteria for school attendance. (Christiansen, Hills 23: Education)

HB 1399-FN, revising certain information required in the state operating budget. (Allen, Hills 1: Finance)

HB 1400-FN, relative to the powers and duties of the commissioner of health and human services. (F. Torr, Straf 12; Burling, Sull 1; P. Dowling, Rock 13; Wallner, Merr 24; J. King, Dist 18; Blaisdell, Dist 10: Finance)

HB 1401-FN-L, relative to the application of local planning and zoning to construction, development, or use of facilities on state-owned property. (Boutin, Hills 37: Public Works and Highways)

HB 1402-FN, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. (F. Torr, Straf 12; C. Brown, Graf 14; Wall, Straf 9: Legislative Administration)

HB 1403-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Micklon, Rock 26; Sargent, Hills 3; P. Katsakiores, Rock 13; Seldin, Merr 17; K. Wheeler, Dist 21: Finance)

HB 1404, establishing the fishing family protection act, prohibiting political subdivisions from interfering with commercial and recreational operations of fishing families. (Cushing, Rock 22; O'Keefe, Rock 21; Felch, Rock 21: Municipal and County Government)

HB 1405-FN, including the legislature and judiciary as public employers under the public employees labor relations act. (Cushing, Rock 22; Barody, Hills 42: Legislative Administration)

HB 1406, increasing the maximum amount for a small claim action. (Malcolm, Rock 22: Judiciary and Family Law)

HB 1407, clarifying the unlawful practice of medicine. (Calvert, Belk 5; French, Merr 3; A. Torr, Straf 12; R. Foster, Carr 10; Fraser, Dist 4; J. King, Dist 18: Health, Human Services and Elderly Affairs)

HB 1408, requiring a criminal background investigation for certain child care agencies. (Hutchinson, Rock 8; M. Smith, Straf 8; Clegg, Hills 23; Barnes, Dist 17: Judiciary and Family Law)

HB 1409-FN, relative to licenses for taking lobster and crab. (Malcolm, Rock 22; J. McCarthy, Rock 24; Francoeur, Rock 22; Cohen, Dist 24; Hollingworth, Dist 23: Wildlife and Marine Resources)

HB 1410-FN, relative to administrative control and transferring the budget of the state law library. (Hemon, Straf 11: Legislative Administration)

HB 1411, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers. (Vachon, Straf 4; J. Pratt, Ches 2; Fuller Clark, Rock 36; Burnham, Ches 8; K. Wheeler, Dist 21: Commerce)

HB 1412, relative to increasing the administrative fine for violations of wetlands laws. (Langley, Rock 24; Fuller Clark, Rock 36: Resources, Recreation and Development)

HB 1413, relative to the membership and compensation of the general court. (Cushing, Rock 22: Legislative Administration)

HB 1414, relative to review of non-renewal of teachers contracts. (O'Hearn, Hills 26; Belvin, Hills 14; Teschner, Graf 5; Durham, Hills 22; Squires, Dist 12; Barnes, Dist 17: Education)

HB 1415, relative to the regulation of the practice of optometry. (Leber, Merr 1; Emerton, Hills 7; Copenhagen, Graf 10; Major, Rock 16: Executive Departments and Administration)

HB 1416-FN-L, requiring the state to pay for special education costs and to make tax information on special education services available to the public. (Cobbin, Graf 11; Alger, Graf 9: Education)

HB 1417-L, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. (Fraser, Merr 21: Labor, Industrial and Rehabilitative Services)

HB 1418-FN-L, prohibiting gambling activities within one mile of a school. (K. Rogers, Merr 22: Local and Regulated Revenues)

HB 1419, making victims of juvenile offenses eligible for compensation from the victim's assistance fund. (McRae, Hills 7: Judiciary and Family Law)

HB 1420-L, establishing a committee to study the impact of class sizes on overall educational performance. (A. Pelletier, Straf 12; Spear, Straf 5; Searles, Hills 23; Snyder, Straf 14; K. Wheeler, Dist 21: Education)

HB 1421, relative to review of drugs by the board of nursing and the joint health council. (Dyer, Hills 8: Health, Human Services and Elderly Affairs)

HB 1422-FN, changing unemployment compensation benefits. (Turner, Belk 7; Guaraldi, Graf 14; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)

HB 1423-FN, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. (Turner, Belk 7; Dodge, Rock 4; Guaraldi, Graf 14: Labor, Industrial and Rehabilitative Services)

HB 1424, relative to the method for filling a vacancy in the position of county commissioner. (Mittelman, Hills 37; Herman, Hills 13: Municipal and County Government)

HB 1425-FN, regulating the practice of site evaluation of subsurface sewage or waste disposal systems and subdivision plans. (Kibbey, Sull 4: Executive Departments and Administration)

HB 1426-FN, relative to structures in or over public waters. (Martin, Hills 34; Downing Rock 26; J. Bradley, Carr 8; Jacobson, Merr 2; Russman, Dist 19; K. Wheeler, Dist 21: Resources, Recreation and Development)

HB 1427-FN, relative to the availability of special education and related services to incarcerated youths. (O'Hearn, Hills 26; Dearborn, Rock 23; Snyder, Straf 14: Education)

HB 1428, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students including disabled students. (O'Hearn, Hills 26; Yeaton, Merr 10; Estabrook, Straf 8; Snyder, Straf 14: Education)

HB 1429, amending state board of education rulemaking authority relative to certain educational personnel. (O'Hearn, Hills 26; Hill, Graf 1; Yeaton, Merr 10; Estabrook, Straf 8: Education)

HB 1430, relative to political expenditure limitation amounts. (Arndt, Rock 27; J. Foster, Hills 33; Flanagan, Rock 14; Pignatelli, Dist 13: Election Law)

HB 1431, prohibiting the aerial spraying of herbicides for forestry purposes. (Owen, Merr 6; Hall, Hills 20: Environment and Agriculture)

HB 1432-FN, relative to hunting and fishing licenses for certain disabled persons. (LaMott, Graf 5; O'Rourke, Hills 39: Wildlife and Marine Resources)

HB 1433-FN, relative to physician aid-in-dying for certain persons suffering from a terminal condition. (Thulander, Hills 6; Guest, Graf 10; Cooper, Carr 2; W. Riley, Ches 7; Russman, Dist 19: Judiciary and Family Law)

HB 1434-L, simplifying the charter amendment procedure for the purpose of establishing official ballot voting. (Dokmo, Hills 14; Patten, Carr 9: Municipal and County Government)

HB 1435-L, relative to the vote required for a legislative body of a municipality to accept a street. (Dokmo, Hills 14; Patten, Carr 9: Municipal and County Government)

HB 1436, exempting resident or landowner permissions for applications and permits for wildlife reductions on Long Island from the right to know law. (Patten, Carr 9: Wildlife and Marine Resources)

HB 1437, requiring the designation of alternative acceptable reading material for use in a school course following objection by a parent. (Luebker, Hills 42: Education)

HB 1438, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools. (Gile, Merr 16; Wallner, Merr 24; Estabrook, Straf 8; Spear, Straf 5; Pilliod, Belk 3; Seldin, Merr 17; Dunn, Merr 24; Larsen, Dist 15: Executive Departments and Administration)

HB 1439-FN-A, relative to reducing the amount of meals and rooms tax retained by operators and designating the moneys to a nonlapsing fund in the department of resources and economic development for the promotion of tourism. (C. Brown, Graf 14; Lynde, Hills 24; Rubin, Rock 25: Finance)

HB 1440-FN-A, establishing a current use land use change penalty assessment, and relative to an additional assessment on certain current use property, the funds from which shall be dedicated to the fish and game marksmanship and firearm safety fund. (Cobbin, Graf 11; Varrell, Rock 9; Alger, Graf 9: Environment and Agriculture)

HB 1441, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services. (Cobbin, Graf 11: Municipal and County Government)

HB 1442, repealing the held harmless practice codified in the Augenblick formula. (Cobbin, Graf 11: Finance)

HB 1443, relative to the time frame for the department of environmental services to act on certain wetlands applications. (Kibbey, Sull 4: Resources, Recreation and Development)

HB 1444, requiring a special primary for all parties if there are at least 2 candidates for election from one party. (Major, Rock 16; J. Bradley, Carr 8; Kaen, Straf 7; Camm, Rock 17; Barnes, Dist 17; Russman, Dist 19; J. King, Dist 18: Election Law)

HB 1445, relative to nonpublic sessions and relative to attorneys in certain proceedings. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)

HB 1446, relative to certain private employers under workers' compensation. (Marshall, Merr 4: Labor, Industrial and Rehabilitative Services)

HB 1447-L, relative to approval by the legislative body of cost items in a collective bargaining agreement. (Goulet, Hills 15; A. Pelletier, Straf 12; Roberge, Dist 9: Municipal and County Government)

HB 1448, relative to confidential communication between victims and counselors. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1449, requiring that school administration evaluation programs allow teachers the opportunity to submit input into the evaluation of their principal or supervisor. (A. Pelletier, Straf 12; Estabrook, Straf 8; Wall, Straf 9: Education)

HB 1450, relative to standards for certification of soil scientists and wetland scientists. (Kibbey, Sull 4: Executive Departments and Administration)

HB 1451, requiring the office of state planning to coordinate planning assistance to municipalities with state laws and rules adopted pursuant to state laws. (Kibbey, Sull 4: Municipal and County Government)

HB 1452, relative to expanding the court's authority for debt collection by including license revocation and suspension. (Bickford, Straf 1: Judiciary and Family Law)

HB 1453, relative to products from sludge-treated soil. (Owen, Merr 6; K. Wheeler, Dist 21: Environment and Agriculture)

HB 1454, relative to the spreading of sludge or biosolids. (Owen, Merr 6; K. Wheeler, Dist 21: Environment and Agriculture)

HB 1455, relative to the publication of administrative rules. (Dunn, Merr 24: Executive Departments and Administration)

HB 1456, relative to the budget making process. (Kurk, Hills 5; Hager, Merr 18; Blaisdell, Dist 10: Finance)

HB 1457, permitting physician assistants to possess, compound, administer, or distribute prescription drugs. (Baroody, Hills 42: Health, Human Services and Elderly Affairs)

HB 1458, requiring health maintenance organizations to provide certain written statements. (Burnham, Ches 8: Commerce)

HB 1459, requiring that all administrative rules adopted by every state agency under the Administrative Procedures Act identify the specific state or federal statute or regulation which the rule is designed to implement. (Nichols, Merr 2; Dowd, Rock 13; Mercer, Hills 27; F. King, Dist 1: Executive Departments and Administration)

HB 1460-L, allowing counties to establish capital reserve funds to be funded with unencumbered surplus funds for the purpose of extraordinary legal fees and expenses related to present or foreseeable litigation involving the county or its officers. (St. Hilaire, Coos 7; Hawkinson, Coos 7: Municipal and County Government)

HB 1461, relative to the definition of "destroyed" and "transfer" involving cashier's checks. (Wallin, Merr 15: Commerce)

HB 1462, establishing an independent committee to study the university system of New Hampshire. (Fesh, Rock 13: Education)

HB 1463, encouraging New Hampshire citizens to engage in public service. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)

HB 1464-L, relative to the priority of municipal liens for aid to assisted persons. (Kibbey, Sull 4: Health, Human Services and Elderly Affairs)

HB 1465, relative to eligibility for athletic scholarships with the university system of New Hampshire. (Fesh, Rock 13: Education)

HB 1466-FN-A-L, relative to current use and the real estate transfer tax. (Camm, Rock 17; Bickford, Straf 1; Mirski, Graf 12: Environment and Agriculture)

HB 1467, establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire's long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine. (Briefs, Hills 27: Local and Regulated Revenues)

HB 1468, clarifying the legal status of home brewers of beer. (MacGillivray, Hills 21; Avery, Ches 8; Wallin, Merr 15; A. Merrill, Straf 8; Cohen, Dist 24: Local and Regulated Revenues)

HB 1469-L, clarifying the value of public utility property for property tax purposes. (MacGillivray, Hills 21; Below, Graf 13: Local and Regulated Revenues)

HB 1470, relative to protection of religious freedoms. (Guay, Coos 6: Judiciary and Family Law)

HB 1471, allowing loss of familial relationship damages in wrongful death actions. (Keans, Straf 16; Wall, Straf 9: Judiciary and Family Law)

HB 1472, relative to employment of prisoners. (Cushing, Rock 22: Criminal Justice and Public Safety)

HB 1473-FN-A, establishing a wildlife damage control program and making an appropriation therefor. (Mock, Carr 3; L'Heureux, Hills 18; Melcher, Hills 11; Patenaude, Dist 7: Wildlife and Marine Resources)

HB 1474, establishing a study committee on a unified corrections system. (K. Rogers, Merr 22; G. Chandler, Carr 1; Calawa, Hills 17; Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1475, relative to revising certain programs within the postsecondary education commission. (Belvin, Hills 14: Education)

HB 1476-L, enabling school districts to allow parental choice among public and nonpublic schools. (M. Brown, Merr 10; F. Riley, Hills 44; Arnold, Hills 20; Alger, Graf 9; Boyce, Belk 5; Cooper, Carr 2; Burke, Hills 15; Lavoie, Merr 12; Rubens, Dist 5: Education)

HB 1477, clarifying the waste reduction goals for the state of New Hampshire. (Hall, Hills 20; Alger, Graf 9; Philbrick, Carr 4; Davis, Coos 1: Environment and Agriculture)

HB 1478, recognizing American sign language as the primary language of deaf citizens. (Gagnon, Hills 48; Batula, Hills 18; S. Holley, Hills 28; Podles, Dist 16: Education)

HB 1479, establishing education partnership agreements to encourage and enhance the study of scientific and technological discipline in the public schools. (Franks, Hills 26; Ferguson, Hills 13; Dawe, Hills 33; MacAuslan, Hills 30; Trelfa, Graf 2; Gordon, Dist 2; McCarley, Dist 6: Education)

HB 1480-L, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town. (Pepino, Hills 40; W. McCarthy, Hills 41; Buckley, Hills 44; J. King, Dist 18; Podles, Dist 16: Local and Regulated Revenues)

HB 1481, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (Malcolm, Rock 22; J. McCarthy, Rock 24; Francoeur, Rock 22; Cohen, Dist 24: Wildlife and Marine Resources)

HB 1482, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures. (Pfaff, Merr 11; Hess, Merr 11; Langer, Merr 11: Municipal and County Government)

HB 1483, authorizing secret ballot voting at annual meeting. (Hurt, Belk 4: Municipal and County Government)

HB 1484, relative to motor vehicle insurance. (Christiansen, Hills 23: Commerce)

HB 1485, establishing a redistricting commission. (Cushing, Rock 22; A. Merrill, Straf 8: Election Law)

HB 1486, establishing a committee to study joint physical custody and child support guidelines. (Merritt, Straf 8; Woods, Rock 25; Bickford, Straf 1; Richardson, Ches 12: Judiciary and Family Law)

HB 1487, allowing a receiving district to withdraw from an authorized regional enrollment area school. (Dickinson, Carr 2: Education)

HB 1488, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act. (J. Foster, Hills 33: Election Law)

HB 1489, eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization. (Cossette, Straf 19: Labor, Industrial and Rehabilitative Services)

HB 1490, requiring defendants charged with certain crimes to turn over firearms to law enforcement agencies; requiring a protective order for surrender of firearms in cases of abuse; and allowing protective orders on behalf of public servants and witnesses who are victims of stalking or criminal threatening. (Dunn, Merr 24; Pilliod, Belk 3; Knowles, Straf 11; Wiggins, Sull 4: Criminal Justice and Public Safety)

HB 1491, making the second Tuesday in April, rather than the second Tuesday in March, the election day for all local offices and for official ballot voting. (Fesh, Rock 13; Dodge, Rock 4; Letourneau, Rock 13; G. Katsakiores, Rock 13: Municipal and County Government)

HB 1492-L, relative to limiting increases in the assessed valuation of property. (Fesh, Rock 13; Sapareto, Rock 13; Mirski, Graf 12: Local and Regulated Revenues)

HB 1493-L, relative to clarifying school district liability for children placed in homes for children, health care facilities, or state institutions. (O'Hearn, Hills 26; Dearborn, Rock 23; Durham, Hills 22; Gordon, Dist 2: Education)

HB 1494, relative to public/private department of transportation partnership projects. (Nowe, Rock 3; Gleason, Rock 13; G. Katsakiores, Rock 13; Barnes, Dist 17: Public Works and Highways)

HB 1495, relative to procedures for apportioning state representatives among counties and among legislative districts. (MacGillivray, Hills 21: Election Law)

HB 1496, relative to energy facility evaluation. (MacGillivray, Hills 21; Below, Graf 13; Lynde, Hills 24; J. Bradley, Carr 8: Science, Technology and Energy)

HB 1497, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes. (Mercer, Hills 27; Mittelman, Hills 37; F. King, Dist 1: Finance)

HB 1498, requiring emergency medical care providers to inform patients of transport options. (McGough, Hills 18; Burling, Sull 1: Health, Human Services and Elderly Affairs)

HB 1499, establishing a committee to study the circumstances and investigation of the deaths of Janet and Steven Dow; providing an exception from statutes of limitations for certain unlawful acts related to murders; relative to false reports to law enforcement officers; and nullifying the adoption of Steven Medeiros. (Cushing, Rock 22; Wiggins, Sull 4; Chase, Graf 6; Cohen, Dist 24: Criminal Justice and Public Safety)

HB 1500, relative to powers of appointment. (Mock, Carr 3; Johnson, Dist 3: Judiciary and Family Law)

HB 1501, relative to amending certain provisions of the charter school law. (Hunt, Ches 10; Champagne, Ches 19; Belvin, Hills 14; Rubens, Dist 5: Education)

HB 1502, extending the reporting date for the statewide school technology plan study committee. (Belvin, Hills 14; Vaughn, Rock 35; Major, Rock 16; Larsen, Dist 15: Education)

HB 1503-FN-A-L, relative to intergenerational homeshare programs and making an appropriation therefor. (Seldin, Merr 17; Micklon, Rock 26; Jacobson, Merr 2; Larsen, Dist 15; Podles, Dist 16: Health, Human Services and Elderly Affairs)

HB 1504-FN, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court. (Pepino, Hills 40: Judiciary and Family Law)

HB 1505-FN, removing judges from the state defense and indemnification provisions. (Hemon, Straf 11: Judiciary and Family Law)

HB 1506-FN, changing the composition of the liquor commission. (Burling, Sull 1: Executive Departments and Administration)

HB 1507-FN-A, providing for a graduated reduction in the temporary increases in the communications services tax, meals and rooms tax, and the real estate transfer tax. (Leber, Merr 1; Weyler, Rock 18; M. Brown, Merr 10: Finance)

HB 1508-FN, regulating the practice of hypnotherapy. (Dunn, Merr 24; Brundige, Hills 18; Milligan, Hills 18; Seldin, Merr 17; K. Wheeler, Dist 21: Executive Departments and Administration)

HB 1509-FN, relative to the content of motor vehicle registrations. (Hess, Merr 11; J. Bradley, Carr 8; Johnson, Dist 3; Pignatelli, Dist 13: Criminal Justice and Public Safety)

HB 1510-FN, requiring probate court judges to report attorneys who are fiduciaries and have been cited for delinquencies in accounting by the probate court to the professional conduct committee of the supreme court. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1511-FN, requiring registers of probate to send a notice to each beneficiary when a fiduciary is delinquent in filing an inventory or account. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1512-FN, relative to credit card rates and payments. (Lynde, Hills 24: Commerce)

HB 1513-FN-L, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21; Pignatelli, Dist 13; Russman, Dist 19: Science, Technology and Energy)

HB 1514-FN, setting the biennial rate for the medicaid enhancement tax. (Weyler, Rock 18: Finance)

HB 1515-FN, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee. (Hansen, Hills 2: Criminal Justice and Public Safety)

HB 1516, requiring a criminal background investigation for all department of health and human services personnel who deal directly with children. (Lyman, Carr 5: Judiciary and Family Law)

HB 1517-FN-A-L, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire. (Alukonis, Hills 23; W. McCarty, Hills 38; Leber, Merr 1; F. Torr, Straf 12; M. Whalley, Merr 5; Vaillancourt, Hills 44: Public Works and Highways)

HB 1518-L, increasing the minimum purchase amount by a county requiring competitive bidding. (Rice, Belk 7; Fraser, Merr 21; Stone, Rock 7; Metzger, Ches 13; Patten, Carr 9; Johnson, Dist 3; Whipple, Dist 8: Municipal and County Government)

HB 1519, requiring registers of probate to be consistent and uniform in the enforcement of delinquency notices, citations, and contempt charges. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

HB 1520-FN, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Pfaff, Merr 11; Arnold, Hills 20; J. Foster, Hills 33; Patenaude, Dist 7; Rubens, Dist 5: Election Law)

HB 1521-FN-A, making supplemental appropriations to certain academic institutions within the university system of New Hampshire for fiscal years 1998 and 1999. (Hinman, Graf 7; K. Smith, Rock 29; Bernier, Hills 47; Rollo, Straf 10; MacNeil, Graf 7: Finance)

HB 1522-FN, establishing the offices of inspector general. (Cobbin, Graf 11: Executive Departments and Administration)

HB 1523-FN, adding security officers of the New Hampshire hospital campus security force to group II of the New Hampshire retirement system. (Dunn, Merr 24; Calawa, Hills 17; O'Keefe, Rock 21; Larsen, Dist 15: Executive Departments and Administration)

HB 1524-FN, licensing bail recovery agents. (Akins, Graf 14; Cushing, Rock 22; Dokmo, Hills 14: Executive Departments and Administration)

HB 1525-FN, establishing an office of administrative hearings. (Keans, Straf 16; Woods, Rock 25; M. Smith, Straf 8; Gordon, Dist 2; McCarley, Dist 6: Executive Departments and Administration)

HB 1526-FN-A, requiring the department of education to publish an annual report of special education statistics. (Root, Graf 8; Alger, Graf 9; D. White, Hills 25; Rubens, Dist 5; D. Wheeler, Dist 11: Education)

HB 1527, relative to unauthorized switching of service providers by utilities and clarifying the definition of "telephone cloning paraphernalia." (J. Bradley, Carr 8; Thomas, Belk 3; MacGillivray, Hills 21; Norelli, Rock 31; Lynde, Hills 24; J. King, Dist 18; F. King, Dist 1; Rubens, Dist 5; Larsen, Dist 15; Patenaude, Dist 7: Science, Technology and Energy)

HB 1528, relative to the transfer of certain administratively attached agencies from the secretary of state to the department of administrative services. (Dodge, Rock 4: Executive Departments and Administration)

HB 1529, reinstating the corporate charter of Hampstead Garage, Inc. (Flanagan, Rock 14: Commerce)

HB 1530, regarding the reappointment of teachers in their probationary period. (Alger, Graf 9; Gordon, Dist 2: Education)

HB 1531-FN, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. (Holbrook, Belk 7: Resources, Recreation and Development)

HB 1532, establishing a committee to study the village plan alternative to municipal subdivision procedures for the purpose of retaining open space in the development process. (Mirski, Graf 12: Municipal and County Government)

HB 1533-L, requiring court diversion programs to provide an accounting of funds appropriated by municipalities, requiring municipalities to publish such accounting in the annual report of the municipality, and requiring municipalities to separately state anticipated expenditures for court diversion programs in the budget. (McRae, Hills 7: Municipal and County Government)

HB 1534, granting an accused or aggrieved party the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. (P. Taylor, Hills 34: Judiciary and Family Law)

HB 1535, relative to local telephone calling areas and long distance access charges. (MacGillivray, Hills 21; Below, Graf 13; J. Bradley, Carr 8: Science, Technology and Energy)

HB 1536, establishing a committee to study women's health care and relative to breast feeding a baby. (Fuller Clark, Rock 36; Nordgren, Graf 10; Keans, Straf 16; Pilliod, Belk 3; Norelli, Rock 31; Rabideau, Rock 16; Woods, Rock 25; Larsen, Dist 15; K. Wheeler, Dist 21; Hollingworth, Dist 23; Cohen, Dist 24: Commerce)

HB 1537, relative to aeronautics enforcement authority. (LaMott, Graf 5; Leber, Merr 1; Gleason, Rock 13; Vaillancourt, Hills 44: Transportation)

HB 1538-FN-A, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor. (Dyer, Hills 8; Kurk, Hills 5; Wheeler, Hills 7; Roberge, Dist 9; Fraser, Dist 4; Podles, Dist 16: Judiciary and Family Law)

HB 1539, relative to property tax billing procedures for land parcels having multiple owners. (Metzger, Ches 13: Municipal and County Government)

HB 1540-FN, allowing non-banks to establish cash dispensing machines. (Mittelman, Hills 37; T. Reardon, Merr 23; Fraser, Dist 4; Johnson, Dist 3: Commerce)

HB 1541-FN-A, creating a position in the insurance department. (Kurk, Hills 5; Sargent, Hills 3; J. King, Dist 18; Squires, Dist 12: Commerce)

HB 1542-FN, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. (Knowles, Straf 11; Sabella, Rock 13; Mittelman, Hills 37: Criminal Justice and Public Safety)

HB 1543-FN-L, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility. (Knowles, Straf 11; McCarley, Dist 6: Criminal Justice and Public Safety)

HB 1544-FN, prohibiting a prosecutor from testifying voluntarily as a character witness in a criminal case. (Mock, Carr 3: Criminal Justice and Public Safety)

HB 1545-FN, increasing the salaries of the labor commissioner and the deputy labor commissioner. (F. Torr, Straf 12; Klemm, Rock 28; Fraser, Dist 4: Executive Departments and Administration)

HB 1546-FN, extending consumer protection rights to purchasers of farm equipment. (G. Brown, Straf 17; Peter Cote, Hills 32; Callaghan, Straf 15: Commerce)

HB 1547-FN-L, relative to mandatory incarceration for violators of protective orders. (Dolan, Rock 12; Dodge, Rock 4; Coes, Rock 19: Criminal Justice and Public Safety)

HB 1548-FN-A, providing for the health care of New Hampshire children and making an appropriation therefor. (Burling, Sull 1; Wallner, Merr 24; A. Torr, Straf 12; Pilliod, Belk 3; McCarley, Dist 6; Larsen, Dist 15: Finance)

HB 1549-FN, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$1,500. (L. Jean, Hills 17: Judiciary and Family Law)

HB 1550-FN, justifying the use of force against persons armed with deadly weapons engaging in illegal drug transactions and permitting life imprisonment as an enhanced sentence for persons who engaged in an illegal drug transaction while armed with deadly weapons. (Cobbin, Graf 11; McCann, Straf 11: Criminal Justice and Public Safety)

HB 1551-FN, adding dental insurance to the continuing insurance coverage for certain employees. (Allen, Hills 1: Commerce)

HB 1552-FN-L, relative to standards for juvenile court diversion programs. (McRae, Hills 7: Criminal Justice and Public Safety)

HB 1553-FN, prohibiting the possession or use of rohypnol, ketamine, and GHB. (Flora, Hills 15; Phinney, Graf 8; Pilliod, Belk 3; Estabrook, Straf 8; Francoeur, Rock 22; Hollingworth, Dist 23; Squires, Dist 12: Criminal Justice and Public Safety)

HB 1554-FN, allowing punitive damages in actions for domestic violence and sexual assault. (DePecol, Ches 14; Wall, Straf 9: Judiciary and Family Law)

HB 1555-FN, relative to including revocable trusts for medicaid estate recovery purposes. (C. Brown, Graf 14; Kurk, Hills 5; Boyce, Belk 5: Finance)

HB 1556-FN, transferring the division of fire standards and training to the department of regional community-technical colleges. (McRae, Hills 7: Executive Departments and Administration)

HB 1557-FN, establishing the New Hampshire racketeer influenced and corrupt organizations act. (Cobbin, Graf 11: Criminal Justice and Public Safety)

HB 1558-FN-L, relative to games of chance. (Teschner, Graf 5: Local and Regulated Revenues)

HB 1559, legalizing the possession and cultivation of marijuana for medicinal purposes. (Robertson, Ches 18; Lynch, Ches 19: Criminal Justice and Public Safety)

HB 1560-FN-A, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire. (J. Bradley, Carr 8; Cushing, Rock 22; Below, Graf 13; Guay, Coos 6; F. King, Dist 1; Whipple, Dist 8; Roberge, Dist 9; Rubens, Dist 5: Science, Technology and Energy)

HB 1561-FN, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. (Cardin, Hills 32; Adams, Merr 9; Knowles, Straf 11; Micklon, Rock 26; MacAuslan, Hills 30: Criminal Justice and Public Safety)

HB 1562, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (Boyce, Belk 5: Criminal Justice and Public Safety)

HB 1563, prohibiting physicians from prescribing or administering cannabis-type drugs. (Boyce, Belk 5: Health, Human Services and Elderly Affairs)

HB 1564-FN, relative to testing for AIDS when necessary to protect the health of law enforcement officers. (Clegg, Hills 23; Lessard, Hills 23; Searles, Hills 23; D. White, Hills 25: Health, Human Services and Elderly Affairs)

HB 1565-FN-A, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor. (Jacobson, Merr 2: Judiciary and Family Law)

HB 1566-FN-L, providing that state-owned lands leased to or under an operating agreement with a private business entity are subject to the local property tax. (G. Chandler, Carr 1: Local and Regulated Revenues)

HB 1567-L, relative to local excavation permits for bedrock quarrying or crushing operations. (McGuirk, Ches 1: Municipal and County Government)

HB 1568, relative to the timing of special school district meetings. (Wheeler, Hills 7: Municipal and County Government)

HB 1569-L, relative to voter approval for the issuance of bonds or notes for the operating and capital costs of the Gunstock recreation area. (Salatiello, Belk 2: Municipal and County Government)

HB 1570-FN, relative to establishing the legislative committee on the oversight of the practice of law. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1571, relative to the acquisition of abandoned or inactive rail lines in the city of Lebanon. (Below, Graf 13; Akins, Graf 14; Burling, Sull 1; Rubens, Dist 5: Public Works and Highways)

HB 1572, establishing a study committee relative to inter-city commuter bus transportation. (Fuller Clark, Rock 36; Norelli, Rock 31; Vaughn, Rock 35; Cohen, Dist 24; Larsen, Dist 15: Transportation)

HB 1573-FN, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. (Fuller Clark, Rock 36; Thulander, Hills 6: Executive Departments and Administration)

HB 1574-FN-L, adding state and local government part-time employees to employees eligible to participate in the state group insurance coverage. (Mears, Coos 7; Burling, Sull 1; St. Hilaire, Coos 7; Hawkinson, Coos 7; Melcher, Hills 11; Wall, Straf 9; K. Wheeler, Dist 21: Executive Departments and Administration)

HB 1575-FN, relative to highway modifications on lands acquired through the land conservation investment program. (Schotanus, Sull 3; K. Rogers, Merr 22; Daigle, Hills 28; LaRose, Hills 27: Public Works and Highways)

HB 1576-FN-A, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. (Robertson, Ches 18; Owen, Merr 6: Environment and Agriculture)

HB 1577-FN-A, relative to campaign finance expenditure and contribution reform. (Boutin, Hills 37; J. Clemons, Hills 31; J. Bradley, Carr 8; Dodge, Rock 4: Election Law)

HB 1578-FN, establishing the New Hampshire returnable beverage container law. (Lovett, Graf 6; Burnham, Ches 8: Commerce)

HB 1579-FN-L, relative to exemptions to property taxes when the property is sold. (Beaulieu, Rock 10: Local and Regulated Revenues)

HB 1580-FN, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Dawe, Hills 33; Franks, Hills 26; Hoadley, Merr 24; Akins, Graf 14; Keans, Straf 16: Judiciary and Family Law)

HB 1581-FN-A-L, relative to the payment of school building aid. (Ferguson, Hills 13; Herman, Hills 13; Leishman, Hills 13; Allen, Hills 1: Finance)

HB 1582-FN, extending small employer health insurance coverage to individuals, limiting annual premium rate increases, and eliminating minimum participation requirements for small employer groups. (Vachon, Straf 4; J. Pratt, Ches 2; Fuller Clark, Rock 36; K. Wheeler, Dist 21: Commerce)

HB 1583-FN-L, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. (Jacobson, Merr 2: Criminal Justice and Public Safety)

HB 1584, relative to the applicability of the youth access to and use of tobacco products law. (Clay, Hills 4: Education)

HB 1585, requiring the state to notify the town or city in which state-owned real estate is located prior to a change in use of such real estate. (Rosen, Belk 7: Public Works and Highways)

HB 1586-FN-A, making an appropriation for the purpose of increasing coverage on highways by state troopers and for additional state troopers. (O'Keefe, Rock 21; J. Kelley, Rock 22; Emerton, Hills 7; Perkins, Hills 5; Hollingworth, Dist 23: Finance)

HB 1587-FN, creating the woman's right to know law. (M. Brown, Merr 10; Larrabee, Merr 9; Burke, Hills 15; Roberge, Dist 9: Judiciary and Family Law)

HB 1588-FN, making it a felony to cause bodily injury to a police dog or horse. (McGough, Hills 18; Roberge, Dist 9; Cohen, Dist 24: Criminal Justice and Public Safety)

HB 1589, prohibiting employers from requiring employees to work in excess of 8 hours a day or 40 hours a week. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)

HB 1590-FN, relative to vending facilities operated by blind persons and blind services. (Leber, Merr 1; Emerton, Hills 7; J. Flanders, Rock 18; Gagnon, Hills 48; Johnson, Dist 3: Executive Departments and Administration)

HB 1591, relative to a width exception for highway building and maintenance equipment owned by private businesses and used for winter snow removal. (Phinney, Graf 8: Public Works and Highways)

HB 1592-L, relative to the enhanced 911 data base. (Patten, Carr 9; Dokmo, Hills 14; MacGillivray, Hills 21: Criminal Justice and Public Safety)

HB 1593-FN, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1594-FN, transferring the authority of the judicial conduct committee to the legislature. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1595-FN-A, repealing certain exemptions under the meals and rooms tax. (M. Smith, Straf 8; A. Merrill, Straf 8; Estabrook, Straf 8; Wall, Straf 9: Finance)

HB 1596-A, authorizing a state welcome center in the town of Bradford and making an appropriation therefor. (Lamach, Merr 3: Public Works and Highways)

HB 1597-FN, relative to providing more cost-effective special education services. (Kurk, Hills 5; Larrabee, Merr 9; Griffin, Rock 27; Rubens, Dist 5: Education)

HB 1598-FN, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud. (Daniels, Hills 13; M. Brown, Merr 10: Commerce)

HB 1599-FN, allowing the custodial parent with legal custody of a child to change the child's name. (Wallner, Merr 24: Judiciary and Family Law)

HB 1600, relative to the multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)

HB 1601-FN, authorizing simulcast off-track betting races at the town of Salem bingo hall. (Micklon, Rock 26: Local and Regulated Revenues)

HB 1602-FN, allowing electronic games of chance at bingo halls. (Micklon, Rock 26: Local and Regulated Revenues)

HB 1603-FN, relative to appointment and payment of guardians ad litem and establishing a complaint process against the guardian ad litem system. (Hemon, Straf 11: Judiciary and Family Law)

HB 1604, relative to ownership of shares of professional corporations and relative to shareholders of firms practicing public accountancy. (J. Bradley, Carr 8; Johnson, Dist 3: Commerce)

HB 1605, establishing a study committee on marine patrol services. (Dickinson, Carr 2: Transportation)

HB 1606-L, relative to liability for response to hazardous materials accidents. (L. Foster, Hills 10; Gordon, Dist 2: Environment and Agriculture)

HB 1607-L, exempting state agencies and counties from competitive bidding requirements when purchasing bulletproof vests and other personal body armor for law enforcement officers, other officers with powers of arrest, and corrections personnel. (Below, Graf 13; MacGillivray, Hills 21; Belanger, Rock 26; MacDonald, Carr 7; Pignatelli, Dist 13; Fraser, Dist 4: Executive Departments and Administration)

HB 1608, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board. (L. Foster, Hills 10; Metzger, Ches 13; Patten, Carr 9; Dokmo, Hills 14: Education)

HB 1609, permitting municipal elections to be held on biennial election day. (Cloutier, Sull 8; Whipple, Dist 8: Municipal and County Government)

HB 1610, relative to back wages owed by employers. (Clegg, Hills 23: Judiciary and Family Law)

HB 1611, relative to reports of income by county officers. (Christie, Rock 22: Election Law)

HB 1612-FN, establishing a public information system to ensure electronic access to public records. (Hunt, Ches 10: Executive Departments and Administration)

HB 1613-FN, limiting the liability of registers of deeds and counties for recording fraudulent documents and establishing a criminal penalty for knowingly filing a fraudulent document with a

register of deeds. (Rice, Belk 7; Stone, Rock 7; Pfaff, Merr 11; Leber, Merr 1; Malcolm, Rock 22; Whipple, Dist 8: Judiciary and Family Law)

HB 1614, relative to tobacco use violations by minors and establishing a committee on educational programs on tobacco use for minors. (Akins, Graf 14; Cooper, Carr 2; Nordgren, Graf 10; Pilliod, Belk 3: Criminal Justice and Public Safety)

HB 1615-FN-A, relative to the restoration and preservation of the colonial era state house presently stored by the department of cultural affairs and making an appropriation therefor. (McKinney, Rock 29: Finance)

HB 1616-FN-L, requiring the department of revenue administration to make available to the public certain tax and real estate assessing software. (W. Williams, Graf 3: Executive Departments and Administration)

HB 1617-FN-L, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. (Calawa, Hills 17: Public Works and Highways)

HB 1618-L, requiring schools to provide evaluative materials to non-custodial parents of pupils. (Bickford, Straf 1: Education)

HB 1619, relative to the embossing of government seals. (Hemon, Straf 11; Cobbin, Graf 11; McCann, Straf 11: Executive Departments and Administration)

HB 1620, relative to the issuance of walking disability placards. (Cobbin, Graf 11: Transportation)

HB 1621, relative to the membership of the advisory committee on shore fisheries. (Abbott, Rock 19; Raynowska, Rock 26: Wildlife and Marine Resources)

HB 1622-FN, relative to remedies and appeals under the whistleblowers' protection act. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1623, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats. (Fields, Hills 18; Roberge, Dist 9: Municipal and County Government)

HB 1624-FN, relative to the membership of the wetlands council. (Royce, Ches 9; Patenaude, Dist 7: Resources, Recreation and Development)

HB 1625-FN, relative to financial disclosure by elected officials. (Almy, Graf 14: Legislative Administration)

HB 1626-FN, relative to illegal gambling businesses. (Pepino, Hills 40; Chase, Graf 6: Criminal Justice and Public Safety)

HB 1627, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (Dyer, Hills 8: Finance)

HB 1628, relative to health care liability. (DePecol, Ches 14; Wall, Straf 9: Commerce)

HB 1629, relative to walking disability plates and placards. (Pilliod, Belk 3; Dodge, Rock 4; Bartlett, Belk 6; Calvert, Belk 5; Squires, Dist 12; Gordon, Dist 2: Transportation)

HB 1630-FN, relative to the transportation of high level radioactive waste. (A. Merrill, Straf 8; J. Bradley, Carr 8; Kaen, Straf 7; M. Smith, Straf 8; Russman, Dist 19; J. King, Dist 18: Science, Technology and Energy)

HB 1631-FN, extending the moratorium on new nursing home beds. (Kurk, Hills 5; Dowling, Rock 13; Squires, Dist 12: Finance)

HB 1632-FN-A-L, promoting the development of telecommunications planning and coordination at a statewide level, establishing incentives for local government investment in telecommunications infrastructure, and permitting local governments to franchise or otherwise levy and collect payments for use of the rights-of-way. (Fraser, Merr 21; Whipple, Dist 8; Larsen, Dist 15: Science, Technology and Energy)

HB 1633, restricting unsolicited commercial electronic mail. (MacGillivray, Hills 21: Commerce)

HB 1634, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. (Dyer, Hills 8: Education)

HB 1635-FN, establishing the crime of criminal storage of a firearm. (Fuller Clark, Rock 36; Woods, Rock 25; A. Pelletier, Straf 12; Cohen, Dist 24: Criminal Justice and Public Safety)

HB 1636-FN, relative to the executive director of fish and game and the fish and game commission. (Mock, Carr 3; Klemm, Rock 28; Pfaff, Merr 11; R. Rogers, Straf 15; MacNeil, Graf 7; Cohen, Dist 24; J. King, Dist 18; Patenaude, Dist 7: Executive Departments and Administration)

HB 1637-FN, repealing the requirement that the commissioner of the department of employment security maintain a state directory of new hires. (Mirski, Graf 12; Boyce, Belk 5: Judiciary and Family Law)

HB 1638-L, relative to the work program requirement for assisted persons who are single parents. (Guthrie, Rock 15: Municipal and County Government)

HB 1639-A-L, relative to U.S. Route 3 from Twin Mountain in Carroll to Clarksville and making an appropriation therefor. (G. Merrill, Coos 1; Davis, Coos 1; Moynihan, Coos 2; Tholl, Coos 5; Horton, Coos 3; F. King, Dist 1: Public Works and Highways)

HB 1640-FN, prohibiting the use of public resources for political purposes. (Root, Graf 8; Colburn, Merr 12; Alger, Graf 9; Christiansen, Hills 23; Larrabee, Merr 9: Executive Departments and Administration)

HB 1641-FN, requiring the sweepstakes commission to receive prior approval from the legislative fiscal committee and governor and council before advertising for lottery ticket and other sweepstakes ticket sales and reducing advertising expenditures. (Hansen, Hills 2: Local and Regulated Revenues)

HB 1642-FN, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program. (McRae, Hills 7; Heath, Rock 20; Musler, Straf 6: Resources, Recreation and Development)

HB 1643-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. (Burling, Sull 1: Executive Departments and Administration)

HB 1644-FN-A, relative to general fund operating budget surpluses. (Kurk, Hills 5; F. Torr, Straf 12; A. Torr, Straf 12; Blaisdell, Dist 10: Finance)

HB 1645, to eliminate secrecy in the handling of complaints by any state ethics committee or conduct board or commission. (Cobbin, Graf 11: Legislative Administration)

HB 1646-FN, removing the intent requirement for crimes of possession under the controlled drug law and increasing penalties for violations of the controlled drug law involving marijuana and hashish. (Boyce, Belk 5: Criminal Justice and Public Safety)

HB 1647-FN, allowing a person to be sentenced to up to 2 years of electronically-monitored home confinement probation for a class A misdemeanor and relative to drug testing of persons on home confinement probation. (Boyce, Belk 5: Criminal Justice and Public Safety)

HB 1648, restricting the transporting of passengers in the bed of trucks. (Christie, Rock 22: Transportation)

HB 1649-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a fixed income. (M. Brown, Merr 10; D. White, Hills 25; Cooper, Carr 2; Raynowska, Rock 26; F. Riley, Hills 44: Finance)

HB 1650-FN, relative to benefits under the unemployment compensation laws. (Guaraldi, Graf 14; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)

HB 1651, establishing a committee to study the protection of consumers relative to cable television rates and services. (Boutin, Hills 37; Root, Graf 8; J. Clemons, Hills 31; Lynde, Hills 24; Francoeur, Dist 14; Larsen, Dist 15; Podles, Dist 16; Fraser, Dist 4; J. King, Dist 18: Science, Technology and Energy)

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities. (Copenhaver, Graf 10; R. Foster, Carr 10; Podles, Dist 16; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 1653, relative to the composition of the board of barbering, cosmetology, and esthetics. (Stickney, Rock 26; Noyes, Rock 26: Executive Departments and Administration)

HB 1654, relative to consumer credit solicitations. (Sapareto, Rock 13: Commerce)

HB 1655-FN-A, relative to the authority of the length of service awards program committee, and making an appropriation therefor. (Dyer, Hills 8; W. Riley, Ches 7; Beaulieu, Rock 10; Langer, Merr 11; Robertson, Ches 18: Executive Departments and Administration)

HB 1656, relative to the law enforcement memorial. (K. Rogers, Merr 22: Public Works and Highways)

HB 1657, extending the consultant's reporting date for surveying the department of youth development services' facilities. (Lozeau, Hills 30: Finance)

HCR 20, recognizing the 100th anniversary of Old Home Day in New Hampshire. (Alger, Graf 9; Dickinson, Carr 2; Avery, Ches 8; Alukonis, Hills 23; Gordon, Dist 2; Larsen, Dist 15: Municipal and County Government)

HCR 21, encouraging the designation of the Connecticut River as an American Heritage River. (Akins, Graf 14; McGuirk, Ches 1; Hill, Graf 1; Schotanus, Sull 3; Horton, Coos 3; Gordon, Dist 2; Whipple, Dist 8: State-Federal Relations and Veterans Affairs)

HCR 22, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7; Russell, Ches 15; McGuirk, Ches 1; Johnson, Dist 3; Roberge, Dist 9; Podles, Dist 16; Blaisdell, Dist 10: State-Federal Relations and Veterans Affairs)

HCR 23, urging Congress to provide relief for the Palestinian Christians by direct aid or by negotiation with the government of Israel. (Luebkert, Hills 42: State-Federal Relations and Veterans Affairs)

HCR 24, urging Congress to enact legislation amending the Social Security Act to authorize issuance of waivers to states allowing design and implementation of alternative retirement plans. (Daniels, Hills 13: State-Federal Relations and Veterans Affairs)

HCR 25, requesting the U.S. Postal Service to issue a stamp commemorating the 200th anniversary of the United States naval shipyards. (Malcolm, Rock 22; Vaughn, Rock 35; Francoeur, Rock 22; J. McCarthy, Rock 24; Rosen, Belk 7; Barnes, Dist 17; Cohen, Dist 24: State-Federal Relations and Veterans Affairs)

HJR 20, finding that the contract requiring Public Service Company of New Hampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law. (Cushing, Rock 22; Lynde, Hills 24: Science, Technology and Energy)

HJR 21, requesting that the United States Congress return to the states the authority to regulate campaign finance. (J. Foster, Hills 33; Arnold, Hills 20; Pfaff, Merr 11; Patenaude, Dist 7; Rubens, Dist 5; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs)

HJR 22, requesting the government of the United States to adopt and ratify the international treaty to ban land mines. (J. Pratt, Ches 2; Bergin, Hills 16; MacAuslan, Hills 30: State-Federal Relations and Veterans Affairs)

HJR 23, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution. (MacGillivray, Hills 21; Below, Graf 13; J. Bradley, Carr 8: Science, Technology and Energy)

HJR 24-FN, requiring the department of transportation to re-align U.S. Route 1. (Cushing, Rock 22: Public Works and Highways)

HR 52, encouraging school districts to include special education students in drug education programs. (Leonard, Hills 39: Education)

HR 53, urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office. (Almy, Graf 14; Arnold, Hills 20; Root, Graf 8: State-Federal Relations and Veterans Affairs)

HR 54, amending House Rules 51, 52, and 64 for the 1998 legislative session. (Wheeler, Hills 7; Burling, Sull 1)

CACR 30, relating to the levy of taxes. Providing that no taxes shall be levied without the consent of the people through a referendum vote. (M. Brown, Merr 10; Colburn, Merr 12; Boyce, Belk 5; Stickney, Rock 26: Finance)

CACR 31, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; W. McCarthy, Hills 41: Judiciary and Family Law)

CACR 32, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. (Keans, Straf 16: Judiciary and Family Law)

CACR 33, relating to a minimum age restriction on New Hampshire house members. Providing that the minimum age shall be 21. (Murphy, Hills 42; Pilliod, Belk 3; Reidy, Hills 46; Gosselin, Hills 45; Root, Graf 8: Election Law)

CACR 34, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited. (M. Brown, Merr 10; F. Riley, Hills 44; Boyce, Belk 5; Colburn, Merr 12; Weyler, Rock 18: Finance)

CACR 35, relating to the nomination and appointment of judicial officers. Providing that all judicial officers shall be nominated and appointed by the governor with the advice and consent of the senate. (McCann, Straf 11; Cobbin, Graf 11; Hemon, Straf 11: Judiciary and Family Law)

CACR 36, relating to probate and district court judges. Providing that all probate and district court judges shall be full-time employees and have no administrative functions. (Mirski, Graf 12: Judiciary and Family Law)

CACR 37, relating to the administration of the courts. Providing that there shall be an independent administrative office of the courts. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

CACR 38, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11; McCann, Straf 11: Judiciary and Family Law)

CACR 39, relating to the subject matter of legislation which can be introduced by the general court in a second year session. Providing that the subject matter of legislation which can be introduced by the general court in a second year session be limited to proposed constitutional amendments, budget matters in the event of a fiscal emergency, and re-referred bills that have received a 2/3 vote for consideration in the second year session. (Carney, Hills 12: Legislative Administration)

CACR 40, relating to imposing limitations on state government spending. Providing that the legislative and executive budgets cannot be more than 98 percent of the previous year's revenues,

with the remainder being placed into a stabilization fund. (M. Brown, Merr 10; F. Riley, Hills 44; Leber, Merr 1; Weyler, Rock 18: Finance)

CACR 41, relating to clerks of court. Providing that beginning in 1999, clerks of the superior and district courts shall be elected instead of appointed and an elected clerk shall be removable upon petition by the governor with the advice and consent of the council. (Cobbin, Graf 11: Judiciary and Family Law)

CACR 42, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections. (Colburn, Merr 12; M. Brown, Merr 10; Rubens, Dist 5: Education)

CACR 43, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, multiplied by the most recent decennial federal census figure for the state of New Hampshire, divided by the number of legislators for the term elected. (Hemon, Straf 11: Legislative Administration)

VACATES

Rep. David Welch moved that the House vacate the reference to the Committee on Criminal Justice and Public Safety of **HB 1372**, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm.

Adopted and referred to Wildlife and Marine Resources.

Rep. O'Hearn moved that the House vacate the reference to the Education Committee of **HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board.

Adopted and referred to Municipal and County Government.

Rep. Metzger moved that the House vacate the reference to the Municipal and County Government Committee of **HB 1441**, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services.

Adopted and referred to Education.

Rep. Metzger moved that the House vacate the reference to the Municipal and County Government Committee of **HB 1623**, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats.

Adopted and referred to Environment and Agriculture.

committee ASSIGNMENTS

Rep. Eric Anderson on Commerce; off Municipal and County Government.

Rep. William S. Belvin on Finance.

Rep. Kevin J. Clemons on Wildlife and Marine Resources; off Environment and Agriculture.

Rep. Larry J. Cossette on Transportation

Rep. Robert R. Cushing on Science, Technology and Energy; off Legislative Administration.

Rep. Janeen A. Dalrymple on Labor, Industrial and Rehabilitative Services.

Rep. Suzan L. R. Franks on Environment and Agriculture; off Education.

Rep. Harry T. Hinman on State-Federal Relations and Veterans Affairs.

Rep. Warren C. Henderson on Education.

Rep. Richard F. Heon on Municipal and County Government.

Rep. Elizabeth K. Hoadley on Education; off Science, Technology and Energy.

Rep. Christine M. Konys on Executive Departments and Administration.

Rep. Robert J. Letourneau on State-Federal Relations and Veterans Affairs.

Rep. Roy D. Maxfield on Science, Technology and Energy; off Labor, Industrial and Rehabilitative Services.

Rep. Andrew R. Peterson on Judiciary and Family Law; off Executive Departments and Administration.

Rep. Terence R. Pfaff on Judiciary and Family Law; off State-Federal Relations and Veterans Affairs.

Rep. Jacqueline A. Pitts on State-Federal Relations and Veterans Affairs.

Rep. Marie N. Rabideau on Education.

Rep. Amy E. Robb-Theroux on Environment and Agriculture; off Resources, Recreation and Development.

Rep. Robert H. Rowe on Resources, Recreation and Development.

Rep. Frank J. Sapareto on Executive Departments and Administration.

Rep. John A. Simmons on Labor, Industrial & Rehabilitative Services; off State-Federal Relations and Veterans Affairs.

Rep. Edwin O. Smith on Legislative Administration.

Rep. George M. Wright on Labor, Industrial and Rehabilitative Services; off Education.

RESOLUTION

Reps Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Jeanne Shaheen.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Jeanne Shaheen.

RECESS

JOINT CONVENTION

(Speaker Sytek presiding)

The Speaker introduced Governor Jeanne Shaheen who addressed the Joint Convention.

Madam Speaker, Mr. President, honorable members of the Governor's Council, members of the House and Senate and my fellow citizens.

One year ago, I stood before you for the first time as Governor, as New Hampshire's first woman Governor, sharing the podium with New Hampshire's first woman Speaker. Madam Speaker, we have accomplished a lot working together. And, of course, working with you, too, Mr. Senate President. I am very happy that I have part of my family here with me this morning. I have my husband of 28 years, Billy, without whose help this past year would have been impossible. I also have my middle daughter, Stacey. My youngest daughter, Molly, is in school. My oldest daughter, Stephany, graduated this year and is finally working. Stacey is a freshman at UNH. She is out on semester break right now and if you'll excuse me for being a proud parent for a little while, we just learned that Stacey made the Dean's List her first semester.

One year ago, I pledged to you in this historic chamber and to everyone in our great state that I would bring people together to solve the problems we face. I urged you to join me to focus on what's

important to our families and our future; to put aside partisanship and instead choose leadership in tending to the people's business.

One year later, we have much progress to report and we have a new challenge to meet.

The Supreme Court has issued a challenge that will test our commitment to our children and their education; a challenge that will test our values and define our future; a challenge that can tear us apart or pull us together.

Once again, it's time for leadership, not partisanship. It's time to focus on what's important to our families and our future. It's time to come together to address all of the challenges that we face.

Over the past year, we've come together in triumph and in tragedy. When a madman struck in Colebrook, and a young police officer was killed in Epsom, we came together and honored the fallen, we shared the grief of their families and we rallied around their communities. Dealing with those tragedies taught me one very important lesson: that all the differences that we have here about politics and ideology are insignificant in the face of our duty to each other as citizens of this great state.

We know what we can accomplish when we work together. We've done a lot in one year. And New Hampshire is prospering. Today, I'm very happy to report that the state of our state is excellent. By almost any measure, we're leading New England and much of the nation.

The statistics are very impressive. We had the second lowest crime rate in the nation. We ranked fourth in the overall health of our people. Unemployment at its lowest rate since 1988. 16,000 new jobs in the past year. Wages up almost seven percent. State revenues \$38 million ahead of last year and 5.5 percent ahead of projections. Just this morning we saw more good news in the paper. Domestic violence is down in the past year. We've just had the longest period in New Hampshire's last ten years without a murder in this state.

Over the past year, we've worked hard to keep New Hampshire growing. We speeded up improvements to the state's roads and bridges. We made smart investments to increase New Hampshire tourism, promote New Hampshire products and expand international trade. The first governor-led trade mission outside of North America has created exciting new opportunities for our businesses.

We made changes to make government work better for less. We called in experts to make real estimates of state revenues to ensure honest, responsible budgets. We reformed the way we bid out the state employees health care benefits, and because of that we'll save almost \$10 million this year alone. We sent more money back to cities and towns to help provide property tax relief -- \$98 million more in this biennium than in the last.

I said we would make education a priority, and we did. We increased support for schools by 40 percent. Our kindergarten initiative is working. This fall, more school districts established public kindergarten than in any single year in New Hampshire history. And we have over two dozen districts looking at kindergarten for next year.

We've made a difference for students at all levels: a reading recovery initiative to make sure that every single child in New Hampshire learns to read; full funding of catastrophic aid; help for schools to use the assessment tests to improve student performance; a tax-free tuition savings plan for college; and almost 2 million additional dollars for our schools through the Goals 2000 program.

We did all that while we were cutting the deficit from more than \$44 million when I took office to just over \$1 million. We did all that without any new broad-based taxes. If we stay on track, the deficit will be gone in two years and it will be replaced by a surplus. We know we need to address the Claremont decision, but we can't let that or anything else pull us off the course we've set toward a balanced budget.

We've shown that we can put education first, make smart investments in our future and be fiscally responsible. So now let us turn together to face the future. As important as the Claremont decision is, we must not lose sight of the many other challenges and opportunities ahead of us.

We've set a course of steadily improving our schools, and we should be proud of what we've accomplished. But we can do better. Because our ultimate goal is to have schools that are not merely adequate, but that are world class – schools that will enable us to have the best prepared work force possible.

That's why I'll soon be announcing a Best Schools initiative to make New Hampshire an example for the nation of how to teach our children and prepare our people for the 21st century.

We're also going to work to help our children stay healthy. Today, 20,000 New Hampshire children have no health insurance - no protection if they get sick or injured. We have the opportunity to begin to expand health care coverage for our children. And, we should do it this year.

We need an economic plan to help ensure that New Hampshire continues to prosper and seizes the opportunities of the 21st century. We have filed an application, through our Office of State Planning, with the U.S. Department of Commerce for a grant that will help provide funding for us to develop that plan. We expect to hear later this month that we have been successful.

We'll also keep fighting to bring down the cost of electricity. I will keep pushing this issue in every forum possible until every family and every business in New Hampshire has lower electric bills. I will fight for as long as it takes, but I believe a settlement that lowers electric rates and brings competition is in the best interests of New Hampshire.

So today, I say to the management of Public Service Company and Northeast Utilities, you should recognize that it is in the best interests of your stockholders as well. Recognize that the pursuit of short-term profits at the expense of your New Hampshire customers is simply bad business. New Hampshire ratepayers have more than shared the burden of bringing PSNH out of bankruptcy. They have borne it on their backs. Now is the time for your stockholders to share the burden. You can win back the good will once associated with the name Public Service Company of New Hampshire. Competition is coming. Embrace it and work with us to lower electric rates.

I'm going to work not just for our economic security but for our personal security too. We know that we're not immune to violence, and when it occurs, it must be punished. Together with the Deputy Speaker and the Attorney General, we have crafted legislation that will strengthen our death penalty laws. Views on the death penalty are deeply held, and I respect the right of each of you to vote your conscience on this issue. But I believe that there are murders so heinous that the ultimate penalty is warranted, and I believe that our laws should cover those murders.

We must also build a new prison. We must build it now to relieve overcrowding and enhance public safety, and we must resolve the issue of the Lakes Region Facility once and for all. Next week, I will be introducing a new Corrections Commissioner, the Executive Council willing, and we will be working with that new Commissioner to take a fresh look at how to address these issues within the prison system.

These are all important issues facing our state. But the greatest challenge facing us comes from the Supreme Court's decision on the Claremont lawsuit. It is a challenge that will test all of us – our dedication to our children's education and their economic future; our steadfastness in meeting the court's timetable without being rushed to hasty decisions; and our creativity in finding a solution that preserves what is best about New Hampshire yet recognizes what must be changed. Most of all, it will test once again our ability to work together for the greater good of New Hampshire.

Let's start by being honest about this challenge. The full ramifications of the court's decision are far-reaching and filled with complexities. I've learned in my life to beware of those who rush forward with instant answers or simple solutions. They may make headlines, but they rarely make progress or solve serious problems.

I am confident that we will find a solution – if we work together and if we let ourselves be guided by common sense and dedication to our children's future.

The Supreme Court ruled that education is a fundamental right. That ruling did not tell us any thing that we didn't already know as parents. That's what this issue should be about – our children and their education. About every parent who looks at their children with hope. About providing opportunity for every child while respecting the pocketbook of every parent.

We are not the first state to face this kind of decision. Eighteen other states have been in the same position. We need to learn from their mistakes and profit from their successes. While facing a court order is not unique, we must find a solution that is uniquely New Hampshire.

As we work to find the answer, I will follow three fundamental guidelines. First, I will oppose any new broad-based tax. Our citizens don't want one, and I don't believe the court ruling requires one. Second, I believe that local control is one of the great strengths of our educational system. Anything we do must preserve the right of local communities to control our schools. Third, our solution must ensure the quality of our children's education. We must find a way to lift up those schools that need help without dragging the others down.

We must accept this responsibility to our children, not avoid it by rewriting the constitution. This issue is not, as some have suggested, a simple choice between passing new broad-based taxes or rewriting our constitution. And it is not a simple choice between local control and a state takeover of our schools.

We've heard those voices before. Only a year ago, those same voices said that we could not expand kindergarten without broad-based taxes or a state takeover. Those same voices also said that accepting Goals 2000 funds would take away local control. Together we proved those voices wrong.

Over the past year, we've shown that the old choices – between doing nothing and overturning New Hampshire values and traditions – are not the only choices. Let us prove them wrong again. We can preserve what is best about New Hampshire, and still move forward to change what needs to be changed. We can, and we must.

One year ago, I stood before you and said that the people do not look to us for partisanship; they look to us for leadership. They do not judge us by our party, by our ideology or by our gender, but by the quality of our work – the quiet, steady work of people striving together to make tomorrow a little better than today.

The work ahead of us will not be easy. It will be very hard. But I have faith in the people of New Hampshire and in this legislature. I know the good this legislature is capable of accomplishing. I

have seen it firsthand for six years as a member of the state senate and as your governor for the last 12 months.

I have every confidence that we can rise to meet the challenge. As we do so, let us be guided by our hope that future generations will look back and express thanks for the work we did in this session. God willing, we will succeed. Thank you.

Sen. Blaisdell and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

The Rules Committee offered the following:

HOUSE RESOLUTION NO. 54

amending House Rules 51, 52, and 64 for the 1998 legislative session.

Resolved by the House of Representatives:

That House Rule 51 be amended to read as follows:

51. ~~[The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House Calendar.]~~ No bill shall be on a Consent Calendar unless the committee to which the bill was referred approves its placement on the Consent Calendar by a unanimous vote in executive session. Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All matters remaining on the Consent Calendar shall be acted upon without debate.

That House Rule 52 be amended to read as follows:

52. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. ***A motion to suspend the rules is debatable.***

That House Rule 64 be replaced with the following:

64. Legislative action in the second-year session shall be subject to the following deadlines:

January 7, 1998, Wednesday Opening day

January 29, 1998, Thursday Last day to act on remaining

re-referred bills not in second committee

February 4, 1998, Wednesday	Last day to report re-referred bills from a second committee	
February 11, 1998, Wednesday	Last day to report House bills going to a second committee	
February 12, 1998, Thursday	Last day to act on remaining re-referred bills from a second committee	
February 19, 1998, Thursday	Last day to act on all House bills going to a second committee	
February 20, 1998, Friday	Last day to report remaining House bills not in a second committee	
February 23, 1998, Monday -		
February 27, 1998, Friday	Break	
March 18, 1998, Wednesday	Last day to report all House bills from a second committee	
March 26, 1998, Thursday-CROSSOVER	Last day to act on all remaining House bills	
April 8, 1998, Wednesday	Last day to report all Senate bills going to a second committee	
April 15, 1998, Wednesday	Last day to report all Senate bills which have not been referred to a second committee-	except
Finance		
April 29, 1998, Wednesday	Last day to report all remaining Senate bills	
May 7, 1998, Thursday	Last day to act on remaining Senate bills	
May 14, 1998, Thursday	Last day to form Committees of Conference	
May 21, 1998, Thursday	Last day to file Committee of Conference reports	
May 26, 1998, Tuesday	Committee of Conference reports available	

May 28, 1998, Thursday
reports

Last day to act on Committee of Conference

June 3, 1998, Wednesday

All bills to the Governor

Rep. Robertson spoke against.

Reps. Wheeler and Burling spoke in favor and yielded to questions.

Adopted.

Rep. Dodge offered a floor amendment.

Floor Amendment (0211h)

Amend House Rule 44.(a) to read as follows:

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule 64 ***in the manner provided for in Rule 51, and*** with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.

Amend House Rule 45.(c) to read as follows:

(c) When a bill comes before the House ***for debate***, the body shall first consider the ~~[printed majority report of the committee]~~ ***ought to pass motion as provided for in Rule 51***. The Speaker shall not permit a motion to substitute any permitted alternative report for the Committee Report until the House has properly disposed of the majority report.

Amend House Rule 51 to read as follows:

51. The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House Calendar. ~~[No]~~ ***Each*** bill shall be on a Consent Calendar unless ***the bill includes a minority report or*** the committee to which the bill was referred approves ~~[its placement on the Consent Calendar]~~ ***reporting the bill out without placement on the Consent Calendar*** by a unanimous vote in executive session. ***Any bill reported out for debate shall be presented on the floor with an Ought to Pass Motion regardless of any committee report recommendation. Following the Ought to Pass Motion the bill shall be presented for third reading.*** Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up ~~[at the conclusion of the Regular Calendar]~~ ***no later than the second scheduled session from the date of the Consent Calendar from which the bill was removed.*** All matters remaining on the Consent Calendar shall be acted upon without debate.

Reps. Dodge, Alger and Root spoke in favor.

Reps. Henderson, Burling and Gene Chandler spoke against.

Rep. Dodge requested a roll call; sufficiently seconded.

The question being the adoption of the Dodge floor amendment.

YEAS 49 NAYS 299

YEAS 49

BELKNAP

Boyce, Robert Laflam, Robert

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

DePecol, Benjamin Robertson, Timothy Steere, Myron, III

COOS

None

GRAFTON

Akins, Ralph Alger, John Cobbin, Philip Guaraldi, Lawrence

Mirski, Paul Phinney, William Root, John Weber, Phil

HILLSBOROUGH

Ameen, W. Batula, Peter Brundige, Robert Christiansen, Lars

Dwyer, Paul, Sr. Fenton, James Holley, Sylvia Jean, Loren

Letendre, Evelyn Marcinkowski, Michael Morello, Michael Murch, George

Vaillancourt, Steve White, Donald

MERRIMACK

Brown, Mary Colburn, Thomas Hoadley, Elizabeth Krueger, Patricia

Lamach, Bernard Lavoie, Gerard

ROCKINGHAM

Camm, Kevin Dodge, Robert Dolan, Richard Dunham, Vivian
Fesh, Robert Griffin, Mary Guthrie, Joseph Mikowski, Walter
Raynowska, Bernard Reardon, Neil Sapareto, Frank Smith, Kevin
Stickney, Nancy

STRAFFORD

Cossette, Larry

SULLIVAN

Kibbey, David

NAYS 299

BELKNAP

Bartlett, Gordon Boriso, Thomas Calvert, Alice Clark, Charles
Golden, Paul Holbrook, Robert Hurt, George Lawton, David
Lawton, Robert Pilliod, James Rice, Thomas, Jr. Salatiello, Thomas
Thomas, John Turner, Robert

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp
Howard, Godfrey Kenney, Joseph Lyman, L. Randy MacDonald, Kenneth
Mock, Henry Patten, Betsey Philbrick, Donald

CHESHIRE

Avery, Stephen Bonneau, Sarah Burnham, Daniel Champagne, Richard
Doucette, Richard Hunt, John Lynch, Margaret Lynott, Margaret
Manning, Joseph McGuirk, Paul McNamara, Wanda Meader, David
O'Connell, John Pratt, Irene Pratt, John Richardson, Barbara

Riley, William Royce, H. Charles Russell, Ronald Smith, Edwin

Vogl, John

COOS

Bradley, Paula Davis, Perley Guay, Lawrence Hawkinson, Marie

Horton, Lynn Mears, Edgar Merrill, Gerald Moynihan, Wayne

Pratt, Leighton St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Almy, Susan Below, Clifton Brown, Channing Chase, Paul, Jr.

Connolly, Steven Copenhaver, Marion Eaton, Stephanie Guest, Robert

Ham, Bonnie Hill, Richard Hinman, Harry LaMott, Paul

Lovett, Sidney Luker, Elsa MacNeil, Allen Nordgren, Sharon

Teschner, Douglass Trelfa, Richard Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon Alukonis, David Amidon, Eleanor Arnold, Thomas, Jr.

Baroody, Benjamin Barry, William, III Belvin, William Bergin, Peter

Bernier, Shannon Boutin, David Buckley, Raymond Calawa, Leon, Jr.

Cardin, Lori Carlson, Donald Carney, Lauren Chabot, Robert

Clay, Susan Clegg, Robert, Jr. Cote, Peter D'Allesandro, Lou

Daigle, Robert Daniels, Gary Dawe, Eileen Desrosiers, William

Dokmo, Cynthia Durham, Susan Dyer, Merton Emerton, Lawrence, Sr.

Flora, Kathleen Foster, Joseph Foster, Linda Franks, Suzan

Gage, Ruth Gagnon, Eugene Ginsburg, Ruth Golding, William

Gosselin, Gerald Goulet, Maurice Haettenschwiller, Alphonse Hall, Betty

Hansen, Herbert Herman, Keith Holt, David Johnson, Lionel

Kelley, Robert Konys, Christine Kurk, Neal L'Heureux, Robert

LaRose, Richard Lefebvre, Roland Leishman, Peter Leonard, Peter

Lessard, Rudy Lozeau, Donnalee Luebkert, Bernard Lynde, Harold

MacGillivray, Jeffrey MacIntyre, Doris McCarthy, William McCarty, Winston

McDonald, James, Sr. McGough, Tim McRae, Karen Melcher, Harold

Mercer, Robert Messier, Irene Milligan, Robert Mittelman, David

Murphy, Robert O'Hearn, Jane O'Rourke, Thomas Pepino, Leo

Perkins, Paul Peterson, Andrew Piteri, Dawn Reidy, Frank

Rowe, Robert Sargent, Maxwell Searles, Stanley, Sr. Thulander, O. Alan

Turgeon, Roland Wheeler, Robert White, Jay

MERRIMACK

Anderson, Eric Burney, Carol Crosby, Toni Crowell, Peter

Daneault, Gabriel DeStefano, Stephen Dunn, Miriam Feuerstein, Martin

Fraser, Marilyn French, Barbara Gile, Mary Hager, Elizabeth

Hess, David Jacobson, Alf Langer, Ray Larrabee, David

Leber, William Lockwood, Robert Marshall, Kenneth Maxfield, Roy

Moore, Carol Morrill, Olive Nichols, Avis Owen, Derek

Pfaff, Terence Seldin, Gloria St. Cyr, Gerard Wallin, Jean

Wallner, Mary Jane Whalley, Michael Whittemore, James Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Arndt, Janet Battles-Peirce, Marjorie Beaulieu, Jon

Belanger, Ronald Bishop, Franklin Blanchard, MaryAnn Carson, Gregory

Case, Margaret Christie, Andrew, Jr. Clark, Martha Coes, Betsy

Cooney, Richard Cushing, Robert Dalrymple, Janeen Dearborn, Bruce

Dowd, Sandra Downing, Michael Felch, Charles, Sr. Flanagan, Natalie

Flanders, John, Sr. Francoeur, Sheila Frechette, Joseph Gibbons, Paul

Gleason, John Heath, John Henderson, Warren Hutchinson, Rebecca
 Johnson, Robert Kane, Cecelia Katsakiores, George Katsakiores, Phyllis
 Kelley, Jane Klemm, Arthur, Jr. Kobel, Rudolph Langone, John
 Letourneau, Robert Lovejoy, Marian Major, Norman Malcolm, Kenneth
 McCarthy, John, Jr. McKinney, Betsy Micklon, Stephanie Moore, Benjamin
 Norelli, Terie Nowe, Ronald Noyes, Richard Packard, Sherman
 Pantelakos, Laura Pitts, Jacqueline Rabideau, Marie Sabella, Norma
 Schanda, Frank Simmons, John Anthony Stone, Joseph Syracuse, Anthony
 Tufts, J. Arthur Varrell, Thomas Vaughn, Charles Verani, Giovanni
 Weatherspoon, Jackie Welch, David Weyler, Kenneth Woods, Deborah

STRAFFORD

Berube, Roger Brennan, William Brown, Julie Callaghan, Frank
 DeChane, Marlene Dunlap, Patricia Estabrook, Iris Grassie, Anne
 Hemon, Roland Heon, Richard Kaen, Naida Keans, Sandra
 Knowles, William Lundborn, Raymond McKinley, Robert Merrill, Amanda
 Merritt, Deborah Musler, George Pelletier, Arthur Rogers, Rose Marie
 Rollo, Michael Smith, Marjorie Snyder, Clair Sullivan, Henry
 Taylor, Kathleen Torr, Ann Torr, Franklin Tsiros, William
 Twardus, Joseph Vachon, Dennis Vincent, Francis Wall, Janet

SULLIVAN

Adler, Rudolf Allison, David Burling, Peter Cloutier, John
 Donovan, Thomas Ferland, Brenda Leone, Richard Lindblade, Eric
 Palmer, Lorraine Robb-Theroux, Amy Schotanus, Merle Wiggins, Celestine

and the Dodge floor amendment failed.

Rep. Jacobson offered a floor amendment.

Floor Amendment (0231h)

House Rule 49(b) is repealed and reenacted to read as follows:

49.(b) In its deliberations a committee of conference shall be limited to those amendments of any bill or resolution that are contained in either the House or Senate version of the bill or resolution.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Lozeau spoke against.

On a division vote, 140 members having voted in the affirmative and 204 in the negative, the Jacobson floor amendment failed.

The Ethics Committee offered the following:

LEGISLATIVE ETHICS COMMITTEE

Proposed Amendment to Ethics Guidelines

At its meeting on December 15, 1997, the Committee unanimously voted to amend the Ethics Guidelines, subject to approval by the General Court in accordance with RSA 14-B:3, II, by adopting a revised Financial Disclosure Form. The amendment, in its entirety, is printed below.

Rep. Jeb E. Bradley, Chairman; Sen. Richard L. Russman, Vice-Chairman; Sen. John A. King; Rep Sarah K. Bonneau; Shawn N. Jasper; Peter C. Scott

ETHICS GUIDELINES

3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

Every representative, representative-elect, senator, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January [15] 31 of each year for the preceding calendar year.

The remainder of Section 3 is repealed and reenacted to read as follows:

FINANCIAL DISCLOSURE FORM

FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF

THE GENERAL COURT

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer _____

(print name)

Address _____

street

town/city

zip code

Office _____ County/District _____

Telephone Number _____

Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you are or were an officer, director, associate, partner, proprietor, employee, or member, or served in any advisory capacity, from which you derived any income (including retirement benefits) in excess of \$10,000 during the preceding calendar year.

1) a) Name of organization _____

b) Address of organization _____

c) Type of organization _____

2) a) Name of organization _____

b) Address of organization _____

c) Type of organization _____

3) a) Name of organization _____

b) Address of organization _____

c) Type of organization _____

(attach additional sheets if necessary)

Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below.

My income does not qualify _____.

The foregoing information is true to the best of my knowledge and belief.

Signature of Legislator/Officer

Complete and return to the Office of Secretary of State no later than January 31, —

Rep. Jeb Bradley spoke in favor.

Adopted.

RECESS

(Speaker Sytek in the Chair)

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 721, prohibiting certain tobacco or alcohol advertising within drug-free school zones, removed by Rep. Mirski.

HB 204-FN-L, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners, removed by Rep. Dolan.

HB 353, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes., removed by Rep. William McCarthy.

SB 66, allowing a state resident to obtain a license for a pistol or revolver for life, removed by Rep. Clegg.

CACR 9, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives., removed by Rep. Mirski.

HB 647-FN-A-L, relative to a centralized computer checklist of voters and making an appropriation therefor., removed by Rep. Arndt.

HB 535, relative to the regulation of architects., removed by Rep. Mirski.

HB 108-FN-A, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses., removed by Rep. McGuirk.

HB 734-FN, requiring district courts to hold evening sessions., removed by Rep. John McCarthy.

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities., removed by Rep. Dokmo.

HB 676-FN-L, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality., removed by Rep. Kibbey.

HB 627-FN, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources., removed by Rep. Kenney.

HB 371, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources., removed by Rep. Rubin.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the Consent Calendar.

YEAS 248 NAYS 8

YEAS 248

BELKNAP

Boyce, Robert Calvert, Alice Clark, Charles Golden, Paul

Holbrook, Robert Hurt, George Salatiello, Thomas Thomas, John

Turner, Robert Veazey, John

CARROLL

Babson, David, Jr. Chandler, Gene Howard, Godfrey Lyman, L. Randy

MacDonald, Kenneth Patten, Betsey Philbrick, Donald

CHESHIRE

Burnham, Daniel DePecol, Benjamin Doucette, Richard Hunt, John

Lynch, Margaret Manning, Joseph Meader, David Pratt, Irene

Richardson, Barbara Robertson, Timothy Royce, H. Charles Smith, Edwin

Steere, Myron, III

COOS

Bradley, Paula Coulombe, Henry Davis, Perley Hawkinson, Marie
Horton, Lynn Mears, Edgar Merrill, Gerald Moynihan, Wayne
Pratt, Leighton St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Alger, John Almy, Susan Brown, Channing Chase, Paul, Jr.
Cobbin, Philip Connolly, Steven Copenhagen, Marion Guaraldi, Lawrence
Guest, Robert Ham, Bonnie Hill, Richard Hinman, Harry
LaMott, Paul Lovett, Sidney MacNeil, Allen Nordgren, Sharon
Phinney, William Root, John Trelfa, Richard

HILLSBOROUGH

Alukonis, David Amidon, Eleanor Arnold, Thomas, Jr. Batula, Peter
Belvin, William Bergin, Peter Brundige, Robert Buckley, Raymond
Burke, M. Virginia Calawa, Leon, Jr. Cardin, Lori Carlson, Donald
Carney, Lauren Christiansen, Lars Clay, Susan Clegg, Robert, Jr.
Daigle, Robert Desrosiers, William Dokmo, Cynthia Drabinowicz, A. Theresa
Durham, Susan Dyer, Merton Emerton, Lawrence, Sr. Fenton, James
Fields, Dennis Flora, Kathleen Gage, Ruth Golding, William
Gosselin, Gerald Haettenschwiller, Alphonse Hansen, Herbert Herman, Keith
Holley, Sylvia Holt, David Hunter, Bruce Johnson, Lionel
Kelley, Robert Konys, Christine Kurk, Neal L'Heureux, Robert
LaRose, Richard Lefebvre, Roland Leishman, Peter Leonard, Peter
Lessard, Rudy Letendre, Evelyn Lozeau, DonnaLee Lynde, Harold
MacGillivray, Jeffrey McCarthy, William McCarty, Winston McDonald, James, Sr.
McGough, Tim Melcher, Harold Mercer, Robert Milligan, Robert
Mittelman, David Murphy, Robert O'Hearn, Jane O'Rourke, Thomas

Pepino, Leo Perkins, Paul Piteri, Dawn Reidy, Frank
Riley, Frances Rowe, Robert Sargent, Maxwell Searles, Stanley, Sr.
Thulander, O. Alan Turgeon, Roland Vaillancourt, Steve Wheeler, Robert
White, Donald White, Jay Williams, Carol

MERRIMACK

Anderson, Eric Burney, Carol Crosby, Toni Crowell, Peter
Daneault, Gabriel Dunn, Miriam Feuerstein, Martin French, Barbara
Hess, David Hoadley, Elizabeth Jacobson, Alf Lamach, Bernard
Langer, Ray Larrabee, David Lavoie, Gerard Leber, William
Lockwood, Robert Marshall, Kenneth Maxfield, Roy Moore, Carol
Owen, Derek Pfaff, Terence St. Cyr, Gerard Wallin, Jean
Wallner, Mary Jane Whalley, Michael Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Arndt, Janet Battles-Peirce, Marjorie Beaulieu, Jon
Belanger, Ronald Bishop, Franklin Blanchard, MaryAnn Carson, Gregory
Case, Margaret Cegelis, Mark Clark, Martha Cooney, Richard
Dalrymple, Janeen Dearborn, Bruce Dodge, Robert Dolan, Richard
Downing, Michael Dunham, Vivian Fesh, Robert Flanders, David
Flanders, John, Sr. Francoeur, Sheila Frechette, Joseph Griffin, Mary
Guthrie, Joseph Heath, John Henderson, Warren Kane, Cecelia
Katsakiores, Phyllis Klemm, Arthur, Jr. Kobel, Rudolph Langone, John
Lovejoy, Marian Major, Norman McCarthy, John, Jr. McKinney, Betsy
Mikowski, Walter Moore, Benjamin Morris, Debbie Nowe, Ronald
Pantelakos, Laura Pitts, Jacqueline Rabideau, Marie Raynowska, Bernard
Sabella, Norma Sapareto, Frank Schanda, Frank Smith, Kevin

Stickney, Nancy Stone, Joseph Syracuse, Anthony Tufts, J. Arthur
Varrell, Thomas Vaughn, Charles Welch, David Weyler, Kenneth
Woods, Deborah

STRAFFORD

Berube, Roger Bickford, David Brown, Julie Callaghan, Frank
DeChane, Marlene Grassie, Anne Heon, Richard Kaen, Naida
Knowles, William Lundborn, Raymond McKinley, Robert Musler, George
Rollo, Michael Sullivan, Henry Torr, Franklin Tsiros, William
Twardus, Joseph Vachon, Dennis Wall, Janet

SULLIVAN

Adler, Rudolf Allison, David Cloutier, John Donovan, Thomas
Ferland, Brenda Kibbey, David Leone, Richard Lindblade, Eric
Robb-Theroux, Amy Wiggins, Celestine

NAYS 8

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Weber, Phil

HILLSBOROUGH

Jean, Loren Marcinkowski, Michael Martin, Mary McRae, Karen

MERRIMACK

None

ROCKINGHAM

Camm, Kevin Stritch, C. Donald

STRAFFORD

McCann, William, Jr.

SULLIVAN

None

and the Consent Calendar was adopted.

Rep. Loren Jean voted nay and intended to vote yea.

Rep. Malcolm did not vote and wished to be recorded in favor.

HB 147, relative to disclosure of certain information relating to tobacco products. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill will allow the New Hampshire Department of Health and Human Services to access public information from Massachusetts and will require this information to be distributed to New Hampshire residents. Vote 16-0.

Amendment (0131h)

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

1 New Section; Access and Dissemination Required. Amend RSA 78 by inserting after section 12-d the following new section:

78:12-e Access and Dissemination of Information Required.

I. For the purpose of protecting the public health, the commissioner of the department of health and human service shall obtain annually from the state of Massachusetts, Department of Public Health, or other sources if they become available, a public report containing the list of additives for each brand of tobacco products sold.

II. The department shall make available to the public any information received under paragraph I above.

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

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to obtain certain information regarding tobacco products and to disclose such information to the public.

HB 263-FN, relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: The committee found numerous regulatory and practical flaws in this bill. Since the National Association of Insurance Commissioners is in the process of revising its Viatical Settlements Model Act, the committee felt it worthwhile to wait and review the revised Act. Vote 14-2.

HB 359, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The sponsor and the committee felt this legislation was no longer needed. Vote 16-0.

HB 409, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The sponsor and the committee felt this legislation was no longer needed. Vote 16-0.

HB 451, providing that health care providers shall determine the appropriate course of patient treatment. REFER FOR INTERIM STUDY

Rep. Keith R. Herman for Commerce: The committee will be looking at the financial arrangements between physicians and health insurers and hospitals and the impact of such arrangements on patient care and access. The committee will look at capitation, global fees, community capitation, withholdings, bonuses, financial incentives, financial disincentives, fee-for-service, referral pools, physician fees, usual and customary fees, economic credentialing and shifting of financial risk. Vote 16-0.

HB 505, revising provisions relative to smoking in indoor public places.
OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: This bill makes certain changes to RSA 155:65 relative to smoking in indoor public places which will clear up ambiguities in the current law, as well as strengthen the department's ability for enforcement and rulemaking (albeit sunseting such rulemaking in two years.) Nothing in the legislation imposes further requirements on the business community with regard to indoor smoking. This legislation extends the right to local communities to adopt more stringent smoking regulation if they are so inclined. Vote 17-1.

Amendment (0153h)

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

AN ACT relative to smoking in indoor public places.

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

1 Definition; Effectively Segregated. Amend the introductory paragraph of RSA 155:65, V to read as follows:

V. "Effectively segregated" means all of the following conditions have been met:

2 Definition Expanded. Amend RSA 155:65, XI to read as follows:

XI. "Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in grades kindergarten through 12. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, restrooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms and storage areas.

3 Employees of Grocery Stores Added; Smoking Prohibited. Amend RSA 155:66, V to read as follows:

V. Grocery stores by customers and employees, except when such employees are in an effectively segregated smoking-permitted area exclusive of customer areas.

4 New Paragraph; Rulemaking Added. Amend RSA 155:71 by inserting after paragraph I the following new paragraph:

I-a. Criteria for smoking-permitted areas in a manner that effectively segregates areas, in accordance with RSA 155:65, V, where smoking may be permitted in the facilities under RSA 155:66, I and II.

5 New Paragraph; Rulemaking Added. Amend RSA 155:71 by inserting after paragraph V the following new paragraph:

VI. A schedule of administrative fines, pursuant to RSA 155:74, I.

6 Noncompliance Procedures. Amend RSA 155:73 to read as follows:

155:73 Noncompliance. If an employee or user of a building or facility determines or believes that the person in charge or others are not complying with this subdivision or rules adopted pursuant to this subdivision, a complaint shall be registered with the person in charge. A complaint may also be registered by the department on behalf of any employee or user of a building or facility. If the complaint is not resolved within one calendar month, the complainant may proceed under the complaint procedures established by the commissioner under RSA 155:71.

7 Investigations and Fines. RSA 155:74, I is repealed and reenacted to read as follows:

I. If, after investigation, the department determines that a violation of this subdivision or the rules adopted under this subdivision has occurred, the department may impose an administrative fine against a person in charge in accordance with RSA 155:76, II. The commissioner shall adopt rules in accordance with RSA 541-A relative to administrative fines, which shall be subject to the limitations in RSA 155:76, II and scaled to reflect the scope and severity of the violation. Fines may be imposed only after notice and hearing, if requested. The sums obtained from the levying of administrative fines under this subdivision shall be forwarded to the state treasurer to be deposited into the general fund.

8 Fines Increased. RSA 155:76 is repealed and reenacted to read as follows:

155:76 Enforcement; Penalties.

I. The person in charge, or designee, may call law enforcement authorities if any person refuses to refrain from smoking in an area where smoking is prohibited. Any person who smokes in an enclosed public place where smoking is prohibited shall be guilty of a violation and subject to a fine of not less than \$100.

II. A person in charge who violates a provision of this subdivision or rules adopted under this subdivision shall be subject to an administrative fine not to exceed \$100 for each occurrence. Failure to correct a violation or repeated violations shall subject the person in charge to an administrative fine not to exceed \$500 for each occurrence.

9 New Section; Local Ordinances. Amend RSA 155 by inserting after section 77 the following new section:

155:78 Local Ordinances. Nothing in this subdivision shall be construed to supersede or in any manner affect a county, municipality, town, or city ordinance to restrict or prohibit smoking, provided that the provisions of any such ordinance are no less stringent than the provisions of this subdivision.

10 Repeal. RSA 155:71, I-a, relative to certain rulemaking is repealed.

11 Effective Date.

I. Section 10 of this section shall take effect January 1, 2001.

II. The remainder of this act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill makes certain changes in the Indoor Smoking Act. Specifically, this bill increases certain fines and adds administrative fines and adds temporary rulemaking to adopt criteria for effectively segregated smoking areas in certain facilities.

HB 541, relative to long-term care insurance. REFER FOR INTERIM STUDY

Rep. George Hurt for Commerce: The subcommittee met to hear further testimony concerning how legislation would impact rates for Long Term Care insurance and how other states react to the NAIC Model Act for LTC insurance. It was felt by the subcommittee that mandating LTC insurance optional benefits while the current market conditions address the same issues would not be in the best interest of the consumer. The committee felt that the current market adequately provides those products which most people understand and contract for. Further, the committee expressed concern because this subject, at best, is complex to the consumer, while we are cognizant that the state should be mindful of the long-term effect this matter will have on the State of New Hampshire and its administration of care for the elderly. The committee strongly urges, because of the complexity of the subject, specifically HB 541 and its amendment, that the bill be sent to interim study. Vote 15-1.

HB 548-FN, limiting access to certain business records. REFER FOR INTERIM STUDY

Rep. Gregory G. Carson for Commerce: The committee wants to continue the ability to legislatively protect New Hampshire small businesses from over-zealous revenue collectors from other states if other solutions can not be agreed to by the concerned parties. Vote 17-1.

HB 594-FN-L, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes. INEXPEDIENT TO LEGISLATE

Rep. Anthony Syracuse for Commerce: The primary concern addressed in this bill has been covered in HB 701 which passed in the 1997 session. Municipalities may now choose not to take property if it will incur a financial liability. In addition, this bill would unfairly shift financial

liability to condominium associations and would create a double standard.
Vote 16-0.

HB 670-FN, relative to telemarketing registration and fraud prevention. OUGHT
TO PASS WITH AMENDMENT

Rep. Gregory G. Carson for Commerce: This legislation provides a first step in providing New Hampshire consumers with a means for reducing the number of unwanted solicitation telephone calls. The legislation prohibits the solicitor (calling party) from blocking caller identification from the consumer (called party.) Vote 14-2.

Amendment (0145h)

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

AN ACT prohibiting telephone solicitors from using caller identification blocking services.

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

1 Caller Identification Added. Amend the chapter heading of RSA 359-E to read as follows:

USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS

AND CALLER IDENTIFICATION SERVICES

2 New Paragraphs; Definitions Added. Amend RSA 359-E:1 by inserting after paragraph I the following new paragraphs:

I-a. "Caller identification information" means:

(a) The telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed; or

(b) Other information that may be used to identify the specific originating number or originating location of a wire or electronic communication transmitted by a telephone instrument.

I-b. "Caller identification service" means a service offered by a telecommunications utility that provides caller identification information to a device capable of displaying the information.

I-c. "Per-call blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on an individual call if the calling party acts affirmatively to prevent the transmission of the caller identification information.

I-d. "Per-line blocking" means a telecommunications service that prevents the transmission of caller identification information to a called

party on every call unless the calling party acts affirmatively to release the caller identification information.

3 New Section; Blocking Prohibited. Amend RSA 359-E by inserting after section 5 the following new section:

359-E:5-a Blocking Prohibited. No person using an automated telephone dialing system or any other method for solicitation in this state shall use any method, including per-call blocking or per-line blocking, that prevents caller identification information for the telephone solicitor's lines used to make telephone calls to a residential telephone subscriber from being shown by a device capable of displaying caller identification information. The caller identification information displayed shall contain a telephone number at which the telephone solicitor may receive a telephone calls if the telephone solicitor leaves a message on a telephone answering device or uses an automatic telephone dialing system that plays a recorded message when a connection is completed to a telephone number.

4 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill prohibits persons using automatic telephone dialing systems or any other method of solicitation from using caller identification blocking services.

HB 691, requiring large employers to offer their employees long-term care insurance. INEXPEDIENT TO LEGISLATE

Rep. George Hurt for Commerce: The sub-committee met twice during the summer to consider this piece of important legislation. The committee recognized the importance of individuals assuming responsibility for their own long-term care (LTC.) The committee is also cognizant that it is imperative for the general public to be educated in this area for their own welfare, as well as the State of New Hampshire. However, the sub-committee felt that mandatory legislation upon employers and businesses is an unnecessary intrusion. More importantly, the committee feels further study from the LTC Institute should be encouraged and should ,with emphasis, specifically address those issues that favor incentives, i.e., businesses that offer LTC through payroll deduction on a voluntary basis. Vote 17-0.

HB 798, relative to the bonding requirement for health clubs. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: This bill serves to put both the buyer and the seller of health club services on notice as to their mutual obligations, i.e., the buyer to read the contract carefully and the seller to provide clear and legible information concerning the financial packages available. Vote 13-1.

Amendment (0126h)

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

AN ACT relative to the regulation of health clubs.

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

1 Bond Requirements. Amend RSA 358-I:2, I and II to read as follows:

358-I:2 Registration; Surety Bond; Escrow of Deposits.

I. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a health club within this state shall file a registration statement with the attorney general. Such registration statement shall be updated [semiannually] annually, and shall contain the name and address of the health club; the names and addresses of the officers, directors, and stockholders of the health club and its parent corporation, if such an entity exists; the type of available facilities; a written list of each piece of equipment and each service which the club has available for use by buyers; approximate size of the health club measured in square feet; whether or not a shower area is provided; the names and addresses of employees who provide guidance, instruction, or training to members, and their respective qualifications for employment in the health club field; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health club and any of its officers or directors within the last 3 years.

II. Each health club registering pursuant to this chapter shall maintain in the files of the health club a copy of its registration statement filed pursuant to this section. [This registration statement] A current registration certificate issued by the bureau of consumer protection and antitrust, department of justice, shall be posted or placed at all times in a conspicuous place and the registration statement shall be made available for inspection by current health club members or prospective purchasers of health club memberships; provided, however, that the addresses of employees need not be disclosed, nor shall the attorney general publicly disclose such addresses except in connection with the prosecution of legal proceedings instituted under this chapter or other provisions of the RSA.

2 Increasing Allowable Refund Liability. Amend RSA 358:I:2, IV(b) to read as follows:

(b) Establishes to the satisfaction of the attorney general that its membership refund liability does not exceed [\$1,000] \$5,000.

3 Notice. Amend RSA 358-I:3, II to read as follows:

II. Each prepaid contract shall state in at least 10 point boldface type the following:

(a) "NOTICE TO BUYER: DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ ALL OF IT. ALSO, DO NOT SIGN THIS CONTRACT IF IT CONTAINS ANY BLANK SPACES."

(b) "STATE LAW REQUIRES THAT THIS HEALTH CLUB REGISTER WITH THE BUREAU OF CONSUMER PROTECTION AND ANTITRUST OF THE DEPARTMENT OF JUSTICE AND MAY REQUIRE THAT THIS CLUB POST A BOND OR OTHER SECURITY WITH THE ATTORNEY GENERAL TO PROTECT CUSTOMERS WHO PAY INITIATION FEES OR WHO PAY IN ADVANCE FOR MEMBERSHIP OR SERVICES IN THE EVENT THIS CLUB CLOSES. YOU SHOULD ASK TO SEE EVIDENCE THAT THIS CLUB HAS EITHER POSTED A BOND IN COMPLIANCE WITH THE LAW OR HAS BEEN EXEMPTED FROM THIS REQUIREMENT BY THE ATTORNEY GENERAL BEFORE YOU SIGN THIS CONTRACT. IF THIS CLUB HAS NOT POSTED SUCH A BOND, AND YOU PAY THIS HEALTH CLUB FOR MORE THAN ONE MONTH'S MEMBERSHIP OR SERVICES IN ADVANCE, THEN YOU ARE PAYING FOR FUTURE SERVICES, AND YOU MAY BE RISKING THE LOSS OF YOUR MONEY IN THE EVENT THAT THE CLUB CEASES TO CONDUCT BUSINESS."

4 Month-to-Month Membership. Amend RSA 358-I:5 to read as follows:

358-I:5 Length of Membership contract; Automatic Renewal Prohibited; Mandatory Month-to-Month Membership.

I. No contract for health club services shall be for a term of more than [2 years] one year, nor shall any health club contract contain an automatic renewal clause. A contract may provide for a renewal option for continued membership, but any such renewal must be accepted in writing by a buyer and is effective only upon payment of the renewal price. Under no circumstances may a contract for health club services be renewed more than 30 days before the contract's expiration date.

II. Every seller shall offer a month-to-month membership option in addition to any other term contract the seller offers. The availability of month-to-month memberships shall be stated in any written or broadcast advertisement, posting or marketing materials that describe any other membership option the seller offers. No seller may limit the availability of month-to-month memberships in any manner in which the seller does not also limit the availability of any term contract. No seller may accept payment or enter into a contract for a term contract until the buyer has been informed both orally and in writing of the availability of the month-to-month membership. Month-to-month memberships shall offer the same access to health club facilities and services that term contracts offer. A buyer may cancel a month-to-month membership option with 30 days written notice to the seller, for any reason, and have no further obligation to the seller. The provisions of this paragraph shall apply to a university, college or educational institution to the extent that it offers health club services to the general public, but shall not apply to a university, college or educational institution in its offer of health club services to its student body.

5 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill:

(1) Requires health clubs to annually update the registration statement which is filed with the department of justice.

(2) Increases the membership refund liability for purposes of the exemption from the bonding requirement.

(3) Requires sellers of health club services to offer month-to-month memberships.

SB 10, relative to funds for prearranged funerals or burial plans. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: This bill provides for notification when a funeral director transfers funds, paid for funerals in advance, from one financial institution to another. Vote 14-0.

Amendment (0020h)

Amend the bill by replacing section 1 with the following:

1 Transfer Procedure Clarified. Amend RSA 325:45 to read as follows:

325:45 Funds to be Deposited. All moneys paid during a person's lifetime to any individual, firm, association, partnership, or corporation engaged in performing funeral services by such person or by someone in such person's behalf under an agreement that services be performed or merchandise be delivered in connection with the disposition of such person's body after the person's death shall be deposited by the payee within 30 days after receipt in a separate account in a bank, trust company, credit union, savings institution, licensed insurance company, or bonded, registered broker-dealer in this state in the name of the payee as mortuary trustee for the person for whose benefit the payment was made, and shall be held in such account together with any interest accrued. Nothing in this section shall be construed to prevent transfer of such funds to another such bank, trust company, credit union, savings institution, licensed insurance company, or bonded, registered broker-dealer by merger or consolidation or by operation of law. A mortuary trustee shall provide evidence of the original deposit and any subsequent deposits to the payor within 30 days after deposit into the separate account and shall provide evidence of any subsequent transfer of funds, as permitted by this section, to the payor within 30 days after effecting such transfer of funds. A copy of a written receipt or statement of deposit issued by the bank, trust company, credit union, savings institution, licensed insurance company, or bonded, registered broker-dealer, shall be sufficient as evidence of deposit or transfer for the purposes of this section. For purposes of this section, a mortuary trustee shall include any person or organization holding money in trust in connection with a pre-paid funeral.

SB 100-FN, establishing a New Hampshire film and television commission. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory G. Carson for Commerce: This legislation, as amended, authorizes the Commissioner of Department of Resources and Economic Development to appoint a five-member commission to develop a report on suggestions for potential legislation regarding the development of the film industry in New Hampshire. Vote 12-1.

Amendment (0142h)

Amend RSA 12-A:36, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. The members of the commission, all of whom shall be appointed by the commissioner of the department of resources and economic development, shall be as follows:

(a) Three individuals representing the film and television industry.

(b) Two members of the general public with an interest in the film industry.

IV. The term of office for the members shall be 3 years and until a successor is appointed. The initial members of the commission shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses.

Amend the bill by replacing section 3 with the following:

3 Report. The commission established under section 2 of this act shall file a report no later than November 1, 1999, with the governor, the president of the senate, the speaker of the house and the chairperson of the senate executive departments and administration committee. The report shall include the progress made, any problems encountered, future needs and goals, and suggestions for potential legislation.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 4 of this act shall take effect June 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

HB 152, relative to permissible fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill contains the latest list of those "safe and sane" consumer fireworks that have been approved by the statutory committee that tests and reviews the

offerings of the fireworks industry. Those devices deemed safe for use in New Hampshire by our citizens in areas where they are not prohibited are listed in the amendment. The reason is that the Department of Safety that has responsibility for promulgating rules containing this list has not been able to do so for last year's offering (1996) and is unlikely to be able to do so for this year's list. The department has lost two key employees who produce the rules under RSA 541-A. During the last session a similar bill was passed to allow the legal sale and use of some of the fireworks tested during the fall of 1995. The committee is considering removing the requirement for the Department of Safety to promulgate rules and amend current law with the applicable rules thus eliminating the annual delay. Vote 12-1.

Amendment (0075h)

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

1 New Subparagraph; Certain Items Added to Definition of Permissible Fireworks. Amend RSA 160-B:1, V-b by inserting after subparagraph (h) the following new subparagraph:

(i) The following items listed by department of transportation reference number:

- (1) EX-8306058.
- (2) EX-8306108.
- (3) EX-8306336.
- (4) EX-8307002.
- (5) EX-8310043.
- (6) EX-8310044.
- (7) EX-8401060.
- (8) EX-8401222.
- (9) EX-8402328.
- (10) EX-8405088.
- (11) EX-8407201.
- (12) EX-8408026.
- (13) EX-8408240.
- (14) EX-8408359.

- (15) EX-8409021.
- (16) EX-8409109.
- (17) EX-8409142.
- (18) EX-8411085.
- (19) EX-8502137.
- (20) EX-8710383.
- (21) EX-8805121.
- (22) EX-8810274.
- (23) EX-8810276.
- (24) EX-8812047.
- (25) EX-8812103.
- (26) EX-8812105.
- (27) EX-8812108.
- (28) EX-8903063.
- (29) EX-8903185.
- (30) EX-8911225.
- (31) EX-9011076.
- (32) EX-9102141.
- (33) EX-9103277.
- (34) EX-9112095.
- (35) EX-9204312.
- (36) EX-9206183.
- (37) EX-9207128.
- (38) EX-9210016.
- (39) EX-9301133.
- (40) EX-9303127.

- (41) EX-9405144.
- (42) EX-9405146.
- (43) EX-9405222.
- (44) EX-9407197.
- (45) EX-9408110.
- (46) EX-9410181.
- (47) EX-9411054.
- (48) EX-9503151.
- (49) EX-9503164.
- (50) EX-9503167.
- (51) EX-9503168.
- (52) EX-9503170.
- (53) EX-9503171.
- (54) EX-9505108.
- (55) EX-9508012.
- (56) EX-9508013.
- (57) EX-9510143.
- (58) EX-9510144.
- (59) EX-9602032.
- (60) EX-9604049.
- (61) EX-9605074.
- (62) EX-9605076.
- (63) EX-9609049.
- (64) EX-9703045.
- (65) EX-9705020.

(66) Sky Happiness, Department of Transportation reference number Ex-pending.

(67) Nice Jewelry, Department of Transportation reference number Ex-pending.

(68) Crackling Candle Barrage, Department of Transportation reference number Ex-pending.

(69) Red, White & Blue Roman Candles, Department of Transportation reference number Ex-pending.

2 Gender Neutral. Amend RSA 160-B:3, I(a) and (b) to read as follows:

(a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which [he has] shall be in [his] such person's possession at the time of display and which has not been revoked or suspended.

(b) Has obtained a municipal permit to display issued pursuant to RSA 160-B:7 which [he has] shall be in [his] such person's possession and which has not been revoked or suspended.

3 Gender Neutral. Amend RSA 160-B:4, I(a) to read as follows:

(a) A person who has in [his] the person's possession a certificate of competency issued pursuant to RSA 158:9-f and a valid permit to display issued pursuant to RSA 160-B:7.

4 Gender Neutral. Amend RSA 160-B:4, II to read as follows:

II. Any person who violates the provisions of this section shall be guilty of a violation unless [he] the person possesses with intent to sell, in which case [he] such person shall be guilty of a misdemeanor.

5 Gender Neutral. Amend RSA 160-B:6, I and II to read as follows:

I. Any person who desires to sell fireworks as limited by RSA 160-B:2 may apply to the municipality in which [he] such person desires to sell fireworks. The licensing board of any municipality or, if one does not exist, the chief of police, the fire chief, or the governing body may issue a permit to sell fireworks to a person who applies, provided that the person has a valid permit for the sale of fireworks issued pursuant to title 18 of the United States Code. The municipality may charge a fee for the permit or application for permit under this section.

II. After the person has obtained a municipal permit to sell fireworks [he] such person may apply for a state license to sell fireworks. Upon application of any person, the commissioner, or a person designated by the commissioner, may issue a license authorizing the applicant to sell or market fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell fireworks pursuant to RSA 160-B:6, I. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The license

shall be displayed at all times, openly and publicly, at the licensee's place of business. The original of the license shall be delivered to the licensee and the duplicate shall be preserved by the commissioner. The license shall be issued within a reasonable time after application.

6 Gender Neutral. Amend RSA 160-B:6, IX to read as follows:

IX. No person under the age of 21 shall be engaged in the business of handling or selling any fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell fireworks if [he is] under the direct supervision of a person 21 years of age or older.

7 Gender Neutral. Amend RSA 160-B:7, V to read as follows:

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, [he] the chief may revoke the permit.

8 Gender Neutral. Amend RSA 160-B:14 to read as follows:

160-B:14 Immediate Suspension Authority. Notwithstanding any other provision of law to the contrary, the commissioner may immediately suspend a license issued pursuant to RSA 160-B:6 if the commissioner has evidence that the licensee is selling fireworks contrary to any of the provisions of RSA 160-B or any rules adopted under this chapter. Any person whose license is suspended pursuant to this section shall be given the opportunity for a hearing within 10 days of the suspension. Any person found to be selling fireworks after [his] the person's license has been suspended pursuant to this section shall not have [his] the license reinstated for a minimum of one year from the date of suspension.

9 Repeal. RSA 160-B:1, V-b(i), relative to certain permissible fireworks, are repealed.

10 Effective Date of Repeal. Section 9 of this act shall take effect when the commissioner of safety has adopted rules under RSA 160-B:8, V-c relating to recommendations of the permissible fireworks committee regarding the items listed in RSA 160-B:1, V-b(i) as inserted by section 1 of this act, as certified to the secretary of state by the director of legislative services.

11 Effective Date.

I. Section 9 of this act shall take effect as provided in section 10 of this act.

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

AMENDED ANALYSIS

Section 1 of this bill includes certain items in the definition of permissible fireworks, thereby requiring such items to be regulated under RSA 160-B. The remainder of this bill amends certain RSA provisions making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

HB 271, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program.
INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: After careful evaluation by a subcommittee over the summer, it was felt that this bill should be Inexpedient to Legislate, inasmuch as the work of such a committee as proposed by this bill had already been accomplished by the subcommittee. Consequently, the recommendation was to submit an entirely new bill with recommended changes to the current DWI intervention detention program. Vote 13-0.

HB 414, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs.
INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The Impaired Driver Intervention Program (IDIP) applies to first time DWI offenders who must pay the cost of this program to the contract provider, and not the state, as one of the requirements necessary for completion and for license restoration. Additionally, the offender must then pay a \$40 reissue fee to the Department of Safety before having the motor vehicle operator's license returned. Therefore, the committee felt that it was not in the state's best interest to consider a late fee. Vote 11-0.

HB 420, relative to administrative review of suspended or revoked motor vehicle licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill makes certain changes to the administrative motor vehicle license suspension law that has been passed twice by the House in recent years - in 1994 (HB 1569) and in 1995 (HB 498). Both times the bills died in the Senate. This year the committee continues to believe these changes are needed to make the administrative suspension law work better and so again unanimously recommends passage. The proposed changes are an attempt to streamline the hearings process. The bill enumerates four specific criteria which may establish that a breath and a blood or urine test for alcohol have been properly administered. Once the criteria have been established, the burden is on the driver to prove by a preponderance of the evidence that the test was not

properly administered. The bill also limits the scope of the administrative review or hearing to specific procedural issues. Vote 13-0.

Amendment (0063h)

Amend the bill by replacing section 1 with the following:

1 Administrative License Suspension; Alcohol Concentration Tests.
Amend RSA 265:91-a, I to read as follows:

I. If any person refuses a test as provided in RSA 265:92 or submits to a test described in RSA 265:84 which [discloses an alcohol concentration] shows a reported value of 0.08 or more or, in the case of a person under the age of 21, 0.02 or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which [disclosed an alcohol concentration] shows a reported value of 0.08 or more, or, in the case of a person under the age of 21, 0.02 or more.

Amend the bill by deleting section 2 and renumbering the original sections 3-7 to read as 2-6, respectively.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill:

I. Establishes criteria by which a breath test and a blood or urine test may be established to have been properly administered.

II. Replaces the law relative to the scope of administrative hearings for serious traffic offenses.

HB 467-FN, relative to felonious activities relating to wireless telephone cloning. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill has been amended to make a correction to language passed in the 1997 session defining illegal telephone cloning. This amendment establishes the combination of equipment that would allow cellular telephone numbers to be "harvested" for reuse as illegal or "cloned" cellular phones. The clarification identifies the items that when possessed in combination could be used as evidence for the prosecution of individuals engaged in the gathering or harvesting phone numbers and serial numbers of legal cellular phones for resale to others. The amendment is necessary to avoid entrapment of those who normally possess certain types of electronic equipment for legal pursuits. Vote 16-0.

Amendment (0067h)

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

AN ACT clarifying the definition of "telephone cloning paraphernalia."

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

1 Definition; "Telephone Cloning Paraphernalia." Amend the introductory paragraph of RSA 638:21, IX to read as follows:

IX. "Telephone cloning paraphernalia" means materials, including at least one of the items in subparagraph (a), (f), (g), or (h), that, when possessed in combination, are capable of creating a cloned cellular telephone. Telephone cloning paraphernalia includes, but is not limited to:

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

AMENDED ANALYSIS

This bill clarifies the definition of "telephone cloning paraphernalia".

HB 480, revising the law relative to protection of persons from domestic violence. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill, as amended, clarifies the Domestic Violence statutes, Chapter 173-B. The various provisions of Chapter 173-B have been put into a more logical order, and the definitions of what constitutes abuse have been made easier to understand. Care has been taken to protect the rights of the accused as well as the rights of the plaintiff. The study process extended throughout the summer to ensure that every interested party had the opportunity to testify. Vote 14-0.

Amendment (0066h)

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

1 Cross Reference Revised; Department of Safety Investigations. Amend
RSA 159-C:2, I(a) to read as follows:

(a) Review its criminal history records and any protective order records in its possession, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or protective order under RSA [173-B:6] 173-B;

2 Chapter Revised; Protection of Persons From Domestic Violence. RSA
173-B is repealed and reenacted to read as follows:

CHAPTER 173-B

PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

173-B:1 Definitions. As used in this chapter:

I. "Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner:

(a) Assault or reckless conduct as defined in RSA 631:1 through 631:3.

(b) Criminal threatening as defined in RSA 631:4.

(c) Sexual assault as defined in RSA 632-A:2 through 632-A:5.

(d) Interference with freedom as defined in RSA 633:1 through 633:3-a.

(e) Destruction of property as defined in RSA 634:1 and 634:2.

(f) Unauthorized entry as defined in RSA 635:1 and 635:2.

(g) Harassment as defined in RSA 644:4.

II. "Applicant" means any private, town, city or regional agency or organization applying for funds under RSA 173-B:16.

III. "Commissioner" means the commissioner of the department of health and human services.

IV. "Contact" means any action to communicate with another either directly or indirectly, including but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

V. "Coordinator" means the agency or organization appointed by the commissioner to administer the domestic violence grant program.

VI. "Cross orders for relief" means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.

VII. "Deadly weapon" means any weapon as defined in RSA 625:11, V.

VIII. "Department" means the department of health and human services.

IX. "Domestic violence" means abuse as defined in RSA 173-B:1, I.

X. "Family or household member" means:

(a) Spouses, ex-spouses, persons cohabiting with each other, persons who cohabited with each other but who no longer share the same residence; and

(b) Parents and other persons related by consanguinity or affinity other than minor children who reside with the defendant.

XI. "Firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by force of gunpowder.

XII. "Foreign protective order" is an order enforceable under RSA 173-B:13.

XIII. "Fund" means the special fund for domestic violence programs established by RSA 173-B:15.

XIV. "Grantee" means any private, town, city, or regional agency or organization receiving funds under RSA 173-B:16.

XV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

XVI. "Mutual order for relief" means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.

XVII. "Program" means services or facilities provided to domestic violence victims.

173-B:2 Jurisdiction and Venue.

I. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter.

II. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff temporarily resides.

III. Proceedings under this chapter may be transferred to another court upon the motion of any party or of the court as the interests of justice or the convenience of the parties may require.

IV. In any county where the family division is located, the family division shall have jurisdiction over domestic violence cases consistent with 1995, 152.

173-B:3 Commencement of Proceedings; Hearing.

I. Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III. The plaintiff shall be permitted to supplement or amend the petition if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.

II.(a) The minority of the plaintiff shall not preclude the court from issuing protective orders against a present or former intimate partner, spouse, or ex-spouse under this chapter.

(b) A minor plaintiff need not be accompanied by a parent or guardian to receive relief or services under this chapter.

III. No filing fee or fee for service of process shall be charged for a petition under this section, and the plaintiff may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.

IV. The clerks of the district and superior courts shall supply forms for petitions and for relief under this chapter designed to facilitate pro se proceedings.

V. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause of action involving the same parties arising out of the same situation on which the district court action is based, the case shall be transferred to the superior court to be heard as if originally entered in the superior court, unless the district court determines that the interests of justice or expediency require the district court to exercise jurisdiction. Any transfer to the superior court under this paragraph shall be made as soon as practicable following entry of the action.

VI. The findings of facts shall be final, but questions of law may be transferred to the supreme court in the same manner as from the superior court.

VII. The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.

VIII. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

173-B:4 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile. Such telephonically issued orders shall be made by a district or superior court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the district court where the plaintiff resides or has fled to, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no later than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, VII. Such temporary relief shall direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(4) Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child.

(5) Denying the defendant visitation, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring plaintiff and defendant to have contact regarding the exchange of children.

(6) Restraining the defendant from contacting the plaintiff or entering plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or any family or household member.

(7) Restraining the defendant from abusing the plaintiff, plaintiff's relatives regardless of their place of residence, or plaintiff's household members in any way.

(8) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(9) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant, for the duration of the protective order.

(b) Other relief, including but not limited to:

(1) The exclusive use and possession of an automobile, home and household furniture;

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.

173-B:5 Relief.

I. A finding of abuse shall mean the defendant represents a credible threat to the physical safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership or possession of the defendant or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent or mortgage payments.

(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:

(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.

(B) The department may move at any time to rescind its custody of the parties' minor children.

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring plaintiff and defendant to have contact regarding the exchange of children.

(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.

(8) Directing the abuser to engage in batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.

(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(10) Ordering the defendant to pay reasonable attorney's fees.

II. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the

plaintiff protective orders based solely on a lapse of time between an act of domestic violence and the filing of a petition.

III. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or title to real or personal property.

IV.(a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13, VII.

(b) Cross orders for relief may be granted only if:

(1) The court has made specific findings that each party has committed abuse against the other; and

(2) The court cannot determine who is the primary physical aggressor.

V. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

VI. Both parties shall be issued written copies of any orders issued by the court and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.

VII. No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.

(a) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(b) If a defendant is restrained from contacting the plaintiff or entering the premises of the plaintiff, an invitation by the plaintiff to do so does not waive or nullify an order for protection.

(c) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

VIII.(a) A copy of each protective order issued under this chapter shall be transmitted to the department of safety by computer. An

emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.

(b) The department of safety shall enter information regarding the protective order into the state data base and make information regarding the protective order available to police and sheriff departments statewide.

(c) The issuing court shall notify the department of safety upon expiration or termination of a protective order.

(d) Notwithstanding any other provision of law, the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

IX.(a) Upon expiration of the protective orders, the defendant may request by motion to the court, return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency during the protective orders. The plaintiff shall receive notice and may object. The court shall hold a hearing to determine whether such firearms and ammunition and specified deadly weapons shall be returned to the defendant. Unless the protective orders are extended, firearms and ammunition and specified deadly weapons shall be returned to the defendant. The court shall issue to both parties a written decision detailing the rationale for its findings.

(b) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons.

(c) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.

173-B:6 Guardian Ad Litem. In all proceedings under this chapter, the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. The guardian ad litem may continue to serve after the final disposition of the case.

173-B:7 Minority Not a Preclusion for Services. The minority of any individual seeking assistance from any domestic violence or sexual assault program, as defined by RSA 173-C:1, shall not preclude provision of such requested services.

173-B:8 Notification.

I. A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted to the local law enforcement agency having jurisdiction to enforce such order.

II. Temporary orders shall be promptly served on the defendant by a peace officer. Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be responsible for informing the court of any changes of address. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

III. Any court-ordered changes or modifications of the order shall be effective upon issuance of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency and transmitted to the department of safety within 24 hours of the entry of such changes or modifications.

173-B:9 Violation of Protective Order; Penalty.

I.(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms and ammunition and/or deadly weapons until the court issues an order directing that the firearms and ammunition and/or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition and/or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under RSA 173-B, RSA 458:16, III, or any foreign protective order which meets the requirements of RSA 173-B:13. In accordance with RSA 625:9, charges made under this chapter shall not be reduced to a lesser charge.

IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a foreign protective order which meets the requirements of RSA 173-B:13, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse shall be sentenced to an enhanced penalty for each subsequent offense as follows:

(a) There shall be no enhancement under this section if the subsequent offense is a class A felony or an unclassified felony;

(b) If the subsequent offense is a class B felony, it shall be sentenced as a class A felony;

(c) If the subsequent offense is a class A misdemeanor, it shall be sentenced as a class B felony;

(d) If the subsequent offense is a class B misdemeanor, it shall be sentenced as a class A misdemeanor.

(e) If the subsequent offense is a violation, it shall be sentenced as a class B misdemeanor.

V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.

173-B:10 Protection by Peace Officers.

I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:

(a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.

(b) Transporting or obtaining transportation for the victim and any child, to a designated place to meet with a domestic violence counselor, local family member, or friend.

(c) Assisting the victim in removing toiletries, medication, clothing, business equipment, and any other items determined by the court.

(d) Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of domestic violence. The written notice shall include a statement substantially as follows:

"If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a designated meeting place for a crisis center, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department."

II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between these persons if that history can reasonably be obtained by the officer.

173-B:11 Notice to the Victim.

I. Notwithstanding the peace officer's obligations in RSA 173-B:9 and 10, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to seek a private criminal complaint.

II. It shall be the responsibility of the office of the clerk of the court to advise victims that they may request that the judge issue an order which shall include removing any and all firearms and ammunition in the control, ownership, or possession of the defendant and may include:

- (a) Restraining the defendant from abusing the victim.
- (b) Directing the defendant to leave and stay away from the victim's premises and curtilage.
- (c) Giving the victim custody of any minor children, denying the defendant visitation, or requiring that visitation be supervised to ensure safety for the victim and minor children.
- (d) Directing the defendant to support the victim and any minor children if the defendant has the legal responsibility to support either or both.
- (e) Restraining the defendant from contacting the victim, or entering the victim's place of employment, school, or any specified place frequented regularly by the victim or any family or household member.
- (f) Restraining the defendant from abusing, in any way, the victim, household members, or victim's relatives, regardless of their place of residence.
- (g) Restraining the defendant from taking, converting, or damaging property in which the victim may have a legal or equitable interest.
- (h) Directing the defendant to temporarily relinquish to the peace officer specific deadly weapons in the control, ownership or possession of the defendant which may have been used, or been threatened to be used, in an incident of abuse against the victim or any member of the victim's household.

(i) Ordering the defendant to pay the victim monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(j) Ordering the defendant to pay reasonable attorney's fees.

173-B:12 Emergency Care; Limitation and Liability. Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence including, but not limited to transportation, shall not impose civil liability upon the peace officer or the peace officer's supervisors or employer if the care or assistance is rendered in good faith, unless the act or omission is a result of gross negligence or willful misconduct.

173-B:13 Orders Enforceable.

I. Any protective order issued under this chapter shall be effective throughout the state, in all districts and counties.

II. Any protective order issued by any other state, tribal, or territorial court related to domestic or family violence, including an ex parte order, shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person against whom the order was made was given reasonable notice and opportunity to be heard. There shall be a presumption in favor of validity where an order appears authentic on its face.

III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout as if the order were issued in New Hampshire. If the order of the issuing state affords greater protection than RSA 173-B, its provisions shall be enforced by the New Hampshire authorities.

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The office of the clerk of the district court shall forward such order to the state police who shall enter such order in the state data base. Such filing shall not be a pre-condition to arrest or enforcement of a foreign order.

V. A peace officer may rely upon a copy of any protective order issued under this chapter, RSA 458, or a foreign protective order as defined in this section, which has been provided to the peace officer by any source.

VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect

VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:

(a) A cross or counter petition, complaint or other written pleading was filed seeking such protection order; and

(b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.

173-B:14 Orders of Support.

I. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children including, but not limited to, actions for divorce or custody pursuant to RSA 458; paternity, pursuant to RSA 168-A; child support, pursuant to RSA 161-B, RSA 161-C, and RSA 458; reimbursement of public assistance, pursuant to RSA 161-C; and the uniform reciprocal enforcement of support act, pursuant to RSA 546; shall take judicial notice of any support obligation established pursuant to this chapter upon the filing of a certified copy of the district court order in the superior court by:

(a) Either party to the domestic violence proceeding.

(b) The department.

(c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.

II. Any superior court order for financial support shall include enforcement of any duly filed district court order from the date of filing forward, and shall include enforcement of any arrears which have been:

(a) Reduced to judgment by the district court;

(b) Documented by the department pursuant to an order to make payable through the department; or

(c) Documented by the obligee in a notarized statement, provided that the obligor shall have 30 days to object and request a hearing on the issue of arrears.

173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence programs is established. The sole purpose of the fund shall be to provide revenues for the domestic violence program established in RSA 173-B:16, which shall not be available for any other purpose. The state treasurer shall deposit all fees received by the department under RSA 457:29 in the fund. All moneys deposited in the fund shall be continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

173-B:16 Grant Program Established. A grant program is established within the department for the allocation of grant money to New Hampshire

programs which provide aid and assistance to victims of domestic violence. The grant program shall be funded by the fund established under RSA 173-B:15.

173-B:17 Duties of the Commissioner. The commissioner shall:

I. Administer the grant program established in RSA 173-B:16 through a coordinator. The costs of administration shall be covered by the fund, and shall not exceed 2 percent.

II. Adopt rules, under RSA 541-A, relative to procedures under which interested New Hampshire programs may apply for funding.

III. Appoint the coordinator.

IV. Enter into a contract with the coordinator, subject to the approval of the governor and council.

173-B:18 Selection of Coordinator. The commissioner shall be satisfied that the organization or agency chosen as the coordinator shall be qualified to provide at least those services listed in RSA 173-B:20.

173-B:19 Compensation for Coordinating Domestic Violence Grant Program. Compensation for the functions and duties of coordinating the program shall not exceed 30 percent of the total revenues of the fund.

173-B:20 Duties of Coordinator. The coordinator shall be a statewide organization or agency which has demonstrated its ability, at a minimum, to:

I. Serve as a clearinghouse for information relating to domestic violence.

II. Conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.

III. Provide technical assistance to local domestic violence programs in the areas of budget, management, and other such skills.

IV. Enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.

V. Provide coordination and supervision of programs.

VI. Assist the commissioner in the administration of the fund.

VII. Publicize the availability of the fund, the date by which applications must be received, and act on all applications within 45 days of the application deadline.

VIII. Notify each agency or organization in writing whether or not it is eligible for funds, and specify the amount available.

IX. Publicize the availability of domestic violence programs to the public.

X. Provide training for court advocates and social services agency advocates to accompany domestic violence victims.

XI. Apply for and receive any federal funds for which this program may be eligible.

XII. Ensure, as far as possible, that grants are awarded on a reasonable geographical basis throughout the state.

XIII. Obtain and evaluate reports from each grantee, at least annually, on its operations under this chapter.

173-B:21 Criteria for Selection of Direct Service Grantees. The coordinator shall use all of the following criteria for selecting grantees:

I. A grantee's ability to provide direct services to victims of domestic violence as follows:

(a) Shelter or safe homes on a 24-hours-a-day, 7-days-a-week basis.

(b) A 24-hours-a-day, 7-days-a-week switchboard for crisis calls.

(c) Temporary housing and food facilities.

(d) Psychological support and peer counseling.

(e) Referrals to existing services in the community and follow-up on the outcome of the referrals.

(f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.

(g) Arrangements for school-aged children to continue their education during their stay at the center.

(h) Emergency transportation to a shelter, and when appropriate, arrangements with local law enforcement for assistance in providing such transportation.

(i) Trained court advocates and social service agency advocates to accompany domestic violence victims.

II. A grantee shall be a private or private nonprofit organization, or a public agency.

III. A grantee shall demonstrate the need for the services proposed by the program.

IV. A grantee shall establish its ability to secure community support and its efficiency of administration.

V. A grantee shall receive at least 50 percent of its funding from sources other than the fund, including town, city, county, federal, or private sources. Contributions in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

173-B:22 Confidentiality. All persons who are employed, appointed, or who volunteer under this chapter shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees, except for reasons of safety for other shelter residents or staff.

173-B:23 Referral. Where centers are available, any law enforcement officer who investigates an alleged incident of domestic violence shall advise the person subject to such violence of the availability of programs from which that person may receive services.

173-B:24 Rights Reserved. A person shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household with or without the children to avoid further domestic violence.

173-B:25 Severability. If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Cross Reference Revised; Definition of "Domestic Violence Center." Amend RSA 173-C:1, II to read as follows:

II. "Domestic violence center" means any organization or agency which would qualify as a direct service grantee under RSA [173-B:19] 173-B:21.

4 Cross Reference Revised; Marriage License Fees. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA [173-B:13] 173-B:15. The clerk shall retain the remaining \$7 as [his] the fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

5 New Paragraph; Domestic Violence Protective Orders Issued in Divorce Cases; Form. Amend RSA 458:16 by inserting after paragraph I the following new paragraph:

I-a. Permanent domestic violence protective orders issued as part of a divorce decree shall be issued on a domestic violence protective order form under RSA 173-B.

6 Cross Reference Revised; Preparing Checklists. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, address, and mailing address if different, and party affiliation, if any, of each voter on the checklist. The address and mailing address, if different, of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA [173-B:4] 173-B. A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.

7 Effective Date. This act shall take effect January 1, 1999.

HB 559-FN, relative to crimes against persons under 13 years of age. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The amendment allows courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age if the crime meets the criteria spelled out in RSA 651:6. The amendment adds RSA 630:3 (negligent homicide) to the list. The amendment also changes the current wording of RSA 651:6, "18 years or older" to: "A convicted person." Vote 13-0.

Amendment (0047h)

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

AN ACT allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against person under 13 years of age.

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

1 Extended Term of Imprisonment. Amend the introductory paragraph of RSA 651:6, I to read as follows:

I. [If a court finds that a convicted person is 18 years of age or older, he] A convicted person may be sentenced according to paragraph II if the court also finds, and includes such findings in the record, that:

2 Extended Term of Imprisonment. Amend RSA 651:6, I(f) to read as follows:

(f) He has committed or attempted to commit any of the crimes defined in RSA 630:3, I, 631 or 632-A against a person under 13 years of age; or

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

AMENDED ANALYSIS

This bill allows courts to impose an extended term of imprisonment upon a person of any age who has committed or attempted to commit a specified crime against a person under 13 years of age.

HB 565-FN, relative to penalties for joy-riding and car theft across state lines. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: After studying the joy-riding issue for a period of time, the issue narrowed down to the prosecutor having to prove that the individual taking the vehicle did not intend to return it. We have made it a violation for persons under 18 to possess tobacco products and treat those over 12 years of age as an adult for purposes of prosecution, yet we treat minors who steal automobiles whose value may exceed \$20,000 to \$30,000 as having a "joy-ride." This disparity sends a wrong message to our young citizens. The committee agreed the taking of a vehicle is a serious crime with potentially serious consequences, not only for the victim of the theft but for the individual taking the vehicle, and therefore should be more properly addressed under the theft statutes. The circumstances of the act will dictate whether or not a prosecution should go forward under the theft statutes. The amendment repeals the joy-riding statutes. Vote 14-0.

Amendment (0074h)

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

AN ACT relative to unauthorized use of a propelled vehicle or animal.

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

1 Repeal. RSA 634:3, relative to unauthorized use of propelled vehicle or animal, is repealed.

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

AMENDED ANALYSIS

This bill repeals the law prohibiting the unauthorized use of propelled vehicle or animal.

HB 583-FN-L, relative to felonious disarming of a law enforcement officer.
OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill has been amended to establish a Class A felony for the taking of a firearm from a law enforcement officer while such officer is performing official duties. The term of imprisonment is meant to run consecutively and the minimum sentence shall be at least half of the maximum imposed which can be up to 15 or up to 20 years depending on the particulars of the crime. There were few instances where an officer had actually lost control of his firearm during a scuffle, but statistics show that many officers who have been shot in the line of duty have indeed been shot with their own firearms. The committee felt that this new felony was important to establish and the law enforcement community has cited the need for such a statute. Vote 16-0.

Amendment (0023h)

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

1 New Section; Taking a Firearm From a Law Enforcement Officer; Class A Felony. Amend RSA 642 by inserting after section 3 the following new section:

642:3-a Taking a Firearm From a Law Enforcement Officer.

I. Whoever knowingly takes or attempts to take a firearm from the person of a law enforcement officer, while such officer is engaged in the performance of official duties, shall be guilty of a felony and, notwithstanding the provisions of RSA 651:2, shall be sentenced as provided in paragraph II.

II. The penalties for an offense under this section shall be:

(a) In the case of a completed offense, or an attempt during which the firearm is discharged (other than intentionally by the officer), a fine under this title and imprisonment for a maximum term which is not to exceed 20 years and a minimum which is not to exceed 1/2 of the maximum.

(b) In the case of an attempt where the firearm is not discharged, a fine under this title and imprisonment for a maximum term which is not to exceed 15 years and a minimum which is not to exceed 1/2 of the maximum.

III. A term of imprisonment imposed under this section shall not run concurrently with any other term of imprisonment imposed with respect to the same criminal episode.

IV. In this section:

(a) "Firearm" means firearm as defined in section 921 of Title 18 of the United States Code.

(b) "Law enforcement officer" means a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer.

2 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill makes the taking and attempted taking of a firearm from a law enforcement officer felonies and prescribes the sentences for these offenses.

HB 604-FN-L, relative to accessing information in delinquency cases.
INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The stated purpose of the current juvenile confidentiality statutes is the safeguarding of the minor's contact with the juvenile justice system. This purpose is considered essential in facilitating and promoting the goals of treatment, rehabilitation, and protection from public scandal, curiosity and humiliation. Previous legislation has provided a "window" for the breaching of this confidentiality in areas of violent crime. Among other things, this bill removes the ability of a victim to access information, have input into the disposition of the case, to be apprised of negotiations, plea bargaining activities, as well as the opportunity to submit an impact statement during the proceedings. All these rights were established under RSA 169-B:34, RSA 169-B:35, and RSA 169-B:36. Victims' rights would be put in jeopardy by passage of this bill and the ability of the Attorney General or the County Attorney to release to the media the name and photograph of a juvenile when there is good cause to believe that the juvenile presents a serious danger to him or herself or to the public safety pursuant to RSA 169-B:37, would be eliminated. Vote 16-0.

HB 605-FN-L, relative to procedures regarding delinquent children under RSA 169-B. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill addresses procedures regarding children within the juvenile justice system. The amended version of this bill more clearly defines the definitions of "Diversion" and "Intervention" and provides the procedure for accessing same.

The bill further clarifies the responsibilities required of parents, guardians, and caregivers. A notification process for non-custodial parents is established. The timing of service for petitions and summonses is simplified. Violations will be addressed under first offenses rather than multiple offenses (shoplifting, petty theft, etc.). Vote 16-0.

Amendment (0187h)

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

1 Applicability; Purpose. RSA 169-B:1, II is repealed and reenacted to read as follows:

II. Consistent with the protection of the public interest, to promote the minor's acceptance of personal responsibility for delinquent acts committed by the minor, encourage the minor to understand and appreciate the personal consequences of such acts, provide a minor who has committed delinquent acts with counseling, supervision, treatment, and rehabilitation, and make parents aware of the extent to which they may have contributed to the delinquency and make them accountable for their role in its resolution.

2 Definition of Delinquent Revised. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 17 years which would be a felony [or], misdemeanor, or violation under the criminal code of this state if committed by an adult, and is expressly found to be in need of counselling, supervision, treatment, or rehabilitation as a consequence thereof, or a person who has committed an offense before reaching the age of 16 that would be a violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to federal Title XIII, a law relating to fireworks under RSA 160-B, or any town or municipal ordinance.

3 New Paragraphs; "Diversion" and "Intervention" Defined. Amend RSA 169-B:2 by inserting after paragraph IV the following new paragraphs:

IV-a. "Diversion" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the juvenile in the formal legal system. Diversion of a juvenile may take place either at pre-filing as an alternative to the filing of a petition, or at arraignment.

IV-b. "Intervention" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate

behavior. The goal of intervention is to prevent further involvement of the juvenile in the formal legal system. Intervention for a juvenile may take place either at the adjudicatory or dispositional level.

4 New Paragraph; "Services" Defined. Amend RSA 169-B:2 by inserting after paragraph IX the following new paragraph:

X. "Services" means and shall include, but not be limited to, diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive academic exercises, constructive recreational activities, general counseling, and counseling during a crisis situation.

5 New Section; Parental Responsibility. Amend RSA 169-B by inserting after section 2 the following new section:

169-B:2-a Parental Responsibility.

I. In each case brought pursuant to this chapter, on the date of arraignment, the court shall identify the parents of the minor or, in their absence, the guardian or other person charged by law with the responsibility for the welfare of the minor. It shall be the obligation of such parents or guardians to:

(a) Personally attend and assure the attendance of the minor at all hearings of the court.

(b) Personally attend and assure the attendance of the minor at all meetings with the department of health and human services and collateral support service agencies occasioned by the action.

(c) Fully participate in all services ordered by the court including, but not limited to, substance abuse treatment, parenting classes, mediation, community service, and therapy.

(d) Pay a portion, or all, of any restitution or fines imposed by the court when the court finds the payment by the parent to be in the interest of justice and rehabilitation.

(e) Supervise the minor's compliance with all orders of the court and conditions of release and probation including, but not limited to, curfew, school attendance, and general behavior.

II. Failure to supervise and otherwise accept responsibility as required by this section shall be treated as criminal contempt of court punishable by up to a \$1,000 fine and 6 months imprisonment. It shall be a defense to any such charge of contempt that the parent, guardian, or such other person or persons having custody and control of the minor made reasonable efforts to comply.

6 Legal Sufficiency of Petition. RSA 169-B:6, II is repealed and reenacted to read as follows:

II. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner and place of the conduct alleged, shall state the statutory provision alleged to have been violated, and shall be entitled, "In the interest of _____, a child."

7 Issuance of Summons and Notice. RSA 169-B:7 is repealed and reenacted to read as follows:

169-B:7 Issuance of Summons and Notice.

I. After a legally sufficient petition has been filed, the court shall issue a summons to be served personally or, if personal service is not possible, at the usual place of abode of the person having custody or control of the minor or with whom the minor may reside, requiring that person to appear with the minor at a specified place and time, which time shall not be less than 24 hours after service. The non-custodial parent shall be notified of the pending court petition via certified mail, return receipt requested, to his or her last known address.

II. A copy of the petition shall be attached to each summons or incorporated therein.

8 Failure to Appear; Hearings. RSA 169-B:8, II is repealed and reenacted to read as follows:

II. If the minor, parent, guardian, or other person ordered to appear fails to appear for any scheduled hearing, a bench warrant may be issued for the minor's appearance, or for the appearance of anyone having custody or control of the minor, or both. Additionally, the court may proceed against the minor, or anyone having custody or control of the minor, or both, for their failure to appear as authorized by RSA 263:56-a.

9 Juvenile Diversion Substituted for Release Without Court Referral. RSA 169-B:10 is repealed and reenacted to read as follows:

169-B:10 Juvenile Diversion.

I. At any time before or at arraignment pursuant to this chapter, a minor and the minor's family may be referred to a court-approved diversion program or other community resource. Referral may be made by the arresting or prosecuting agency or juvenile service officer, with the consent of the prosecuting agency, prior to filing a petition with the court or after the filing of a petition by such agency with the court's approval, or by the court on its own, or any party's motion. The administrative judge of the district court shall have the authority to approve diversion referral procedures for use in all juvenile matters throughout the state.

II. Referral to diversion or other community resource after filing is appropriate if:

(a) The facts bring the case within the jurisdiction of the court;

(b) Referral of the case is in the best interest of the public and the minor; and

(c) The minor and parent, guardian, or other custodian consent with the knowledge that consent is not obligatory.

III. Referral after filing shall stay the proceedings for a period not to exceed 3 months from the date of referral, unless extended by the court for an additional period not to exceed 3 months and does not authorize the detention of the minor.

IV. During the period of referral, the court may require further conditions of conduct on the part of the minor and the minor's parents.

10 Appointment of Counsel; Procedures Revised. Amend RSA 169-B:12, I to read as follows:

I. Absent a valid waiver, the court shall appoint counsel at the time of arraignment of an indigent minor[, provided that an indigent minor detained pursuant to RSA 169-B:11, III, shall have counsel appointed upon the issuance of the detention order] alleged to have committed an act which would be a felony or misdemeanor under the criminal code of this state. For purposes of the appointment of counsel under this section, an indigent minor shall be a minor who satisfies the court, after appropriate inquiry, that the minor is financially unable to independently obtain counsel.

11 Waiver of Counsel; Procedures Revised. Amend the introductory paragraph of RSA 169-B:12, II to read as follows:

II. The court may accept a waiver of counsel in a delinquency proceeding alleging commission of an act which would be a felony or misdemeanor under the criminal code of this state only when:

12 Appointment of Counsel for Minor at Arraignment Revised. Amend RSA 169-B:13, I (c) to read as follows:

(c) Appoint counsel pursuant to RSA 169-B:12, if the offense alleged would be a felony or misdemeanor under the criminal code of this state;

13 Arraignment. RSA 169-B:13, II is repealed and reenacted to read as follows:

II. The court may, at any time after arraignment, dispose of the petition by referring the minor or the minor and family for participation in an approved court intervention program.

14 New Paragraph; Court Referrals; Uncompensated Public Service by Minors. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

III. A referral under this section may include an order for the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval

of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service under this paragraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence.

15 Release or Detention Provisions Revised. Amend RSA 169-B:14, I to read as follows:

I. Following arraignment a minor alleged to be delinquent may be ordered by the court to be:

(a) Retained in the custody of a parent, guardian, or custodian; or

(b) Released in the supervision and care of a relative or friend[]; or

(c) Released in the supervision and care of a foster home, as defined in RSA 169-C:3, XIII, which is specifically licensed to accept delinquent children with expenses charged according to RSA 169-B:40; or

(d) Placed in a group home, crisis home or shelter-care facility with expenses charged according to RSA 169-B:40; or

(e) Detained at a facility certified by the commissioner of the department of health and human services for detention of minors pursuant to the following:

(1) No minor charged with delinquency shall be securely detained following arraignment unless the prosecution establishes probable cause to believe that the minor committed the alleged delinquent acts and unless the prosecution demonstrates by clear and convincing evidence the need for secure detention, based upon the criteria for secure detention specified in subparagraph (e)(2);

(2) A minor shall not be securely detained unless secure detention is necessary:

(A) To insure the presence of the juvenile at a subsequent hearing; or

(B) To provide care and supervision for a minor who is in danger of self-inflicted harm when no parent, guardian, custodian, or other suitable person or program is available to supervise and provide such care; or

(C) To protect the personal safety or property of others from the probability of serious bodily harm or other harm].

16 New Paragraph. Release or Detention After Arraignment for Minors Allegedly Having Committed Felonies or Misdemeanors. Amend RSA 169-B:14 by inserting after paragraph I the following new paragraph:

I-a. Following arraignment a minor alleged to have committed an offense which would constitute a felony or misdemeanor under the criminal code of this state may be ordered by the court to be:

(a) Released in the supervision and care of a foster home, as defined in RSA 169-C:3, XIII, which is specifically licensed to accept delinquent children with expenses charged according to RSA 169-B:40; or

(b) Placed in a group home, crisis home or shelter-care facility with expenses charged according to RSA 169-B:40; or

(c) Detained at a facility certified by the commissioner of the department of health and human services for detention of minors pursuant to the following:

(1) No minor charged with delinquency shall be securely detained following arraignment unless the prosecution establishes probable cause to believe that the minor committed the alleged delinquent acts and unless the prosecution demonstrates by clear and convincing evidence the need for secure detention, based upon the criteria for secure detention specified in subparagraph (c)(2);

(2) A minor shall not be securely detained unless secure detention is necessary:

(A) To insure the presence of the juvenile at a subsequent hearing; or

(B) To provide care and supervision for a minor who is in danger of self-inflicted harm when no parent, guardian, custodian, or other suitable person or program is available to supervise and provide such care; or

(C) To protect the personal safety or property of others from the probability of serious bodily harm or other harm.

17 Release or Detention Pending Adjudicatory Hearing. RSA 169-B:14, III is repealed and reenacted to read as follows:

III. All orders issued pursuant to this section shall be in accordance with guidelines promulgated by the administrative judge of the district court, shall set forth findings in writing, and such conditions as the court may determine.

18 Dispositional Hearing; Court Order. Amend the introductory paragraph of RSA 169-B:19, I to read as follows:

I. The department of health and human services shall provide the court with costs of the recommended services, placements and programs. If the court finds that a minor [is delinquent] has committed an offense which would

be a felony or misdemeanor under the criminal code of this state, the court may order the least restrictive of the following dispositions, which the court finds is the most appropriate:

19 Dispositional Hearing; Penalties; Order for Services. RSA 169-B:19, I(b)-(d) are repealed and reenacted to read as follows:

(b) Fine the minor up to \$250, require restitution or both. Restitution ordered by the court may be collected by the department or by the court or by an agency designated by the court to collect it. In any case where a parent is ordered to pay all or any portion of the fine or restitution pursuant to RSA 169-B:2-a, the parents shall have the right to a hearing before the court to contest the amount of restitution or their liability.

(c) Order the minor to undergo physical treatment, substance abuse treatment or testing, treatment by a mental health center, or any other psychiatrist, psychologist, psychiatric nurse practitioner, psychiatric social worker or family therapist as determined by the court, attend mediation sessions, parenting programs, or any other such program or programs the court determines necessary to carry out the purposes of this chapter with expenses, if any, charged according to RSA 169-B:40. Utilization of community resource programs shall be encouraged.

(d) Order the minor's parents or family to undergo physical treatment or treatment by a mental health center, or any other psychiatrist, psychiatric social worker, or family therapist as determined by the court, with expenses charged under RSA 169-B:40. Utilization of community resource programs shall be encouraged.

(e) Order the minor's parents or the minor's family to undergo a substance abuse evaluation by a treatment provider contracted with the bureau of substance abuse services, and to undergo such substance abuse treatment as is recommended in the evaluation. Such recommendation may include treatment provided by a privately paid provider approved by the court. The cost of the evaluation and treatment shall be paid by private insurance if applicable, or pursuant to agreement by the provider with the bureau of substance abuse services shall be provided free or at reduced cost to low income parents or family members.

20 Dispositional Hearing; Court Dispositions. Amend RSA 169-B:19, I (i) to read as follows:

(i) Any combination of the above; [or]

21 New Paragraph; Dispositional Hearing; Alternative Dispositions for Minors. Amend RSA 169-B:19 by inserting after paragraph I the following new paragraph:

I-a. If the court finds that a minor has committed an offense that would be a violation under the criminal code of this state, or committed an offense before reaching the age of 16 that would be a violation of motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law related to federal Title XIII, a law related to fireworks under RSA 160-B, or any town or municipal ordinance, the court may

order the least restrictive of the following dispositions which the court finds is most appropriate:

(a) Return the minor to a parent, custodian or guardian;

(b) Fine the minor up to \$250, require restitution, or both. Restitution ordered by the court may be collected by the department, or by the court, or by an agency designated by the court for collection;

(c) Order the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service under this paragraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence.

(d) Any combination of the above.

22 Dispositional Hearing; Guidelines; Findings. RSA 169-B:19, V is repealed and reenacted to read as follows:

V. All dispositional orders issued pursuant to this section shall be in accordance with guidelines promulgated by the administrative judge of the district court and shall include written findings as to the basis for the disposition and such conditions as the court may determine.

23 Determination of Competence; Felony or Misdemeanor Requirement Added. Amend RSA 169-B:20 to read as follows:

169-B:20 Determination of Competence. Any minor before the court alleged to have committed an offense which would be a felony or misdemeanor under the criminal code of this state shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health evaluation to be completed within 60 days, by an agency other than the Philbrook center, approved by the commissioner of health and human services, a psychologist certified in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the Philbrook center only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. A written report of the evaluation shall be given to the court before the hearing on the merits is held. The court shall inform the parents, guardian, or counsel of the minor of their right to object to the mental health evaluation. They shall object in writing if they so desire to the court having jurisdiction of the matter within 5 days after notification of the time and place of the evaluation, and the court shall hold a hearing to consider the objection prior to ordering the evaluation or, upon good cause shown, may excuse the minor, parents, guardian, or person in custody or control from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The

evaluation facility, agency or individual shall keep records; but no reports or records of information contained in the reports shall be made available, other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

24 Mental Health and Substance Abuse Evaluation. RSA 169-B:21 is repealed and reenacted to read as follows:

169-B:21 Mental Health and Substance Abuse Evaluation.

I. Any court, finding that a minor has committed [the] an alleged offense which would be a felony or misdemeanor under the criminal code of this state, may, before making a final disposition, order the minor, minor's parents, guardian or person with custody or control to submit to a mental health or substance abuse evaluation to be completed within 60 days. A written report of the evaluation shall be given to the court before the dispositional hearing. If the parents, guardian, minor, or person having custody or control objects to the mental health or substance abuse evaluation, they shall object in writing to the court having jurisdiction within 5 days after notification of the time and place of the evaluation. The court shall hold a hearing to consider the objection prior to ordering such evaluation. Upon good cause shown, the court may excuse the parents, guardian, minor, or person having custody or control from the provisions of this section.

II. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluating facility, agency, or individual shall keep records, but no reports or records of information contained therein shall be made available other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation shall be borne as provided in RSA 169-B:40.

25 Orders for Physical Examination and Treatment; Felony or Misdemeanor Requirement Added. Amend RSA 169-B:23 to read as follows:

169-B:23 Orders for Physical Examination and Treatment. If it is alleged in any petition, or it appears at any time during the progress of the case, that a delinquent alleged to have committed an offense which would be a felony or misdemeanor under the criminal code of this state is in need of physical treatment, the failure to receive which is a contributing cause of delinquency, due notice of that fact shall be given as provided in RSA 169-B:7. If the court, upon hearing, finds that such treatment is reasonably required, it shall be ordered and the expense thereof shall be borne as provided in RSA 169-B:40.

26 Case Closure and Review of Disposition. RSA 169-B:31 is repealed and reenacted to read as follows:

169-B:31 Case Closure and Review of Disposition. Upon making a finding that the purposes of this chapter have been met with regard to the minor named in the petition, or for such other reason the court may deem appropriate and consistent with the purposes of this chapter, the court may

order a case closed. Any case remaining open for 12 months after the date of disposition shall be reviewed by the court annually and closed, unless the court finds by a preponderance of the evidence that the continued provision of services and court involvement are necessary and shall be fruitful to rehabilitate the minor or protect the public interest. All such findings shall be in writing and shall include the basis upon which those findings were made.

27 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill revises certain procedures relative to delinquency cases, defines "diversion" and "intervention," modifies certain provisions of juvenile release, detention, or other court ordered dispositions, and includes provisions relative to court intervention programs and parental responsibility.

Referred to Finance.

HB 665-FN, establishing the crime of felony murder. INEXPEDIENT TO LEGISLATE

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The committee heard testimony that another bill to be filed for the 1998 session would more adequately address the subject of felony murder. To address the issue at this time without the important input from the Attorney General's office was judged not in the best interests of the public. The committee has the assurance from the Attorney General that we will work with the sponsors and the criminal justice professionals to weigh the merits of the proposed felony murder statute. Vote 13-1.

HB 682-FN-L, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill, as amended, permits interested members of the public to access information in the Central Offender Registry. This registry contains the name, address, offense for which the individual has been convicted, and the date and court of conviction for which the offender is registered. The registry contains a listing of all convicted sexual offenders or offenders against children, who are required to register under RSA 651-B whether on probation, parole, conditional or unconditional release, transfers to any community based residential program, completion of sentence, or for any other reason. Information shall be accessible at local law enforcement agencies. Vote 15-0.

Amendment (0029h)

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

AN ACT requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry.

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

1 Transfer to Community-Based Residential Program Added. Amend RSA 651-B:3, I to read as follows:

I. Upon release of any sexual offender or offender against children after conviction, whether on probation, parole, conditional or unconditional release, transfer to any community-based residential program, completion of sentence, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

2 Central Offender Registry; Availability of Information to the Public. RSA 651-B:7 is repealed and reenacted to read as follows:

651-B:7 Central Offender Registry; Availability of Information to the Public.

I.(a) The division shall maintain a central offender registry of all individuals registered pursuant to this chapter. This registry shall include the:

(1) Name and address of the registered individual;

(2) Offense for which the individual was convicted;

and

(3) Date and court of the conviction for which the individual is registered.

(b) Where such information is available, the registry may also include:

(1) A photograph or physical description of the individual;

(2) The date and court of the individual's other convictions, if any;

(3) Information on the profile of the victim or victims of the individual's offense or offenses; and

(4) The method of approach utilized by the individual.

(c) In no event shall the registry include the identity of any victim.

II.(a) At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections and the superintendent of each county correctional facility shall forward to the division, a list of every sexual offender or offender against children who is confined in a facility under their control, and who is eligible at that time for any unsupervised work detail or other assignment which may bring the offender into contact with members of the public. These lists shall include:

(1) The name of the eligible individual and the name and address of the facility where he or she is confined;

(2) The offense for which the individual was convicted; and

(3) The date and court of the conviction for which the individual is confined.

(b) Where such information is available, the lists may also include:

(1) A photograph or physical description of the individual;

(2) The date and court of the individual's other convictions, if any;

(3) Information on the profile of the victim or victims of the individual's offense or offenses; and

(4) The method of approach utilized by the individual.

(c) In no event shall the registry include the identity of any victim.

(d) The lists described in this paragraph shall be incorporated by the division into the central offender registry.

III. The division shall forward the information contained in the central offender registry to each local law enforcement agency at periodic intervals, but in no event less frequently than once each month. Information contained in the central offender registry shall be made available to interested members of the public upon request to the local law enforcement agency. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the manner in which the information shall be made available to the public. These rules shall enable the public to request

information about a named individual or about all listed individuals residing or confined in a specified city or town. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the central offender registry has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting information and making the information available to the public.

IV. Nothing in this chapter shall be construed to limit the local law enforcement agency from making any use or disclosure of information obtained pursuant to this chapter as may be necessary to the performance of a valid law enforcement function.

V. Local law enforcement agencies, employees of local law enforcement agencies, and county and state officials shall be immune from civil and criminal liability for good faith conduct under this chapter. Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

3 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill requires the division of state police to maintain a central offender registry of all persons required to be registered as criminal offenders. Information contained in the central offender registry shall be made available to the public, upon application of interested members of the public and in accordance with rules adopted by the department of safety. The bill allows the department to charge a reasonable fee to defray the administrative costs of collecting information and making it available to the public.

HB 730-FN, relative to penalties for sexual misconduct by mental health counselors. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: The amendment to this bill defines "therapy" and makes it an offense if, while providing such therapy, the actor uses his/her position as a provider to coerce the victim to submit. Vote 16-0.

Amendment (0191h)

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

AN ACT relative to aggravated felonious sexual assault.

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

1 New Paragraph; Definition of "Therapy." Amend RSA 632-A:1 by inserting after paragraph V the following new paragraph:

VI. "Therapy" means the treatment of bodily, mental, or behavioral disorders by remedial agents or methods.

2 Coercion Added; Unethical Therapy, Medical Treatment or Examination. Amend RSA 632-A:2, I(g) to read as follows:

(g) When the actor provides therapy, medical treatment or examination of the victim and in the course of that therapeutic or treating relationship:

(1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or

(2) Uses this position as such provider to coerce the victim to submit.

3 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill makes it aggravated felonious sexual assault when a defendant uses a position as a provider of therapy or medical treatment to coerce a victim to submit to sexual penetration.

HB 767-FN, relative to violation of court orders regarding child custody.
INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill added language to an existing statute making it a misdemeanor if a person knows that a court order specifies conditions for visitation with a child and the person violates such order. The result of the change would involve third parties and provided for no defense. The committee determined that more harm than good would result if this measure were to pass. Vote 16-0.

SB 102-FN, relative to the possession of certain weapons in the commission of a violent crime. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill has been amended to make possession or use of dangerous weapons while committing a misdemeanor or a felony an additional Class A misdemeanor. Currently, the statute states that such possession or use during any offense is an additional misdemeanor charge. The committee heard testimony during which it was alleged that misuse of the statutes had occurred during motor vehicle violations. The committee felt that if the offense committed was a misdemeanor or a felony, the additional charge would be warranted. The Senate sponsor agreed. Vote 16-0.

Amendment (0027h)

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

AN ACT relative to the possession of certain weapons in the commission of a crime.

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

1 Possession of Dangerous Weapon While Committing a Crime. RSA 159:15 is repealed and reenacted to read as follows:

159:15 Possession of Dangerous Weapon While Committing a Crime. A person shall be guilty of a class A misdemeanor if that person:

I. Is armed with or has upon the person slung shot, metallic knuckles, billies, or other dangerous weapons while committing a misdemeanor or felony; or

II. Used slung shot, metallic knuckles, billies, or other dangerous weapons in committing an offense for which the person is arrested.

2 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill makes a person guilty of a class A misdemeanor if that person is armed with or has upon his or her person slung shot, metallic knuckles, billies, or other dangerous weapons while committing a crime classified as a misdemeanor or felony. A person who uses such dangerous weapons in committing an offense for which the person is arrested is also guilty of a class A misdemeanor.

HB 166, extending the time frame for the annual school district meeting date to the last Saturday in April. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Hill for Education: This bill would extend the time frame for holding annual school district meetings. The committee found during their hearings that there is now an abundance of existing timing options for annual school district meetings. The committee also recognized the possibility of a school district arriving at June 30, the end of the school financial year, without a budget due to the extended meeting schedule proposal. Finally, the committee felt this bill would cause confusion to the voters, especially with the arrival of SB 2, Chapter 164, Laws of 1995 and the new time lines required by SB 109, Chapter 318, Laws of 1997 for ballot voting. Vote 19-0.

HB 167, changing the teacher nomination notification date from April 15 to May 15. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Hill for Education : The committee found during hearings that teacher employment processes and practices are regulated by law within the

form of government chosen by the school district. Ten cities have charters and this makes their teacher re-nomination unique and fall beyond the provisions of this bill. The 1995 legislative session passed legislation which changed the date from March 30 to the current date of April 15. It was felt by the committee that this time change should be allowed to work before further modification. Vote 19-0.

HB 242, requiring voter approval for any type of random drug testing within a school district. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education : This bill describes a state-required process for voter-approved drug testing policies in school districts. The committee feels that the local school district is the responsible agency to handle drug testing and that the voting process for school board decisions remain under the control of the local board. Vote 19-0.

HB 270-L, allowing school districts to transfer permanent paper records onto electronic alternate media and destroy printed records. INEXPEDIENT TO LEGISLATE

Rep. Suzan L.R. Franks for Education: The committee recognizes the issue of records storage as genuine, and, therefore, has requested the Department of Education to bring forward legislation in consultation with local school districts and our State Archivist to develop a record retention process which will define historical documents and the process by which such records may be donated to local historical societies. The bill's proposed process of allowing the destruction of paper documents, after recording their contents electronically, was judged to be an inappropriate solution. Vote 15-1.

HB 538, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The bill proposed drug testing on persons receiving New Hampshire state financial grants for post-secondary education. Penalties would be imposed for failing these tests. Because of the small number of students (1,200) involved in state grants and scholarship programs and the difficulties with the constitutionality of drug testing, the committee believes that new legislation that proposes an alternate approach to the problems of alcohol and drug abuse by students would be appropriate. This legislation does not accomplish that objective. Vote 19-0.

HB 333-FN-L, establishing a fine for political advertising placed or affixed prior to the date permitted by statute or placed on or affixed to any public property. INEXPEDIENT TO LEGISLATE

Rep. Jane S. Langley for Election Law: The original bill would be difficult to enforce. The subject matter has been incorporated into new bills. The committee, therefore, voted this bill inexpedient to legislate. Vote 12-0.

HB 356, relative to reporting requirements for political candidates and political committees. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Election Law: The committee had difficulty reaching a consensus on the bill as presented. Because the subject matter is incorporated into other bills where the ideas may be considered individually, the committee voted this "omnibus" bill inexpedient to legislate. Vote 13-0.

HB 408, relative to using name stickers on election ballots. INEXPEDIENT TO LEGISLATE

Rep. Janet S. Arndt for Election Law: The committee felt that since the Supreme Court upheld the present law, we should let it stand. Vote 13-0.

HB 396-L, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification. INEXPEDIENT TO LEGISLATE

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was re-referred because the subcommittee was concerned about several cases being heard by the state Supreme Court regarding current use. This delay in action allowed the subcommittee to review those decisions. The subcommittee and full committee now feel no further legislation is required at this time and this bill should be inexpedient to legislate. Vote 15-0.

HB 553-L, relative to a right to farm. INEXPEDIENT TO LEGISLATE

Rep. Harold P. Melcher for Environment and Agriculture: The committee feels the bill's intention would be more effectively realized by another approach. Another bill has been filed. Vote 15-0.

HB 593-FN-L, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at

Pease to the state water pollution control revolving fund priority projects.
INEXPEDIENT TO LEGISLATE

Rep. John R.M. Alger for Environment and Agriculture: The committee recommends that the whole issue of volume reduction incinerators and grant program for closures be studied in depth by a subcommittee of Environment and Agriculture. Vote 19-0.

SB 145-L, relative to the definition of "open space land" for purposes of current use taxation. INEXPEDIENT TO LEGISLATE

Rep. Donald R. Philbrick for Environment and Agriculture: The committee felt that the current situation was unfair and that SB 145 did not adequately address it. Therefore, in order to correct it, new legislation had to be filed. Vote 16-0.

HB 256-FN, establishing uniform adjudicative proceedings for state agencies and establishing a pilot program for adjudicative hearings. OUGHT TO PASS WITH AMENDMENT

Rep. James P. Pilliod for Executive Departments and Administration: The purpose of this bill is to provide uniform rules for adjudicative hearings. Agencies, boards and commissions will be able to use these rules for conducting their adjudicative hearings. Vote 17-0.

Amendment (0119h)

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

AN ACT establishing uniform adjudicative proceedings for state agencies.

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

1 Adjudicative Proceedings. Amend RSA 541-A:16, I(b)(2) to read as follows:

(2) Rules governing adjudicative [hearings]
proceedings pursuant to RSA 541-A:30-a; and

2 New Section; Rules for Adjudicative Hearings. Amend RSA 541-A by inserting after section 30 the following new section:

541-A:30-a Rules for Adjudicative Proceedings.

I. Each agency shall adopt rules pursuant to RSA 541-A governing the nature and requirement of all formal and informal procedures available in an adjudicative proceeding.

II. The director of the office of legislative services, in consultation with the attorney general, shall establish model uniform procedures relative to adjudicative proceedings within one year of the effective date of this act and shall amend such procedures as necessary.

III. These model uniform procedures shall address at least the following:

- (a) Filing and service of documents;
- (b) Appearances before agencies, including the unauthorized practice of law;
- (c) Discovery procedures;
- (d) Burden of proof;
- (e) Standard of proof;
- (f) Computation of time;
- (g) Roles of complainants, intervenors, and agency staff in disciplinary and enforcement proceedings;
- (h) Continuances;
- (i) Reopening of the record;
- (j) Waiver of rules governing adjudicative proceedings;
- (k) Methods to petition for the withdrawal of a presiding officer; and
- (l) Retention schedule for written decisions or orders pursuant to RSA 541-A:35, subject to any longer periods for retention set by the director of the division of records management and archives of the department of state pursuant to rules adopted under RSA 5:40.

IV. In order to comply with paragraph I, each agency may adopt, pursuant to RSA 541-A, the text of the current model uniform procedures, and shall also be subject to the following:

(a) Supplements or modifications shall also be adopted pursuant to RSA 541-A if necessary to implement the specific statutory provisions of the agency, or judicial decisions, affecting the conduct of an adjudicative proceeding.

(b) Each agency with no effective rules relative to adjudicative proceedings which has not adopted the text of the model uniform procedures and any necessary supplements or modifications within one year of the effective date of the model uniform procedures shall be subject to RSA 541-A:31, V-a.

(c) Each agency without effective rules or statutes in areas of an adjudicative proceeding, which are addressed in the model uniform procedures, shall be subject to RSA 541-A:31, V-a if the agency has not adopted the relevant provisions of the model uniform procedures and any necessary supplements or modifications within one year of the effective date of the model uniform procedures.

(d) When readopting, amending, or repealing effective rules on adjudicative proceedings, each agency that does not conform with the model uniform procedures and the provisions of subparagraph (a) of this section shall be subject to RSA 541-A:31, V-a.

V. Notwithstanding the provisions of RSA 541-A:22, I, an agency not in compliance with paragraph I of this section shall apply whatever model uniform procedures are necessary in a particular adjudicative proceeding when no effective agency rule addresses the matter covered by the applicable model rule, provided that:

(a) Such use shall not conflict with a statute, judicial decision, or other rules of the agency;

(b) Notice shall be given to all parties with the notice pursuant to RSA 541-A:31, III of the extent to which the model uniform procedures will apply to the proceeding;

(c) The agency notifies the attorney general, the director of the office of legislative services, and the joint legislative committee on administrative rules before the final decision is rendered that the model uniform procedures are being applied; and

(d) The agency shall not apply model uniform procedures pursuant to the provisions of this paragraph in another adjudicative proceeding more than one year after the final decision is rendered in the proceeding in which the agency first applied the model uniform procedures in this manner. The agency shall instead adopt the model uniform procedures pursuant to paragraph V.

VI. A copy of the written decision or order pursuant to RSA 541-A:35 shall be readily available to the public pursuant to the provisions of RSA 91-A unless:

(a) Otherwise provided by statute; or

(b) The written decision or order has been disposed after a retention period adopted pursuant to paragraph V.

VII. Each agency shall retain a copy of the verbatim recording of all oral proceedings pursuant to RSA 541-A:31, VII at least 30 days after the opportunity for all administrative and judicial appeals has been exhausted.

VIII. The attorney general shall prepare and distribute to all agencies authorized to conduct contested cases recommended guidelines for presiding officers in an adjudicative proceeding. These guidelines shall be available to the public pursuant to RSA 91-A. The guidelines shall be updated

annually to address relevant changes in statutes, rules, or judicial decisions. Each agency that receives the guidelines shall provide a copy to all presiding officers in a contested case and to all members of the agency who may render the final decision in a contested case.

3 New Paragraph; Agency's Authority to Commence Adjudicative Proceeding Limited. Amend RSA 541-A:31 by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding RSA 541-A:31, I, an agency shall not commence an adjudicative proceeding and shall not take action for which a prior adjudicative proceeding is otherwise required pursuant to RSA 541-A:30, I, if:

(a) No effective statute agency rule or model uniform procedure applicable pursuant to RSA 541-A:30-a, VI addresses the adjudicative procedure or procedures to be used in the proceeding;

(b) The agency has not adopted the text of the model uniform procedures pursuant to RSA 541-A:30-a, V and RSA 541-A:30-a, VI does not apply; or

(c) No effective agency rule addresses the substantive matter or matters which are the subject of the adjudicative proceeding.

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

AMENDED ANALYSIS

This bill establishes uniform adjudicative proceedings for state agencies.

Referred to Finance.

HB 281, relative to regulation of medical assistants. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Executive Departments and Administration: With the sweeping changes taking place in the medical field, the committee is sensitive to the potential for problems to arise in this area. We unanimously agreed that this legislation was not the way to deal with the situation. The committee found that this is a matter which, perhaps, is better handled through individual office policy and employment agreements rather than through state regulatory action. Vote 19-0.

HB 303, relative to accountancy. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Dodge for Executive Departments and Administration: This bill was voted on unanimously as Inexpedient to Legislate. The committee realizes that some corrections may have to be made. However, testimony given to the committee advises that a new uniform accounting act will be forthcoming in 1998 and that most changes shall be addressed at that time. None of the items in this bill will affect the operation of the board. Vote 19-0.

HB 465-FN, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession.
INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: The committee unanimously agrees that the Legislature, or any House committee, should not be required to consider a list of criteria in determining whether to regulate a previously unregulated profession or occupation. We should not bind the procedures of future legislative bodies because analyzing a profession is a dynamic process and not a static recipe that must be followed. The committee will continue to revise the guidelines for certification or licensure that it has used successfully in recent years. Any member interested in legislation to regulate an unregulated profession is well advised to consult these guidelines prior to filing legislation. Vote 17-0.

HB 600, consolidating administrative support for the regulation of health professionals. INEXPEDIENT TO LEGISLATE

Rep. Nancy C. Stickney for Executive Departments and Administration: After exhausting study, it was felt that the reorganization proposed in this bill is too cumbersome at this time. The subcommittee met with almost all health care boards during the summer and early fall and were informed of the members' concerns but recognize that this approach to consolidation is not the answer. Vote 19-0.

HB 749-FN, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, will allow the Board of Trustees of the New Hampshire Retirement System to require that the applicant for disability retirement shall have the burden of proving causation if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the Labor Commissioner of the Compensation Appeals Board after hearing pursuant to RSA 281-A:43. The present requirement in RSA 100-A:6, I is that the board shall grant a disability retirement whether the disability is work related or not. Vote 17-0.

Amendment (0110h)

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

AN ACT relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

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

1 Group I; Burden of Proof Before Board. Amend RSA 100-A:6, I(c) to read as follows:

(c) Upon the application of a group I member in service or of [his] the member's employer, any [such] member who has been totally and permanently incapacitated for duty as the natural and proximate result of:

(1) An accident occurring while in the actual performance of duty at some definite time and place, or [as the natural and proximate result of] or

(2) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment, or [of]

(3) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI, RSA 281-A:2, XIII, or RSA 281-A:17, and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43, provided that such injury shall be without willful negligence on [his] the member's part,

may be retired by the board of trustees on an accidental disability retirement allowance; provided that [he] the member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent[.] and provided further that the member shall have the burden of proving causation to the satisfaction of the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.

2 Group II; Burden of Proof Before Board. Amend RSA 100-A:6, II (c) to read as follows:

(c) Upon the application of a group II member in service or of [his] the member's employer, any such member who has been totally and permanently incapacitated for duty as the natural and proximate result of:

(1) An accident occurring while in the actual performance of duty at some definite time and place, or [as the natural and proximate result of]

(2) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment, or [of]

(3) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI or XIII, and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43, provided that such injury shall be without willful negligence on [his] the member's part,

may be retired by the board of trustees on an accidental disability retirement allowance; provided that [he] the member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent[.], and provided further that the member shall have the burden of proving causation to the satisfaction of the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.

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

AMENDED ANALYSIS

This bill requires group I or group II retirement system members to prove causation before the board of trustees in certain circumstances in order to receive disability benefits for permanent incapacity resulting from an injury while in the performance of duty.

HB 751-FN-L, relative to spousal benefits for certain retired group II members of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was introduced to provide an automatic 50 percent spousal benefit to Group II members of the New Hampshire Retirement System who retired prior to July 1, 1988. In addition, it would also provide medical benefits to those members and their spouses similar to the benefits available to current retirees. The cost to terminally fund these programs amounts to approximately \$12 million and would be paid from the special account. In 1987, Senate Bill 78 implemented the present benefits and was supported by a strong coalition of groups from the police and fire sectors. This bill had support of those who have retired and not elected the spousal benefit, but was opposed by many members of the police and fire community. The committee felt that without strong support from those affected by the expenditure, we should not file a positive report. Vote 16-1.

HB 756-FN, relative to the registration of alternative providers of mental health services. INEXPEDIENT TO LEGISLATE

Rep. Miriam D. Dunn for Executive Departments and Administration: The subcommittee considered the many and various practices of "alternative providers of mental health services." We recommended that this bill be voted Inexpedient to Legislate because SB 191 (relative to mental health providers)

was re-referred to the Senate E. D. & A. Committee, and is actively progressing. It defines "alternative" practices and includes registration of this group of providers. Vote 18-0.

SB 53-FN, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will terminally fund medical benefits for members of the Group II component of the New Hampshire Retirement System who became members after June 30, 1988 but before July 1, 1995. This benefit will be terminally funded from the special account of the Group II members and has the support of both the police officers and the firefighters. The intent, that this benefit shall be terminally funded from the special account and can only be changed by the Legislature, remains in the statute. This is an account that will be available as long as the assets of the medical subtrust remain. There are no requirements on future legislators to continue this fund if the special account is not sufficient to provide the funding. Vote 16-0.

Amendment (0186h)

Amend RSA 100-A:55, I as inserted by section 1 of the bill by replacing it with the following:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, [1988] 1995; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen or permanent firemen members of group II after June 30, 1988, but before July 1, [1991] 1995. Such additional benefits shall not apply to other persons who become members of group II after June 30, [1991] 1995, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill extends the payment of medical benefits to persons who were active or retired group II members as of June 30, 1995, to permanent firemen on disability retirement who became permanent firemen after June 30, 1988 but before July 1, 1995, and to permanent policemen on disability retirement who became permanent policemen after June 30, 1991 but before July 1, 1995.

Referred to Finance.

Rep. Phinney declared a conflict of interest and did not participate.

SB 68-FN-L, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was amended by the House to provide guidelines for health insurance coverage for the spouses and dependents of teachers and local employees, of any political subdivision of the state, who die as a natural and proximate result of injuries suffered while in the performance of their duties. The state presently provides this type of insurance for its employees and this will assure those in the communities that the state will provide backup insurance if no other health insurance is available. The state will only provide this coverage if the spouse and/or dependent children are not qualified or continue to be qualified for medical insurance or health care benefits from any other available employer-sponsored plan. This program is not intended to replace any other plans, but is an insurance of last resort and will not cover those in which the political subdivision has such insurance available but has not opted to provide this benefit. This coverage will be paid from the benefit adjustment account. Vote 16-0.

Amendment (0079h)

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

1 Local and State Employees Killed in Line of Duty. Amend RSA 21-I:30-a to read as follows:

21-I:30-a Additional Medical and Surgical Benefits.

I. The state shall pay a premium for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee or retirement system member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(a) Any such child shall qualify as a dependent under the provisions of RSA 21-I:26-36 and be under 18 years of age, or if a full-time student, be under 23 years of age.

(b) Any such surviving spouse shall cease to be qualified for medical and surgical benefits under this section upon the remarriage of the surviving spouse.

(c) No surviving spouse or dependent children shall be qualified or continue to be qualified for medical and surgical benefits under this section while receiving medical insurance or health care benefits from any other employer-sponsored plan.

(d) The state shall pay the premium for supplemental medical and surgical benefits under this section for any such child who qualifies as a dependent under the provisions of RSA 21-I:26-36 and who is eligible for medicare benefits.

II. In the case of the surviving spouse and dependent children of a group I or group II state employee or retirement system member who are eligible for medical and surgical benefits under this section and also under the provisions of RSA 100-A:50-55, the state shall pay the difference between the amount paid under RSA [100:52] 100-A:52 and the premium paid under [subparagraph] paragraph I.

III. The additional benefits provided under this section shall be available to the surviving spouse and dependent children of a full-time employee of the state, an agency of the state, or any political subdivision of the of the state adopting the provisions of RSA 100-A, including full-time elected or appointed officers.

IV. The additional benefits provided under this section shall not be available to any employee, teacher, police officer, or firefighter of a political subdivision of the state if the political subdivision belongs to an organization or association that offers, through the organization or association or its affiliate, insurance coverage.

[III.] V. Funding to pay the premium for benefits under this section shall come from the benefit adjustment account.

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

Referred to Finance.

HB 245-FN-A, making certain real estate transfers taxable. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The intent of this bill was to eliminate certain "loopholes" whereby it was alleged that real estate could be transferred without paying the Real Estate Transfer Tax. During its deliberations on this bill, the committee found that this proposal was too broad and would create more problems than those that it solved. A similar measure, much narrower in scope, was adopted as part of HB 2, Chapter 351 from 1997. It is the hope of the committee that this measure, made law this year, will adequately address the "loophole" identified by the sponsors of this bill. Vote 20-0.

HB 645-FN, requiring the commissioner of health and human services to produce certain quarterly reports. REFER FOR INTERIM STUDY

Rep. Kevin L. Camm for Finance: This bill would require, by statute, that Department of Health and Human Services provide certain reports to the

legislature. The huge computerization initiative undertaken by the department will make this information more readily available. The interim study recommendation will encourage Health and Human Services to provide the desired reports to the legislature. The department has stated that they intend to report, and given the tools at their disposal, the committee is optimistic the department will fulfill its commitment. Vote 17-1.

HB 689-FN, relative to a certain portion of registration fees of a nonprofit corporation. INEXPEDIENT TO LEGISLATE

Rep. Robert G. Holbrook for Finance: The committee voted this bill inexpedient to legislate as the sponsors withdrew their interest at this time. Vote 19-1.

HB 804, relative to the definition of "communication services" for purposes of the communications services tax. INEXPEDIENT TO LEGISLATE

Rep. Sandra K. Dowd for Finance: The committee heard testimony from the sponsor and Commissioner Arnold of the Department of Revenue Administration. The department's auditors' informal inquiry revealed they are collecting the proper amount of taxes and are able to document their collections. We feel the current law supports the taxation of prepaid phone cards and no further legislation is necessary at this time. Vote 20-0.

SB 80-FN-A, excluding certain transfers from payment of the real estate transfer tax. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: This bill would have allowed individuals to sell or otherwise transfer parcels of real estate to a corporation or other entity without paying the real estate transfer tax. The committee believes that adoption of this measure would be counter to the policy adopted in HB 2, Chapter 351 from 1997 where a similar loophole was closed. Vote 20-0.

HB 266, relative to the Alzheimer's Special Care Disclosure Act. INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This was a generic bill generated by the national Alzheimer's group to address problems existing in some states that do not have the health care controls that we have in New Hampshire. Information on care is the main concern here. To that end, the various associations that deal with Alzheimer treatment have agreed to publish and distribute a pamphlet to address this problem. Hence we recommend, inexpedient to legislate. Vote 18-0.

HB 621, exempting wilderness/back country rescuers from RSA 151-B.
INEXPEDIENT TO LEGISLATE

Rep. Lawrence A. Emerton, Sr. for Health, Human Services and Elderly Affairs:
The committee found after hearing this bill during the 1997 session the
perceived problem between the Department of Health and Human Services and the
folks who are involved in wilderness/back country rescues has been resolved.
The Department of Health and Human Services has, in writing, given its
assurances that they concur with their present operating practices. Vote 18-
0.

HB 234-FN-L, relative to disposition by counties of funds of deceased
patients of county nursing homes. OUGHT TO PASS

Rep. Deborah L. Woods for Judiciary and Family Law: This bill is legislation
which furthers the goal of making the probate process easier and more
efficient for all who use it. It establishes an expedited process for nursing
home administrators to dispose of a deceased patient's estate. Vote 14-0.

HB 290, relative to electronic signatures. OUGHT TO PASS WITH AMENDMENT

Rep. Paul M. Mirski for Judiciary and Family Law: The enactment of this bill,
as amended, will permit businesses operating within the State of New
Hampshire to take advantages of the use of electronic cryptography in
commercial affairs while minimizing the potential for fraud in electronic
commerce. Vote 14-0.

Amendment (0016h)

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

AN ACT relative to digital signatures.

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

1 Statement of Purpose. The purpose of this act is to:

I. Facilitate economic development by means of reliable
electronic messages.

II. Enhance public confidence in the use of digital signatures.

III. Minimize the incidence of forged digital signatures and
fraud in electronic commerce.

IV. Foster the development of electronic commerce through the use
of digital signatures to lend authenticity and integrity to writings in any
electronic medium.

2 New Subdivision; Digital Signatures. Amend RSA 506 by inserting after section 7 the following new subdivision:

Digital Signatures

506:8 Definitions. In this subdivision:

I. "Digital signature" means a type of electronic manipulation that transforms a message using an asymmetric cryptosystem such that a person having the transformed message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key.

(b) Whether the initial message has been altered since the transformation was made.

II. "Asymmetric cryptosystem" means an algorithm or series of algorithms which provide a secure key pair.

III. "Electronic signature" means a digital signature, executed or adopted by a party with an intent to authenticate a writing. A writing is electronically signed if a digital signature is logically associated with such writing.

IV. "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, under which the public key verifies a digital signature the private key creates.

V. The use or acceptance of a digital or electronic signature shall be at the option of the parties, both sending and receiving. Nothing in this section shall require an entity to use or permit the use of a digital signature.

506:9 Digital Signatures Given Effect. Unless otherwise provided by law, a digital signature may be used to sign a writing and shall have the same force and effect as a written signature.

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

AMENDED ANALYSIS

This bill gives electronic signatures the same force and effect as written signatures.

HB 361, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days. INEXPEDIENT TO LEGISLATE

Rep. Deborah L. Woods for Judiciary and Family Law: This bill will not take care of the problem of rooming house owners using "89 day leases," to the extent this is a problem. Extensive revisions to the landlord/tenant statutes are being worked on which address issues of both landlords and tenants. It was agreed that this bill was not a good vehicle to aid this process. Vote 14-0.

HB 555, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. OUGHT TO PASS WITH AMENDMENT

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill adds certain individual retirement accounts (IRAs) to the list of property presently exempt from attachment and execution. All witnesses spoke in general support of the bill. It became clear that some forms of corporate and other pension plans are now exempt under the terms of federal laws, such as ERISA. However, the IRA accounts of some citizens, such as small business owners and self-employed, are presently not exempt. This bill provides individual IRAs with some of the protection afforded other pension plans, as well as provide a mechanism to allow creditors access to any unlawful attempts to hide assets. Vote 13-1.

Amendment (0086h)

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

1 New Paragraph; Individual's Pensions and IRAs Exempt From Bankruptcy Attachment; Gender Neutral. Amend RSA 511:2 to read as follows:

511:2 Exemptions. The following goods and property are exempted from attachment and execution:

I. The wearing apparel necessary for the use of the debtor and [his] the debtor's family.

II. Comfortable beds, bedsteads and bedding necessary for the debtor, [his the debtor's wife] the debtor's spouse and children.

III. Household furniture to the value of \$3,500.

IV. One cook stove, one heating stove and one refrigerator and necessary utensils belonging to the same.

V. One sewing machine, kept for use by the debtor or [his] the debtor's family.

VI. Provisions and fuel to the value of \$400.

VII. The uniform, arms and equipments of every officer and private in the militia.

VIII. The Bibles, school books and library of any debtor, used by [him] the debtor or [his] the debtor's family, to the value of \$800.

IX. Tools of the debtor's occupation to the value of \$5,000.

X. One hog and one pig, and the pork of the same when slaughtered.

XI. Six sheep and the fleeces of the same.

XII. One cow; a yoke of oxen or a horse, when required for farming or teaming purposes or other actual use; and hay not exceeding 4 tons.

XIII. Domestic fowls not exceeding \$300 in value.

XIV. The debtor's interest in one pew in any meetinghouse in which [he] the debtor or [his] the debtor's family usually worship.

XV. The debtor's interest in one lot or right of burial in any cemetery.

XVI. One automobile to the value of \$4,000.

XVII. Jewelry owned by the debtor or [his] the debtor's family to the value of \$500.

XVIII. The debtor's interest in any property, not to exceed \$1,000 in value, plus up to \$7,000 of any unused amount of the exemptions provided under paragraphs III, VI, VIII, IX, XVI, and XVII of this section.

XIX. Subject to the Uniform Fraudulent Transfer Act, RSA 545-A, any interest in a retirement plan or arrangement qualified for tax exemption purposes under present or future Acts of Congress; provided, such interest shall be exempt only to the extent that contributions by or on behalf of a participant were not subject to federal income taxation to such participant at the time of such contributions, plus earnings and other additions thereon; provided further, any transfer or rollover contribution between retirement plans or arrangements which avoids current federal income taxation shall not be deemed a transfer which is fraudulent as to a creditor under the Uniform Fraudulent Transfer Act. "Retirement plan or arrangement qualified for tax exemption purposes" shall include without limitation, trusts, custodial accounts, insurance, annuity contracts, and other properties and rights constituting a part thereof. By way of example and not by limitation, retirement plans or arrangements qualified for tax exemption purposes permitted under present Acts of Congress include defined contribution plans and defined benefit plans as defined under the Internal Revenue Code (IRC), individual retirement accounts, individual retirement annuities, simplified employee pension plans, Keogh plans, IRC section 403(a) annuity plans, IRC section 403(b) annuities, and eligible state deferred compensation plans governed under IRC section 457. This paragraph shall be in addition to and not a limitation of any other provision of New Hampshire law which grants an exemption from attachment or execution and every other species of forced sale

for the payment of debts. This paragraph shall be effective for retirement plans and arrangements in existence on, or created after January 1, 1999.

2 Effective Date. This act shall take effect January 1, 1999.

HB 595-FN, protecting consumers from the unlicensed practice of law.
INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This bill was an attempt to protect unsuspecting individuals from persons representing themselves as lawyers. There are situations where paralegals can be used and that is not a problem. However, even the Bar Association which has had an ongoing study on this issue for two years has been unable to draft language which allows limited advice to be given and still warns individuals that they may need a practicing attorney. The committee is waiting for more direction from the Bar. Vote 14-0.

HB 606-FN-L, relative to procedures regarding children in need of services under RSA 169-D. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill revises certain procedures relative to cases involving children in need of services which will require parents and children to become more accountable, more responsible. The committee worked collaboratively with the state's juvenile justice system and the Division of Children, Youth and Families in crafting this legislation. The bill will facilitate preventive and early intervention in court division programs. Vote 11-0.

Amendment (0203h)

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

1 Applicability; Purpose. RSA 169-D:1, I and II are repealed and reenacted to read as follows:

I. To recognize that certain behaviors occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services and corrective action in order to protect the child from the irreversibility of certain choices, and to protect the integrity of the family and the authority it must maintain in order to fulfill its responsibility to raise the next generation. To further provide the child with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation necessary to assist the child in becoming a responsible and productive member of society;

II. To recognize that we must no longer bring the weight of family problems down on the child alone but that parents must be made aware of their contribution to the problem, must account for their role in the solution to the problem, and must accept the responsibility to participate in any program of care ordered by the court in order to assure that the outcome

may have a good probability of success, while, at the same time, supporting families in their mission to teach values to youth and to exercise reasonable control of their children.

2 Applicability; Purpose. RSA 169-D:1, V is repealed and reenacted to read as follows:

V. To achieve the foregoing purposes and policies by providing each child coming within the provisions of this chapter with a program of care, treatment, guidance, counseling, discipline, supervision, and rehabilitative resources which the child needs.

3 Definitions; Child Services. Amend RSA 169-D:2, I and II to read as follows:

I. "Child" means a person who is under the age of 18 on the date the petition is filed pursuant to RSA [169-D:5] 169-D:4-b and 169-D:4-c.

II. "Services" means care, guidance, counseling, discipline, supervision, treatment and rehabilitation or any combination thereof. "Services" also includes, but is not limited to, diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive academic exercises, constructive recreational activities, general counseling, and counseling during a crisis situation.

4 New Paragraph; "Diversion" Defined. Amend RSA 169-D:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Diversion" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the juvenile in the formal legal system. Diversion of a juvenile may take place either at pre-filing as an alternative to the filing of a petition, or at any time after the filing of the petition.

5 "Child in Need of Services" Defined. RSA 169-D:2, IV(c) is repealed and reenacted to read as follows:

(c) A child who has committed an offense which if committed by an adult would be a violation under the criminal code of this state, or who has violated an ordinance or by-law of a city or a town, or a child under 16 who has committed an offense which if committed by a person 16 years of age or older would be a violation under the motor vehicle code of this state; and

6 New Sections; Filing of Petitions; Filing by Parents or School Officials. Amend RSA 169-D by inserting after section 4-a the following new sections:

169-D:4-b Petition Filed by Parent or School Official.

I. A petition alleging a child is in need of services may be filed by a parent, legal guardian, custodian or school official at the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged, and shall state the statutory provision alleged to have been violated.

III. If the parents of a child are filing the petition, they shall include information which shows that the child and family have sought to resolve the expressed problem through available community alternatives, that the problem still remains, and that court intervention is needed.

IV. No acts which qualify as delinquent acts as described in RSA 169-B:2, IV shall be included in any petition filed under this chapter.

V. Except as provided in paragraph VI, when a school official is filing the petition, information shall be included which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches; that the school district has sought to engage the parents or guardian in solving the problem, but they have been unwilling or unable to do so; that the problem remains; and that court intervention is needed.

VI. When a school official is filing a petition involving a child determined to be educationally disabled pursuant to RSA 186-C, the official shall include information which demonstrates that the legally liable school district:

(a) Has determined that the child is educationally disabled; and

(b) Has reviewed for appropriateness the child's current individualized education program (I.E.P.) and placement, and has made modifications where appropriate.

VII. After a legally sufficient petition has been filed, the court shall, unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance, to be held within 10 business days of filing, and issue a summons including a copy of the petition, to be served personally upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time. If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be. If the person so notified is not the parent or guardian of the child, each parent or guardian shall be notified by first class mail, with proof of mailing, provided the parent or guardian and their residence are known, or if there is neither parent nor guardian whose residence is known, some relative, if any, if their residence is known. Each parent, unless served personally or at

their abode, shall be so notified by first class mail, with proof of mailing at the last known address.

VIII. If the child or the parent or guardian is not a resident of this state, or if the court determines it would be more efficient, service may be made by first class mail, with proof of mailing.

IX. A copy of the petition shall be attached to each summons or incorporated in such summons.

X. The summons shall state as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C, regarding children with educational disabilities, grants children certain rights to special education and related services at public expense and gives their parents the right to appeal school district decisions regarding services to be provided."

169-D:4-c Petition Filed by Law Enforcement Agency.

I. A law enforcement agency may file a petition alleging a child is in need of services with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. The petitioning law enforcement officer may issue a summons in hand to the child and to the child's parent, guardian or such other person having custody and control of the child or with whom the child may be living. If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be living. If the person summoned is not the parent or guardian of the child, each parent or guardian shall be notified by the law enforcement agency as soon as practicable provided the parent or guardian and their residence are known or if neither the parent nor guardian or their residence is known, some adult relative, if any, whose residence is known. If the person notified is not the parent or guardian of the child, each parent or guardian shall be notified by first class mail, proof of mailing at the last known address, provided the parent or guardian and their residence are known, or if there is neither parent nor guardian whose residence is known, some relative, if any, if their residence is known.

III. The summons shall contain:

(a) The title and statutory citation invoking the process for children in need of services.

(b) A statement as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C, regarding children with educational disabilities, grants children certain rights to special education and related services from school districts at public expense and gives their parents the right to appeal school district decisions regarding programs to be provided."

(c) Brief instructions regarding court procedure as approved by the administrative judge of the district court.

IV. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged, shall state the statutory provision alleged to have been violated, and shall be entitled, "In the interest of , a child."

V. After a legally sufficient petition has been filed, the court shall, unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance to be held not later than 10 business days after the filing of the petition. Notice shall include a copy of the legally sufficient petition and a scheduling order, and shall be made by first class mail, with proof of mailing at the last known address, directed to the parent or guardian or person having custody or control of the minor.

VI. A copy of the petition shall be attached to each summons or incorporated in such summons.

7 Notice of Petition to Department. RSA 169-D:5-a is repealed and reenacted to read as follows:

169-D:5-a Notice of Petition to Department of Health and Human Services. The court shall serve the department of health and human services with a copy of any petition filed under RSA 169-D:4-b and 169-D:4-c, and the department shall have legal standing at and receive notice of all proceedings under this chapter from the time of such service. No agreement or consent order imposing an obligation upon the department shall be approved by the court unless the department has joined in the agreement or consent order.

8 Warrant for Failure to Appear. RSA 169-D:7, II is repealed and reenacted to read as follows:

II. If the child, parent, guardian, or other person ordered to appear, fails to appear for any scheduled hearing, a bench warrant may be issued for the child's appearance or for the appearance of anyone having custody or control of the child, or for both. Additionally, the court may proceed against the child or anyone having custody or control of the child for failure to appear, as authorized by RSA 263:56-a.

9 Diversion Substituted for Release Without Court Referral. RSA 169-D:9 is repealed and reenacted to read as follows:

169-D:9 Diversion.

I. At any time before or during a proceeding brought pursuant to this chapter, a child and the child's family may be referred to a court-approved diversion program or other community resource. Referral may be made by a law enforcement agency or juvenile service officer with the consent of the law enforcement agency prior to or after filing a petition with the court, upon the court's own motion, or at the request of any party with the approval of the court.

II. Referral after filing is appropriate if:

(a) The facts bring the case within the jurisdiction of the court.

(b) Referral of the case is in the best interest of the public and the child.

(c) The child and parent, guardian, or other custodian consent with the knowledge that consent is not obligatory.

III. Referral after filing shall stay the proceedings for a period not to exceed 3 months from the date of referral, unless extended by the court for an additional period not to exceed 3 months. The court may, on its own motion or that of any party, utilize a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family and available services and resources.

IV. During the period of referral, the court may require further conditions of conduct on the part of the child and the child's parents.

10 Initial Appearance. RSA 169-D:11 is repealed and reenacted to read as follows:

169-D:11 Initial Appearance.

I. Unless the matter is referred to diversion pursuant to RSA 169-D:9 or continued for good cause, an initial appearance shall be held within 10 business days of the filing of a legally sufficient petition.

II.(a) At the initial appearance, the court shall:

(1) Advise the child in writing and orally of any formal charges.

(2) Appoint counsel pursuant to RSA 169-D:12.

(3) Establish any conditions for release.

(4) Set a hearing date.

(b) However, no plea shall be taken until the child has had the opportunity to consult with counsel or until a waiver is filed pursuant to RSA 169-D:12.

III. After hearing, the court may, with the consent of the child, dispose of the petition by ordering the child to participate in an approved court diversion program.

11 Release Pending Adjudicatory Hearing. RSA 169-D:13 is repealed and reenacted to read as follows:

169-D:13 Release Pending Adjudicatory Hearing.

I. Following the initial appearance, a child alleged to be in need of services may be ordered by the court, subject to such conditions as the court may order, to be:

(a) Retained in the custody of a parent, guardian, or custodian.

(b) Released in the supervision and care of a relative.

(c) Placed in a foster home, as defined in RSA 169-C:3, XIII, which is specifically licensed to accept children in need of services with expenses chargeable as provided in RSA 169-D:29.

(d) Placed with a friend.

(e) Placed in a group home, crisis home, or shelter care facility licensed pursuant to RSA 170-E with expenses charged according to RSA 169-D:29.

II. The adjudicatory hearing shall be held within 30 calendar days of the initial appearance unless continued for good cause. No adjudicatory hearing for a child placed outside the child's home may be continued more than once for good cause or for a period longer than 14 days, except by agreement of all the parties.

III. All orders issued pursuant to this section shall set forth the findings, as to the form of release or any conditions, in writing and shall state any custody provisions under paragraph I.

12 Adjudicatory Hearing. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child.

III-a. Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation may include a physical and mental examination of the child, parents, guardian, or person having custody. If indicated by the written report of the department of health and human services, the court may order a substance abuse evaluation of the child, parents, guardian, or person having custody. Any substance abuse evaluation of the parent, guardian, or person having custody of the child shall be conducted by a provider contracted with the bureau of substance abuse services, or a provider paid by the parent, guardian, or person having custody of the child. The cost of said evaluation shall be paid by private insurance if available, otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or at reduced cost if the person is of limited means. The court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination [or], mental

health evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 business days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

13 Dispositional Hearing. Amend RSA 169-D:14, V to read as follows:

V. The court shall hold a final dispositional hearing within 30 days of the adjudicatory hearing unless continued for good cause. No dispositional hearing for a child placed outside the child's home may be continued more than once for good cause or for a period longer than 14 days, except by agreement of all the parties.

14 New Subparagraph; Dispositional Hearing May Include Certain After-School or Evening Programs. Amend RSA 169-D:17, I by inserting after subparagraph (d) the following new subparagraph:

(e) Requiring any child to attend structured after-school or evening programs which address some of their compliance issues, as well as supervise the child during the time of the day in which they most value their freedom and the time which is most often used to perform unruly acts.

15 Application for Review. RSA 169-G:2, I is repealed and reenacted to read as follows:

I. The department of health and human services or department of youth development services may file with the clerk of the district court, where the dispositional order was issued, an application for review of the order by the review panel. The application shall be filed within 5 business days after the date of the dispositional order, but not after such date, except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

16 Repeal. The following are repealed:

I. RSA 169-D:5, relative to the filing of petitions for children in need of services.

II. RSA 169-D:6, relative to the issuance of summons and notice in cases involving children in need of services.

17 Effective Date.

I. Section 15 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill revises certain procedures relative to cases involving children in need of services, defines "diversion," and includes provisions relative to court diversion programs and filing of petitions.

Referred to Finance.

HB 616-FN, relative to jury selection reforms. OUGHT TO PASS WITH AMENDMENT

Rep. Janet G. Wall for Judiciary and Family Law: The committee recognizes the importance of having a jury of one's peers and that jury pools have been dwindling. In an effort to rectify the problems, the committee studied the "Report of the Superior Court Reform Study Committee" which came out on August 15, 1997, and worked with the sponsor to reach a reasonable conclusion. The amendment allows for a master blend of drivers' licenses and voting checklists, takes away all exemptions from serving, and disallows felons whose convictions have not been annulled or whose convictions are not eligible for annulment. The committee agreed unanimously on the bill as amended. Vote 14-0.

Amendment (0065h)

Amend RSA 500-A:7-a as inserted by section 5 of the bill by inserting paragraph IV the following new paragraph:

V. A juror shall not have been convicted of any felony which has not been annulled or which is not eligible for annulment under New Hampshire law.

Amend the bill by replacing section 6 with the following:

6 New Subparagraph; Felony Conviction. Amend RSA 500-A:6, III(b) to read as follows:

(b) Require the prospective juror to specify if he is:

(1) A citizen of the United States and a resident of the county;

(2) Able to read, speak and understand the English language; [or]

(3) Subject to any physical or mental disability which would impair his capacity to render satisfactory jury service; [and] or

(4) A convicted felon whose conviction has not been annulled or whose conviction is not eligible for annulment under New Hampshire law; and

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill changes the method for compiling the master jury list. The voter lists and the driver's license list will be blended annually into a master jury list by the administrative office of the courts.

This bill repeals most jury exemptions. The bill prohibits a convicted felon whose conviction has not been annulled or is not eligible for annulment under New Hampshire law from serving on juries.

Referred to Finance.

HB 635, relative to a limitation on liability for emergency medical care providers. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: After several weeks of meetings, the subcommittee reported they could find nothing unique about emergency medical care providers as opposed to other public safety officers who rely on the protections in the current statutes. If an individual is untrained, he/she is protected by the Good Samaritan Rule. If trained, they should follow the protocol of the emergency service company. Vote 14-0.

HB 736-FN, increasing jurors' fees. OUGHT TO PASS WITH AMENDMENT

Rep. Susan J. Clay for Judiciary and Family Law: The committee, as well as the subcommittee that studied this bill, felt that encouraging citizens to take jury duty seriously and not as a "cross-to-bear" was extremely important. However, realizing budget constraints, the committee decided that increasing the mileage from \$0.20 to \$0.31 (a difference of \$26,480.81 in past mileage payments) was an affordable alternative to increasing the jurors fee from \$10 to \$20 per day as the original bill proposed. Vote 14-0.

Amendment (0107h)

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

AN ACT increasing the mileage rate for jurors.

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

1 Jurors' Mileage Rate Increased. Amend RSA 500-A:15, I to read as follows:

I. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be \$10 for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of [\$.20] \$.31 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which [he] the juror resides.

2 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill increases the mileage rate for serving as a juror.

Referred to Finance.

HB 774-FN, relative to child support, custodial rights, and visitation. OUGHT TO PASS WITH AMENDMENT

Rep. John J. McCarthy, Jr. for Judiciary and Family Law: This bill revises the calculations of child support to credit either parent who provides daycare or medical insurance for the children. The caps for child care are increased from current caps to reflect reality. Self-employed persons are credited for their 50 percent contribution of self-employment FICA tax. Also, this bill allows the court to take into consideration the "ordinary" expenses associated with the exercise of visitation, not just "extraordinary" expenses as the current law allows. The goal here is to make support payments financially responsible and to provide incentives to keep dads involved with their children. Vote 14-0.

Amendment (0167h)

Amend RSA 458-C:2, I as inserted by section 2 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Amounts actually paid by the obligor for allowable child care expenses or medical insurance coverage for the minor children to whom the child support order applies.

Amend the bill by inserting after section 2 the following new section and renumbering the original sections 3-9 to read as sections 4-10 respectively:

3 New Paragraph; Definition of "Allowable Child Care Expenses." Amend RSA 458-C:2 by inserting after paragraph I the following new paragraph:

I-a. "Allowable child care expenses" means actual work-related child care expenses for the children to whom the order applies, up to no more than an annual total of \$5,000 for one child, \$9,000 for 2 children, and \$12,000 for 3 or more children.

Amend RSA 458-C:2, VI as inserted by section 4 of the bill by replacing it with the following:

VI. "Net income" means the parents' combined adjusted gross income less standard deductions published on an annual basis by the Department of Health and Human Services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.

Amend RSA 458-C:3, II as inserted by section 5 of the bill by replacing it with the following:

II.(a) The total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section.

(b) The total child support obligation shall be divided between the parents in proportion to their respective incomes as adjusted by this section, except when there are incurred by the obligee child care expenses or for the actual amount paid for medical insurance coverage for the minor children to whom the child support order applies.

(c) For those cases involving allowable child care expenses or medical insurance expenses incurred by the obligee, the same methodology described in subparagraphs (a) and (b) shall be used, except as part of the determination of each parent's share of the child support obligation, the obligee's allowable child care expenses or medical insurance expenses shall be deducted from the adjusted gross income of the obligee.

(d) All child support obligations calculated pursuant to this chapter shall be rounded to the nearest whole dollar.

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect April 1, 1998.

Referred to Finance.

HB 802, relative to judgments on past due rent and judgments for eviction.
OUGHT TO PASS WITH AMENDMENT

Rep. David A. Bickford for Judiciary and Family Law: This bill streamlines and combines the collection, eviction and tenant counterclaim process. It allows the district courts to collect rents during Supreme Court appeals.
Vote 10-0.

Amendment (0170h)

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

AN ACT relative to judgments on past due rent.

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

1 Writ of Summons. Amend RSA 540:13, III to read as follows:

III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days from the [day] date of service of the writ by the sheriff. The writ of summons shall provide an opportunity for the landlord, at the landlord's option, to make a claim for an award of unpaid rent. If the

landlord elects to make a claim for unpaid rent, the court shall consider any defense, claim or counterclaim by the tenant which offsets or reduces the amount owed to the plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment of rent, it shall also award the landlord a money judgment. If the court determines that the amount owed by the landlord to the tenant as a result of set-off or counterclaim exceeds or equals the amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the possessory action shall be granted in favor of the tenant. If the court finds that the tenant's counterclaim exceeds the amount of the nonpayment, a money judgment shall issue in favor of the tenant. Any decision rendered by the court related to a money judgment, shall be limited to a maximum of \$1,500 and shall not preclude either party from making a subsequent claim in a court of competent jurisdiction to recover any additional amounts not covered by the \$1,500 judgment.

2 New Paragraph; Payments Pending Possessory Action. Amend RSA 540:13 by inserting after paragraph VI the following new paragraph:

VII. In the case of nonpayment of rent, while the possessory action is pending, the landlord may accept payment of the rental arrearage without creating a new tenancy, provided that the landlord informs the tenant in writing of the landlord's intention to proceed with the eviction in spite of the landlord's acceptance of the payment. The landlord may choose not to accept payment and to proceed with the eviction.

3 Nonpayment of Rent. Amend RSA 540:14, I to read as follows:

I. If the defendant makes default, or if on trial it is considered by the court that the plaintiff has sustained [his] its complaint, judgment shall be rendered that the plaintiff recover possession of the demanded premises and costs, and a writ of possession shall issue. In cases based on nonpayment of rent, the court shall state the actual amount of the tenant's current weekly rent or, if rent is not paid on a weekly basis, the equivalent weekly rent amount, which must be paid into the court if an appeal is taken pursuant to RSA 540:20 and 540:25. The judgment may be enforced, at the sole discretion of the plaintiff, either by directing the sheriff to serve the writ of possession or by seeking judicial relief against the defendant for civil contempt. A writ of possession shall authorize the sheriff to remove the defendant from the premises.

4 New Paragraph; Successful Claims. Amend RSA 540:14 by inserting after paragraph II the following new paragraph:

III. If the plaintiff makes a successful claim for unpaid rent as well as possession, or the defendant makes a successful counterclaim, the court shall issue a money judgment at the same time that it makes its ruling regarding possession of the premises.

5 Appeal. Amend RSA 540:20 to read as follows:

540:20 Appeal. Any party to an action brought pursuant to this chapter shall, within 7 days of the date of the notice of judgment [date], file in the district court a notice of intent to appeal to the supreme court. [Said appeal shall otherwise be filed in accordance with supreme court rule.] Until

the appeal is perfected by the filing of a notice of appeal in the supreme court, the district court shall retain exclusive jurisdiction of the case. After the filing of the notice of appeal in the supreme court, the district court shall retain jurisdiction of the matter for the purposes of collecting rent pending appeal. In all other respects, the judgment of the district court shall be final at the expiration of the appeal period.

6 Recognizance, by Defendant. Amend RSA 540:25 to read as follows:

540:25 Recognizance, by Defendant.

I. If the possessory action was instituted on the basis of nonpayment of rent, and the defendant files a notice of intent to appeal, the defendant shall pay into court the current rent in an amount determined by the judgment of the court pursuant to RSA 540:14, I, weekly and in advance. Payment of rent for one week must be made at the time the defendant files notice of intent to appeal in the district court. Rent which had been payable on other than a weekly basis shall be paid to the court each week based on the equivalent weekly rent determined by the judgment issued by the court, pursuant to RSA 540:14, I. During the pendency of the appeal, rent is payable on a weekly basis and is due on the same day of the week on which the notice of intent to appeal was filed. If rent is not paid by the due date, the court shall immediately mail a notice of default to the tenant and issue a writ of possession to the landlord. If, however, the tenant pays the clerk the entire amount of rent due since the filing of the notice of intent to appeal prior to the service of the writ by the sheriff, the writ of possession shall be recalled and the appeal shall be reinstated. Unless the appeal is reinstated, the district court shall vacate the appeal and award the plaintiff the rent money that has been paid into court. When the final decision on appeal is rendered, the money paid into court shall be apportioned between the plaintiff and the defendant, based on the amount of rent which is found to be due and owing as a result of the appeal.

II. If the possessory action was instituted for a reason other than nonpayment of rent, the defendant shall pay into court or to the plaintiff, as the court directs, all rents becoming due from the date the notice of intent to appeal is filed with the district court. In any case in which the duty to pay rent or a portion thereof is in dispute, the defendant shall be required to pay such portion of the rents becoming due after the notice of intent is filed into court, as the court may direct, which amounts shall be held by the court in escrow until a final decision is rendered. After such decision has been rendered, the escrowed rent money and any accrued interest thereon shall be apportioned between plaintiff and defendant on the basis of a finding of rent actually due. For the purpose of this section, "rent" shall mean the amount of money called for by the lease or rental agreement at the time the action for possession was instituted.

7 New Section; Change of Venue in Possessory Actions Regarding Residential Property. Amend RSA 502-A by inserting after section 16 the following new section:

502-A:16-a Change of Venue in Possessory Actions Regarding Residential Property. Venue in possessory actions concerning residential property brought pursuant to RSA 540 which are initiated in a judicial district other than that in which the defendant resides may be transferred as follows:

I. In cases based on grounds other than nonpayment of rent, venue shall be transferred to the judicial district in which the defendant resides at the request of the defendant.

II. In cases based on nonpayment of rent, venue may be transferred to the judicial district in which defendant resides when the court, in its discretion, determines that justice so requires.

8 Landlord's Responsibility for Storage of Tenant's Property. Amend RSA 540-A:3, VII to read as follows:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, either voluntarily or by eviction, for a period of [45] 28 days after the date upon which such tenant has vacated. During this period, the tenant shall be allowed to recover personal property without payment of rent or storage fees. After the [45-day] 28-day limit has expired, such personal property may be disposed of by the landlord without notice to the tenant.

9 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill:

I. Allows a landlord to make a claim for an award of unpaid rent in a writ of summons for possession of rented premises.

II. Expands the jurisdiction of the district court during the pendency of an appeal to the supreme court for the purposes of collecting rent.

III. Provides a schedule for the payment of rent while an appeal is pending.

IV. Provides for a change of venue in certain situations in which a possessory action under RSA 540 is initiated in a judicial district other than the one in which the defendant resides.

V. Changes the number of days a landlord is obligated to store personal property of a tenant, after the voluntary termination of a tenancy or a eviction, from 45 to 28 days.

SB 26, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah L. Woods for Judiciary and Family Law: The committee felt strongly that no parent should benefit monetarily from the death of his or her child if that person purposely fails and refuses to pay child support arrearages pursuant to standing orders. The committee continues to support

legislation which helps with the collection of child support, which this bill does. Vote 12-2.

Amendment (0123h)

Amend RSA 508:19 as inserted by section 1 of the bill by replacing it with the following:

508:19 Wrongful Death Action on Behalf of Nonsupported Child; Recovery Limited. No parent shall receive any portion of an award of damages or an out-of-court settlement resulting from any claim or action for wrongful death on behalf of such parent's dependent child, until such parent has paid in full any child support arrearages owed, if such parent:

I. Was convicted of nonsupport of such child under RSA 639:4;

II. Failed to comply with a legal order for support of such child under RSA 161-B; or.

III. Was otherwise ordered to pay support for such child by a court or administrative agency in this state or another state, and failed to comply with such order.

AMENDED ANALYSIS

This bill prevents a parent who failed to support a dependent child and was either convicted of nonsupport or failed to comply with a support order, from recovering damages or a settlement resulting from a wrongful death claim or action on behalf of such child, until such parent has paid in full any child support arrearages owed.

SB 84, revising the uniform simultaneous death act. OUGHT TO PASS

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill will contribute to the simplification of probate proceedings, thereby making the probate courts easier for the citizens to use. New Hampshire has already adopted the 1940 uniform simultaneous death act. This bill is the updated 1993 version of that act. Vote 14-0.

SB 96-FN, relative to the priority of charges in probate of estates. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: This provides for two changes in the priority list when settling an estate. The first is funeral expenses are added to the list of just debts. Secondly, the state is reimbursed for "Old Age Assistance" and "Aid To The Permanently And Totally Disabled" before the estate is disbursed to the heirs. Vote 13-0.

Referred to Finance.

SB 197-FN, relative to final dispositional orders in child protection cases.
OUGHT TO PASS

Rep. David A. Bickford for Judiciary and Family Law: This bill continues the administrative hearings for abuse and neglect of children before Health and Human Services, but allows the accused the benefit of subsequently choosing a trial hearing de novo. Vote 14-1.

Referred to Finance.

HB 579-FN-L, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee, with assistance from the Unemployment Advisory Council and the Department of Employment Security, amended the bill to state when certain conditions are met, an abused person who must leave his/her employment shall be entitled to collect unemployment compensation. No employer account shall be assessed under these conditions but instead a charge shall be made against the trust fund account. Vote 14-1.

Amendment (0073h)

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

AN ACT providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.

Amend RSA 282-A:32, I(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:

(A) The individual relocated to escape the abuse; or

(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:

(i) A reduction in work force; or

(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer-employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse;

Amend the bill by replacing section 3 with the following:

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

AMENDED ANALYSIS

This bill provides that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.

Referred to Finance.

SB 42, relative to the authority of the labor commissioner to revoke the license of an employee leasing company for violations of the labor laws.
INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg for Labor, Industrial and Rehabilitative Services: The committee feels the Department of Labor has the ability to revoke licenses of employee leasing companies for labor law violations under the current statutes. Vote 14-1.

HB 111-FN, relative to preservation and access to records of legislation in the state archives. OUGHT TO PASS WITH AMENDMENT

Rep. Peter Hoe Burling for Legislative Administration: The committee is convinced that steps must be taken as quickly as possible to improve the rate of preservation of House and Senate records. The questions that remain to be answered are all technology related. The committee, therefore, decided to reconvene a study committee to review available preservation technologies, and the costs thereof, and make a recommendation on or before November 1, 1998. Vote 11-0.

Amendment (0121h)

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

AN ACT establishing a committee to study the preservation of and access to records of legislation in the state archives.

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

1 Committee Established. There is established a committee to study the preservation of and access to records of legislation in the state archives.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

I. Request the advice and participation of the state archivist and staff.

II. Review varying types of preservation technology.

III. Review the costs and durability of each available technology.

IV. Make recommendations regarding the preservation technology to be adopted and the appropriation that may be required to cover the costs thereof, all with the understanding that the house committee on legislative administration believes that steps must be taken to improve the current state of preservation of legislative records.

4 Chairperson. The first meeting of the committee shall be called by the first-named house member. The members of the study committee shall elect a chairperson from among the members.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

AMENDED ANALYSIS

This bill establishes a committee to study the preservation of and access to records of legislation in the state archives.

HB 170-L, exempting temporary, demountable, plastic-covered greenhouses from property taxation. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for Local and Regulated Revenues: This bill represents one small slice in the ongoing debate of what is "taxable property" as opposed to "nontaxable equipment." The committee heard testimony that the taxation of demountable, plastic-covered greenhouses varies greatly from one municipality to another. Clearly, legislative guidance is needed. The committee amendment tightens up the bill by clearly defining a "demountable, plastic-covered greenhouse" and clarifying that requirements for tax exemption include that they are not permanently affixed to footings and that they are specifically designed and used for growing horticultural commodities (and not for retail sales). In a letter to the committee, Commissioner of Agriculture Steve Taylor stated his strong support for the committee's amendment, noting that it "will finally clarify the tax status of these new greenhouse structures and give local selectmen, assessors, zoning administrators, and other officials clear, consistent guidelines in this area." Vote 18-0.

Amendment (0105h)

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

1 New Section; Property Tax Exemptions for Certain Greenhouses. Amend RSA 72 by inserting after section 12-c the following new section:

72:12-d Exemption.

I. Demountable, plastic-covered greenhouses shall be exempt from taxation if all of the following qualifications are met:

(a) Removal of the demountable greenhouse will not affect the utility of the underlying real estate.

(b) The demountable greenhouse is not permanently affixed to the underlying real estate with concrete or similar non-portable footings.

(c) Removal of the demountable greenhouse can be accomplished without damage to the greenhouse and will not render the greenhouse unfit for subsequent use as a demountable greenhouse.

(d) The demountable greenhouse is specifically designed, constructed, and used for the culture and propagation of horticultural commodities.

(e) The demountable greenhouse is not used for the retail sale of any farm or non-farm products.

II. For purposes of this section, the term "demountable, plastic-covered greenhouse" means:

(a) Framework.

(b) Coverings.

(c) Portable electric appliances, the installation of which involves only the insertion of an attachment plug into a fixed receptacle outlet. The word "portable" does not include or apply to any type or fixed electrically operated or driven equipment.

(d) Benches.

(e) A portable source of heat not fixed to the greenhouse or underlying real estate.

(f) A portable source of ventilation not fixed to the greenhouse or underlying real estate.

(g) A portable irrigation system.

III. Nothing in this section shall be construed to change or affect the current use laws under RSA 79-A and the rules adopted in furtherance of RSA 79-A.

2 Effective Date. This act shall take effect April 1, 1998.

HB 337-L, allowing a municipality to reduce the property tax on improvements. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for Local and Regulated Revenues: This bill would enable a municipality to reduce the assessed value of improvements (such as housing and commercial development), thereby shifting the property tax burden onto unimproved land. Supporters of the bill believe that reducing property taxes on improvements would stimulate economic development. Opposition at the public hearing came from S.P.A.C.E. (the current use coalition) and the New Hampshire Municipal Association (which raised constitutional issues). The committee has significant concerns about the bill. First, there is no evidence of broad-based support from citizens or taxpayers for this particular type of property tax reform. Also, the committee is concerned about the possible negative ramifications of shifting the property tax burden onto land. In sum, the committee is wary of making what could be a major change in property tax policy when there is no compelling reason to do so. Vote 12-1.

HB 504-L, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations. INEXPEDIENT TO LEGISLATE

Rep. Francis C. Vincent for Local and Regulated Revenues: The committee felt this was a special interest bill filed in response to the Rollinsford case. The committee voted to re-refer this bill so parties could present more information to support their bill. None was forthcoming. Vote 12-0.

HB 174-L, relative to budgetary official ballot. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The charter process (HB 141, Chapter 53 from 1995) in RSA 52:2-a and RSA 197:5-b allowed the school districts and village districts to put "money articles" on the official ballot but not all warrant articles. HB 289, Chapter 319 from 1997 made the charter amendment official ballot voting option applicable to all warrant articles, at the locality's option, rather than limited to money raising articles only. Therefore, this bill is not necessary. Vote 17-0.

HB 295-L, authorizing a cooperative school district board to establish polling places in each member town. INEXPEDIENT TO LEGISLATE

Rep. Thomas B. Salatiello for Municipal and County Government: This issue was taken care of in SB 109, Chapter 318 in the 1997 legislative session. If multi-school districts want to establish additional polling places in member towns, this can be authorized by the legislative body. Vote 17-0.

HB 366-L, relative to noncompliance with zoning ordinances. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The sponsor requested the committee to vote "Inexpedient to Legislate" on this bill because the sponsor wants to do further research on the subject. Vote 16-0.

HB 543-L, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: RSA 423:9 currently requires that all property and rights related to aeronautical facilities acquired by a city or town outside its boundaries be tax exempt and the amount of a payment-in-lieu-of-taxes be calculated based on the assessed tax valuation of April 1, 1940. Municipal airports and airport authorities have a different governing structure. It is unclear whether such entities may be impacted by any change to this statute. The committee felt that more time and input was necessary to be sure that all issues are considered. Vote 16-0.

HB 552-L, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill specifies that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access and the impact of the proposal upon it. Vote 16-0.

Amendment (0008h)

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

1 Lands Solely Accessed Via Another Municipality. Amend RSA 674:53, II to read as follows:

II. Upon receipt of an application for a permit or approval under this title for the subdivision, development, [or] change of use of [a], or erection or alteration of any structure upon any lot, tract, site or other division of land whose boundary or portion thereof is a municipal boundary line, [a] or whose sole street access or sole maintained street access is via a private road or class IV, V, or VI highway located in an adjoining municipality, the municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality or municipalities as to the existence of facts or regulations which, under [paragraph] paragraphs I, III or IV of this section or otherwise, would preclude or affect such subdivision, development, construction, or change of use. Response shall be made to such inquiries within the period provided by this title for approval or disapproval of the underlying application. A response which invokes an ordinance or regulation of such adjoining municipality may be appealed in that adjoining municipality in the same manner as any other administrative decision. An adjoining municipality in which is located an existing private road or class VI highway that serves as an applicant's sole means of fulfilling the street access requirements under RSA 674:41 shall have the same regulatory powers under that statute with respect to that road or highway as if the proposed building or development were located within that same municipality.

2 Access Via Adjoining Municipality. Amend RSA 674:53, IV to read as follows:

IV. No plat or plan showing land or streets in more than one municipality in the state shall be deemed approved for purposes of this title unless it has been approved by the planning boards of all included municipalities in which the planning board has been granted authority over approval of that type of plat or plan. In addition, no plat or plan showing land whose sole street access or sole maintained street access is or is planned to be via a private road or class IV, V or VI highway located in an adjoining municipality shall be deemed approved for purposes of this title unless it has been approved by the planning board, if any, of that adjoining municipality, provided however that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access, and the impact of the proposal upon it.

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

HB 641, relative to property tax bills for land parcels having multiple owners. REFER FOR INTERIM STUDY

Rep. Richard C. Leone for Municipal and County Government: Although it was generally acknowledged that the subcommittee had made a serious attempt to improve upon the bill, the full committee determined that there was need to further clarify the notification process including such issues as unfunded mandates, dispensation of related notices, and how certain parties would be notified after the deeding of the property. Vote 16-0.

HB 642, requiring that all property taxes be paid prior to approval of a subdivision plat. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government: Many communities have experienced great difficulties in the assessment and collection of property taxes on land which has been legally subdivided after April 1st, but sold prior to the payment of all taxes due for that particular tax year. With the enactment of this bill, municipalities will have the capability to protect the interest of the community and the integrity of the tax collection and lien process. This bill also sets up procedure for payment of taxes by the developer and subsequent owners. Vote 16-1.

Amendment (0101h)

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

AN ACT clarifying the effect of subdivision on property tax assessment and collection.

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

1 New Section; Effect of Subdivision on Property Tax Assessment and Collection. Amend RSA 674 by inserting after section 37 the following new section:

674:37-a Effect of Subdivision On Tax Assessment and Collection. The collection of taxes with respect to land being subdivided shall be governed by the following provisions:

I. If approval of a subdivision plat has been granted on or before April 1 of a particular tax year, giving the owner a legal right to sell or transfer the lots, parcels or other divisions of land depicted on the plat without further approval or action by the municipality, then such lots or parcels shall for that tax year be assessed and appraised as separate estates pursuant to RSA 75:9, whether or not any such sale or transfer has actually occurred, and shall continue to be so assessed unless and until subdivision approval is revoked under RSA 676:4-a, or the parcels are merged pursuant to RSA 674:39-a.

II. If subdivision approval does not become final until after April 1, then all assessments, appraisals, and tax warrants for that property during that tax year shall pertain to the entire non-subdivided property as it was configured on April 1, notwithstanding any later sale or transfer of subdivided lots or parcels which may occur during that year.

III. When property has been assessed as a single parcel or estate in accordance with paragraph II, and some subdivided portion of that property is later sold or transferred prior to the payment of all taxes, interest, and costs due for that tax year, the municipality's tax lien shall remain in effect with respect to the entire property, and each lot or parcel transferred or retained shall remain obligated for the entire amount, and shall be subject to all procedures of RSA 80 until that amount is collected.

IV. In order to avoid the liability of subdivided lots or parcels for taxes due on the entire property as set forth in paragraph III, any person with a legal interest may, at the time of subdivision approval or any time thereafter, prepay all taxes to be assessed on the entire property for that tax year. If such prepayment is offered prior to the determination of the property's full tax obligation for that year, the collector shall notify the assessing officials, who shall make a reasonable jeopardy assessment in accordance with the provisions of RSA 76:10-a, and commit it to the collector. After full prepayment the tax collector shall upon request execute a statement identifying the subdivision plat, and stating that all real estate tax obligations for the tax year have been fulfilled with respect to the property shown on the plat. Such a statement may be recorded in the registry of deeds at the expense of the party requesting it.

V. Nothing in this section shall be construed to prevent the parties to a conveyance from making alternative provisions, through privately-held escrow or other means, for the allocation and satisfaction of tax obligations; provided, however, that the municipality shall not, with respect to property assessed as a single parcel or estate pursuant to paragraph II, be required to apportion taxes among subdivided lots, or to release any subdivided portion of such property from the municipality's tax lien unless and until the full tax obligation for the assessed property has been satisfied.

2 Reference Added; Separate Tracts. Amend RSA 75:9 to read as follows:

75:9 Separate Tracts. Whenever it shall appear to the selectmen or assessors that 2 or more tracts of land which do not adjoin or are situated so as to become separate estates have the same owner, they shall appraise and describe each tract separately and cause such appraisal and description to appear in their inventory. In determining whether or not contiguous tracts are separate estates, the selectmen or assessors shall give due regard to whether the tracts can legally be transferred separately under the provisions of the subdivision laws including RSA 676:18, RSA 674:37-a, and RSA 674:39-a.

3 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill clarifies the effect of subdivision of land on property tax assessment and collection.

HB 679-FN-L, repealing the limitation on zoning ordinance protest petitions.
INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would have repealed RSA 675:5, I-L which restricts the requirement of a favorable vote of 2/3 of the legislative body to act on any proposed zoning change. Vote 16-0.

HB 812, relative to the Melendy Pond Authority of Brookline, New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Cynthia J. Dokmo for Municipal and County Government: The Melendy Pond Authority is the subject of litigation which is currently before the Supreme Court. The committee feels that it is premature to act on this bill prior to the conclusion of that litigation. Vote 19-0.

SB 56-FN-L, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property. INEXPEDIENT TO LEGISLATE

Rep. Kathleen N. Taylor for Municipal and County Government: The content of this bill has been incorporated in House Bill 676 and is, therefore, no longer necessary. Vote 18-0.

SB 62, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: During the 1997 session, the committee put forth a time schedule for those school districts who had voted to use the official ballot referendum form of meeting to coincide with the traditional time schedule for voting on the second Tuesday in March. Therefore, the original request for an April voting time line is not required. Vote 17-0.

SB 179-FN-L, establishing a committee to study creating a New Hampshire local government records management improvement fund. INEXPEDIENT TO LEGISLATE

Rep. Cynthia J. Dokmo for Municipal and County Government: The committee enthusiastically endorsed the concept of a records management program, but a Uniform Commercial Code surcharge was an unacceptable method to fund such a program. It is hoped that individual members of the committee will support legislation on the issue in the next legislative session. Vote 19-0.

HB 305-A, relative to the rehabilitation of the Walker building and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Leon Calawa, Jr. for Public Works and Highways: The subcommittee has concluded after touring the Walker building and reviewing and considering all options, to rehabilitate the Walker building would make more sense economically than leasing space. A new bill has been filed that better addresses the administration and rehabilitation of the Walker building. Vote 20-0.

HB 400, authorizing the state to enter into a lease-purchase agreement with Cheshire county for the new Jaffrey-Peterborough district courthouse. INEXPEDIENT TO LEGISLATE

Rep. Rep. James A. Whittemore for Public Works and Highways: The committee recommends Inexpedient to Legislate as the Town of Jaffrey and Cheshire County do not wish to be involved in the construction of the courthouse and have instead secured the land and are giving it to the state for the construction of a courthouse to be built by the state. Vote 21-0.

HB 778-A, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways: The committee is very concerned with the erosion along the Connecticut River in North Walpole, especially in relation to Route 12. Realistically, there is presently no expert consensus on which method would most effectively stop such erosion, though New England Power Company is currently using a method which may eventually stop it. This method needs more time to see if it actually works. Also, the \$250,000 figure mentioned in the bill would not adequately deal with the problem as admitted by the prime sponsor. According to the Army Corps of Engineers, between \$2.1 and \$7.6 million would be needed with up to \$1 million of this total coming from the federal government. However, the committee recommends killing this bill with the understanding that the Department of Transportation maintains continuous monitoring of the erosion, and that contingency plans be made to address a washout of Route 12 if one should occur. Vote 21-0.

SB 158-FN-A, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: This bill proposes to appropriate \$170,000 for a project to complete the half-tide jetty and to alleviate the beach erosion along the south side of Hampton Harbor inlet. The committee determined the project has been included in the Capital Budget for 1998-1999 (HB 25, Laws of 1997, Chapter 349). The project is included in the \$1.7 million project to dredge Hampton-Seabrook Harbor. The accompanying

study of the revenue stream on the seacoast revealed some inequities in collecting fees and the need to improve dredging management, scheduling and funding. Legislation will be filed to establish a reserve dredging account in the Port Authority operating budget. Further review of the management of certain state properties will be needed. Vote 21-0.

HB 350, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee agreed that new proposed rules will cover the body of this legislation and the Legislature should revisit the effectiveness of the rules at a later date. Vote 15-0.

HB 561-FN, relative to certain marine patrol personnel. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill makes the auxiliary marine patrol program mandatory and requires the Commissioner of Safety to recruit voluntary auxiliary marine patrol officers equal to the number of part-time paid marine patrol officers employed by the Department of Safety. The committee felt that establishing a quota system relative to the specific number and type of officers within the marine patrol was too limiting and not in the best interests of the marine patrol and its ability to function. Vote 15-0.

HB 581-FN, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee felt that all of the conditions contained in this bill are under consideration in Department of Environmental Services rulemaking. Since the proposed rules may need some fine-tuning, it would be best to revisit these conditions during the next session. Vote 15-0.

HB 618-FN, relative to increasing certain state park fees. INEXPEDIENT TO LEGISLATE

Rep. Rudolf A. Adler for Resources, Recreation and Development: After reviewing state park revenue and cost data and discussing past and proposed fee changes, the committee was satisfied with current methods. Vote 13-0.

HB 710-FN, requiring boating safety education. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Resources, Recreation and Development: Under this bill, any person born after January 1, 1980, with certain exceptions, who operates a vessel on the public waters of this state would be required to obtain and possess a certificate that certifies that such person has completed a boating safety education class. Testimony helped the committee determine that the limited financial and human resources of the marine patrol would cause training of boaters to be difficult and enforcement of the program almost impossible. The Department of Safety also testified that out of state visitors should be considered before a program of this type is implemented. Vote 16-0.

SB 161-FN-A, relative to the Seacoast Science Center and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. H. Charles Royce for Resources, Recreation and Development: The purpose of this bill was to appropriate monies to design working plans for an addition to the Seacoast Science Center at Odiorne State Park in Rye. The committee felt that there should be no expansion of this building until a master plan is completed for the entire park and also the Brown property which is across Route 1A from the park and owned by the state. It was strongly felt by the committee that before new construction of any buildings that we plan what is going to happen in the entire park, i.e. parking lots, septic systems, picnic areas, proper use of other buildings, and staffing. White Island, one of the Isles of Shoals, will also be included in the master plan. Vote 14-0.

Amendment (0138h)

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

AN ACT relative to a master plan of Odiorne Point State Park.

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

1 Odiorne Point State Park. There shall be no appropriation for the expansion of the Seacoast Science Center at Odiorne Point State Park in Rye until the commissioner of the department of resources and economic development has completed a master plan of Odiorne Point State Park. The master plan shall examine all aspects of the state park, and the role of the Seacoast Science Center in conjunction with the mission of the state park system. The plan shall also update the "Thoresen Report," a management plan prepared in June 1983, and incorporate the recent purchases of the Brown property into the plan. White Island shall also be considered as a component of the plan.

2 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill prohibits appropriations for expansion of the Seacoast Science Center at Odiorne Point State Park until the commissioner of the department of resources and economic development has developed a master plan for the park.

HB 406, relative to environmental disclosure by electric power facilities. INEXPEDIENT TO LEGISLATE

Rep. Clifton C. Below for Science, Technology and Energy: HB 726, Chapter 298, Laws of 1997 gave the Public Utilities Commission authority to establish environmental disclosure standards for competitive electricity suppliers. The Public Utilities Commission has indicated its intent to do so and is involved in coordinated efforts with other New England states to develop common regional disclosure standards, so this bill is not necessary. Vote 16-0.

HB 482, relative to the access and development of interstate computer network systems. INEXPEDIENT TO LEGISLATE

Rep. Godfrey G. Howard for Science, Technology and Energy: This bill would have required the Public Utilities Commission to perform a study aimed at improving access to computer networks in certain areas of New Hampshire. The objectives of the sponsor have been subsumed by the more-inclusive HB 452, which rendered the subject matter of this bill moot. Vote 16-0.

HB 610-FN, relative to the regulation of small telephone companies by the public utilities commission. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The second part of this bill, to speed up Public Utility Commission approval of small telephone company tariffs for new services, was incorporated into other legislation during 1997. The first part of this bill would have attempted to reduce the cost of regulating small telephone companies by allowing them to increase rates under certain circumstances without commission approval. The committee chose instead to rely on the testimony of the commission that they already had adequate authority to approve rate changes with less paperwork than a full commission rate case, when appropriate. Vote 16-0.

HB 750-FN-L, relative to municipal water systems. INEXPEDIENT TO LEGISLATE

Rep. Donald B. White for Science, Technology and Energy: HB 750-FN-Local was directed towards updating Chapter 38, municipal water systems. However, the passage of HB 528 in 1997 included the same objective as part of a complete revision of Chapter 38. Thus, HB 750-FN-Local is unnecessary. Vote 16-0.

HB 754-FN, relative to special gas and electric rates for customers dependent on life-support equipment. INEXPEDIENT TO LEGISLATE

Reps. Sarah K. Bonneau and Donald B. White for Science, Technology and Energy: While finding this bill to be worth serious consideration due to testimony regarding substantial increases in, primarily, electric utility bills for children living at home on life-support equipment, the committee felt that these costs would be better addressed by health insurance providers. Consequently, a new bill was drafted under a more appropriate statute. Vote 16-0.

HCR 7, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress. INEXPEDIENT TO LEGISLATE

Rep. Thomas A. Varrell for State-Federal Relations and Veterans Affairs: The purpose of this resolution was to basically reaffirm the 10th Amendment of the U.S. Constitution. However, the resolution was drafted and sent to our committee for action during the time frame that the U.S. Supreme Court was considering a case, i.e. Mack and Prinz v. United States, which dealt with essentially the same issues and concerns which are contained in our own HCR 7. Since a Supreme Court decision on this issue was imminent, the committee re-referred this HCR until the U.S. Supreme Court had reached their decision. The Supreme Court upheld the provisions of our 10th Amendment as set forth in our federal constitution by a vote of 5 to 4, thereby making our own HCR 7 redundant and unnecessary at this time. In the event the U.S. Supreme Court overturns or significantly alters our 10th Amendment, this HCR can be reintroduced for consideration or action. Vote 17-0.

HB 231-FN-L, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders for Transportation: The context of this bill is already covered under RSA 263:14-A and possible problems with administrative hearings did not happen according to the Department of Safety. Vote 13-0.

HB 649-FN, relative to reckless driving. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders for Transportation: After passage of the graduated license and increasing the age of seat belt usage, plus the fact that the Department of Safety is already suspending first-time licenses, it was felt that this bill was unnecessary. Vote 15-0.

HB 729-FN-A, establishing a kindergarten special number plate and fee, with the fees continually appropriated to the department of education. INEXPEDIENT TO LEGISLATE

Rep. Roland M. Turgeon for Transportation: After due consideration and with the approval of the prime sponsor who did not object to killing the bill, the committee voted unanimously to recommend inexpedient to legislate. Vote 15-0.

SB 187, relative to the penalties for certain court defaults. INEXPEDIENT TO LEGISLATE

Rep. Gordon E. Bartlett for Transportation: No law will keep a driver with a suspended license from driving if he/she decides to drive. Judge Edwin Kelly has agreed to issue a blanket bench warrant for all suspended drivers in one county. He will monitor this program for a short time, with an eye to broadening the program if successful. Vote 15-0.

HB 132-FN, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge. OUGHT TO PASS WITH AMENDMENT

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill allows residents of the state who are on active duty in the Armed Forces or Coast Guard to be issued basic resident hunting and fishing licenses at no charge while on leave or furlough. The bill also allows nonresidents on active duty permanently stationed in the state to purchase regular or combination licenses at the fee that is charged to residents. Vote 13-0.

Amendment (0003h)

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

1 Fishing and Hunting Licenses; Armed Forces and Coast Guard. RSA 214:3 is repealed and reenacted to read as follows:

214:3 Members of the Armed Forces and Coast Guard.

I. Any resident of this state who is on regular active duty in any branch of the armed forces including the coast guard, and who is permanently stationed outside of the state, may acquire at no charge, upon application to the executive director and subject to the restrictions of title XVIII, a special license to hunt and fish during any period while on leave or furlough.

II. Any nonresident who is on regular active duty in any branch of the armed forces including the coast guard, and who is permanently

stationed within the state, may purchase regular hunting and fishing licenses or combination licenses, subject to the restrictions of title XVIII, at the same fee as is charged a legal resident of the state.

III. The executive director shall adopt rules pursuant to RSA 541-A relative to:

(a) Establishing any restrictions on the use of a special license issued under paragraph I.

(b) The documentation required in order to qualify for a license under this section.

(c) The locations at which a license may be issued.

2 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill allows residents of the state who are on active duty in the armed forces or coast guard to be issued basic resident hunting and fishing licenses at no charge while on leave or furlough. The bill also allows nonresidents on active duty to purchase regular or combination licenses at the fee that is charged to residents.

REGULAR CALENDAR PART I

HB 772-FN-A, establishing the position of industrial, commercial, and tourism agent for Coos County and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Barbara L. Spear for Commerce: There is no question of the need for economic development in the north country. At this time, the committee would like to see the newly organized economic development group work closely with the DRED/OBID representative whose office is in the general area. Vote 12-2.

Adopted.

HB 784-FN-L, changing the age requirements for providing public education, including special education. OUGHT TO PASS WITH AMENDMENT

Rep. Jane E. O'Hearn for Education: This bill, as amended, deals with the cost issue of an unanticipated and unbudgeted special education student who arrives in a school district. The amended version of this bill deals with reimbursement anticipation notes for school districts. It allows the governing body, after notice and public hearing, to borrow such funds and to recognize such proceeds for property tax rate-setting purposes. It also requires the Department of Education to be liable for costs of borrowing funds more than 3 1/2 times the per-pupil estimated state average expenditure

instead of the current 10-times average. Further legislation will be addressed in the 1998 session as to the costs, process and needs of Special Education Services in New Hampshire as a result of the study committee's findings. Vote 15-5.

Amendment (0099h)

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

AN ACT relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing.

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

1 Liability of Department of Education; Costs Over 3-1/2 Times Estimated Expenditure. Amend RSA 186-C:18, VIII to read as follows:

VIII. A school district shall raise and appropriate funds reflecting the total cost in meeting catastrophic special education student costs as provided under RSA 186-C:18, including the school district and department of education liability. A school district may issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon receipt of reimbursement from the state. The department of education shall be liable for the cost of the school districts borrowing of any funds for special education student costs over [10] 3-1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

2 Reimbursement Anticipation Notes; Exempt From Debt Limits. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18. The governing body, after [receiving authorization for borrowing from the legislative body] notice and public hearing, may elect to borrow such funds and to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification[, prior to September 1,] to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.

3 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill changes the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing, and allows school districts to incur debt in anticipation of reimbursement to meet catastrophic special education costs.

Adopted.

Report adopted and referred to Finance.

SB 205-FN-L, establishing a special school district to provide special education for eligible inmates in the state prison system. OUGHT TO PASS WITH AMENDMENT

Rep. Jane E. O'Hearn for Education: There is a federal requirement to meet the needs of inmates who fall under special education requirements in IDEA. The special prison SAU will be able to address educational needs and to develop authorized Individual Education Plans (IEP) with safety as a consideration. The amendment will exclude the SAU from meeting certain minimum standards and receiving state aid. Vote 14-2.

Amendment (0155h)

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

1 New Subparagraph; Special School District Added to Department of Corrections. Amend RSA 21-H:4, I by inserting after subparagraph (b) the following new subparagraph:

(c) Be responsible for the operation of the special school district, established under RSA 194:60, which shall provide appropriate education services to eligible offenders held in facilities operated by the department of corrections.

2 Special District Program Approval By Interagency Agreements. Amend RSA 186-C:5 to read as follows:

186-C:5 Program Approval. The state board of education shall adopt rules establishing standards for the approval of programs of education that are maintained by school districts, regional special education centers, and private organizations or state institutions for the benefit of educationally disabled children, including home-based programs; except, however, that approval of programs of education for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.

3 Reference to "Special" School District Added. Amend RSA 186-C:9 to read as follows:

186-C:9 Education Required. Each child determined by the local or special school district as being educationally disabled in accordance with RSA 186-C:2 and in need of special education or special education and educationally related services shall be entitled to attend an approved program which can implement the child's individualized education plan. Such child shall be entitled to continue in an approved program until such time as the child has acquired a high school diploma or has attained the age of 21, whichever occurs first, or until the school district responsible for developing the child's individualized education plan determines that the

child no longer requires special education in accordance with the provisions of this chapter.

4 State Prison Deleted. Amend RSA 186-C:19-a, II to read as follows:

II. The school district liability for educational expenses for an educationally disabled child in the youth development center [or the state prison], or who is placed in the youth services center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

5 Revised Definition of a School District; Amend RSA 194:1 to read as follows:

194:1 What Constitutes a District. Each town shall constitute a single district for school purposes; provided that districts organized under special acts of the legislature may retain their present organization, and the word "town", wherever used in the statutes in connection with the government, administration, support or improvement of the public schools, shall mean district. The special state prison school district, as established by RSA 194:60, shall constitute a single district for school purposes, and shall be subject to the provisions of RSA 194:60. Notwithstanding any other provision of law to the contrary, in the case of unincorporated towns or unorganized places in Coos county, Coos county shall constitute the district.

6 New Subdivision; Special School District; Department of Corrections. Amend RSA 194 by inserting after section 59 the following new subdivision:

Department of Corrections Special School District

194:60 Special School District; Department of Corrections.

I. A special school district is established within the department of corrections, under RSA 21-H, for the purpose of providing approved educational programs pursuant to this chapter to eligible educationally disabled adult offenders, under the age of 21, who wish to participate.

II. The special school district shall be exempt from state board of education rules, except that the standards for the education of students with disabilities and all education programs shall be set by an interagency agreement between the department of education and the department of corrections.

III. The special school district shall be exempt from the organizational and budgetary requirements regarding other school districts or charter schools. The special state prison school district shall not be required to file financial reports with the department of education or the department of revenue administration.

IV. The special school district shall have authority to perform all duties necessary to operate a school including, but not limited to, the following:

(a) Timely submission of all required educational program approval documents and reports to appropriate agencies.

(b) Maintenance of approved educational programs which comply with the requirements as provided for in the interagency agreements between the department of corrections and the department of education. The interagency agreements shall set forth the standards for approval of a school program for department of corrections facilities, the graduation requirements necessary for the special school district to issue a high school diploma, and the standards for special education program approval.

(c) Issuance of transcripts.

(d) Performing assessments and developing individual education programs.

(e) Providing fiscal management for the state and federally-funded approved educational programs.

(f) Operation of approved educational programs in a manner consistent with the legitimate security and safety concerns of a penal institution.

V. The special state prison school district shall not be assigned to a school administrative unit, nor shall it be subject to the provisions of RSA 194-C.

VI. The special state prison school district shall not be eligible to receive any form of state aid to education pursuant to RSA 198, including but not limited to, state building aid, state aid, dual enrollment grants, foundation aid, or alternative foundation aid.

VII. The special state prison school district shall not have a school board.

7 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill establishes a special school district within the department of corrections to provide special education for eligible inmates in the state prison system, and outlines certain specific differences between a regular school district and the special state prison school district.

Adopted.

Report adopted and referred to Finance.

HB 207-FN-A, relative to pesticide registration fees and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. John R. M. Alger for Environment and Agriculture: The committee believes a one-tier pesticide registration system is sufficient. During the committee hearing process, other legislation was developed that negates the need for this bill. Vote 11-0.

Adopted.

HB 630-FN-L, providing an additional service retirement option for group I teacher members of the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will provide a means for members of Group I to retire before age 60 with full retirement. The amendment adopted by the committee expands RSA 100-A:16 to allow both the employer and employee to purchase an annuity to provide a full 50 percent retirement. Present law allows only the contribution from the member. This amendment allows contributions from the employer if such payments are approved by a one-time vote of the legislative body of the employees. This will provide sound funding for the benefit and the cost will be paid by those that wish to use this method for early retirement. Vote 12-6.

Amendment (0181h)

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

AN ACT relative to additional voluntary contributions to provide for early retirement by members of the retirement system.

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

1 Early Retirement. Amend RSA 100-A:16, I(c) to read as follows:

(c)(1) In addition to the contributions deducted from the compensation of members as hereinbefore provided, and subject to the approval of the board of trustees and to such rules and regulations as the board may make with respect to the crediting of interest thereon, any member may provide an additional retirement allowance by making contributions at an additional rate not in excess of the rate computed to be sufficient to provide an additional retirement allowance which, together with his regular retirement allowance, will result in a total retirement allowance not in excess of 50 percent of his average final compensation. Such additional contributions shall become part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as a member annuity of equivalent actuarial value.

(2)(A) Any member, or a member's participating employer, may make additional contributions on behalf of a member at an additional rate as determined by the actuary and approved by the board of trustees or its designee. Any additional contributions made by a member who intends to retire pursuant to RSA 100-A:5, I(c), or additional contributions of the employer, may be used to offset the reduction, or a portion thereof,

in retirement benefits for early retirement as provided in RSA 100-A:5, I(c). Any actuarial fees incurred in determining the amount of additional contributions required for early retirement as provided by this subparagraph shall be paid by the member.

(B) Any additional contributions made under this subparagraph shall become part of the member's accumulated contributions including interest, and may be withdrawn, in cash, upon the member's retirement in lieu of the provisions in subparagraph (c)(2)(A).

(C) Participation by an employer in the provisions for early retirement under RSA 100-A:16, I(c)(2) shall be by resolution, on a form approved by the board of trustees, adopted by the legislative body of a political subdivision.

2 Effective Date. This act shall take effect June 30, 1998.

AMENDED ANALYSIS

This bill allows members of the retirement system, or a member's employer, to provide for an early retirement in certain circumstances by making additional contributions, as determined by the actuary and approved by the board of trustees of the retirement system.

Adopted.

Report adopted and referred to Finance.

HB 753-FN, relative to the board of auctioneers and the conduct of auctions.
OUGHT TO PASS WITH AMENDMENT

Rep. Myron S. Steere, III for Executive Departments and Administration: The original intent of this legislation was to reorganize the Board of Auctioneers. The committee voted to amend the bill to change only the size of the board from five to seven members (one to two public members), authorize the board to increase the size of the surety bond, and provide the board with the availability of administrative fines up to \$2,000 per offense. The majority of the committee believe these changes would be helpful to the operation of the Board of Auctioneers. Vote 11-7.

Amendment (0125h)

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

AN ACT relative to the board of auctioneers.

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

1 Board of Auctioneers; Membership Increased. Amend RSA 311-B:2, I and II to read as follows:

I. There is hereby established a state board of auctioneers consisting of [5] 7 members, including [4] 5 auctioneers and [one] 2 public [member] members, appointed by the governor with the advice of the council for terms of 5 years. Terms shall expire March 1. All board members shall be residents of this state and no board member shall serve more than 2 consecutive terms.

II. [The] Each public member of the board shall be a person who is not, and never was, a member of the auctioneering profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

2 New Paragraph; Quorum; Voting. Amend RSA 311-B:2 by inserting after paragraph IV the following new paragraph:

V. Four members of the board shall constitute a quorum. At least one public member of the board must be present on each vote of the board.

3 New Section; Administrative Fines; Rulemaking Authority. Amend RSA 311-B by inserting after section 3 the following new section:

311-B:3-a Administrative Fines; Rulemaking Authority. The board, with the approval of the secretary of state, may adopt rules pursuant to RSA 541-A relative to the establishment of administrative fines for violations of this chapter.

4 Minimum Bond Amount. Amend RSA 311-B:8 to read as follows:

311-B:8 Bond. No license shall be granted until the applicant has filed a bond with the secretary of state in the sum of at least \$10,000, or an additional amount as determined by the board, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled, all moneys and things of value coming into his hands as an auctioneer and will conform to the laws relating to such auctions. All bonds required under this chapter shall be purchased from a reputable company authorized to do business in this state.

5 New Subparagraph; Disciplinary Action; Administrative Fines. Amend RSA 311-B:11, III by inserting after subparagraph (d) the following new subparagraph:

(e) By assessing administrative fines in amounts established by the board under RSA 311-B:3-a which shall not exceed \$2,000 per offense, or in the case of continuing offenses, \$200 for each day that the violation continues.

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

AMENDED ANALYSIS

This bill increases the membership of the board of auctioneers. This bill also allows the board to adopt rules establishing administrative fines and to determine a minimum bond amount.

Adopted.

Report adopted and ordered to third reading.

HB 578-FN-A-L, providing for property tax relief and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Finance: This bill is a way to help poorer taxpayers feeling a property tax squeeze. To qualify, family income has to be \$40,000 or less and the home worth less than the state average (currently about \$114,000). Qualifying taxpayers would receive a rebate on all or some portion of their tax bill that is in excess of 10% of their income. The committee supports the concept of the bill but was unable to fund the \$15-50 million annual cost within the current budget. To allow it to address the funding issue, the committee recommends Interim Study. Vote 20-0.

Adopted.

HB 686-FN-A, relative to financing of child day care facilities and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The amended bill does two things: It requires any appropriation of \$150,000 to be deposited in the non-profit child care loan program used solely in reducing and as funding of interest payments on loans made to day care centers from the New Hampshire Community Loan Fund. It designates the New Hampshire Community Loan Fund as the institution to not only designate which centers are to be funded but to monitor the day care centers operations. Vote 13-5.

Amendment (0061h)

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

1 Statement of Intent. The purpose of this act is to establish the nonprofit child day care loan program in the department of health and human services to be administered through a statewide nonprofit community development financial institution. The loan program shall be used to provide low interest loans for nonprofit child day care providers to establish child day care programs and facilities which will improve the quality, availability, and safety of licensed and legally-operating child day care homes and centers, and to assist providers to comply with the federal Americans With Disabilities Act.

2 New Section; Nonprofit Child Day Care Loan Program Established.
Amend RSA 170-E by inserting after 5-a the following new section:

170-E:5-b Nonprofit Child Day Care Loan Program.

I. There is established the child day care loan program to provide low interest loans for nonprofit child day care providers. The primary purposes of these low interest loans include:

(a) To construct wheelchair and handicap access ramps, van conversions, and bathroom renovations to accommodate children with disabilities.

(b) To pay for expansion or construction costs to serve more children under the state voucher program for low income families to meet the expected increase of families receiving temporary assistance to needy families entering the work force.

(c) To renovate or upgrade current facilities to maintain or exceed code requirements.

(d) To renovate or expand facilities to serve priority populations, such as infants and toddlers and families in need of night, weekend, drop-in and mildly-ill care.

(e) To allow after-school programs to expand and purchase startup supplies, including storage, for school-age children.

(f) To enable child day care providers to secure a more stable environment and continuity of services through ownership or extended lease arrangements.

(g) To allow the purchase or lease of vans to transport children.

(h) To fund any other program-related costs as necessary.

II. Criteria for consideration of loan applicants shall include the provider's commitment to enroll low-income children, children subsidized through the Child Care and Development Fund, and children with disabilities, or legally-operating providers who provide services to these populations. In addition, applicants shall:

(a) Be fiscally sound as shown in a financial statement.

(b) Meet or exceed state and local operating and zoning regulations, including public health, fire, and safety requirements, or present a local exemption from regulations.

(c) Demonstrate a commitment to providing quality child day care through one or more of the following:

(1) Local child care resource and referral relationship.

(2) Family day care support group participation.

(3) Enrollment in the United States Department of Agriculture food program (Child and Adult Food Program.)

(4) Documentation of training in the Child Care Basics program or other training approved by the department of health and human services.

(d) Address a geographic or community need for projected child day care services.

III.(a) The department of health and human services may, after consultation with the state child care advisory committee established in RSA 126-A:17, adopt rules pursuant to RSA 541-A, relative to the implementation and administration of the child day care loan program under this section.

(b) The department shall have the responsibility for notifying providers of the availability of the loans and shall provide guidelines for loan application. Notification shall be made publicly, as well as through child care associations and the child care resource and referral network of New Hampshire.

(c) The department of health and human services shall have the authority to designate a statewide, nonprofit community development financial institution as recipient of the funds, or a portion of the funds, to be used as a loan loss reserve or interest subsidy or both.

(d) The department may elect to contract with a statewide nonprofit community development financial institution for provision of the following services:

(1) To establish programmatic and credit criteria.

(2) To establish a mechanism for making lending decisions related to project feasibility.

(3) To maintain documentation on the borrower's organization, collateral, and on-going repayment ability.

(4) To collect and report the number of day care slots retained, created, or improved and the number of low income families served through the child day care loan program or related activities.

IV. The terms and conditions of the loan shall be contained in a binding agreement between the child day care provider and the lender and may include provisions for a lien on the property. Loans subsidized by an interest-rate subsidy shall carry a term of no more than 15 years and shall, to the extent possible and consistent with this section be determined to match the useful life of the improvements funded by the loan. The department shall annually, on or before July 1, account for any subsidy or loss reserve expended, as well as the repayment status of all loans made under this program.

3 Appropriation. The sum of \$150,000 is hereby appropriated, in addition to any other sums appropriated, to the department of health and

human services, to be deposited in the nonprofit child day care loan program, established in RSA 170-E:5-b for the fiscal year ending June 30, 1999, for the purposes outlined in this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Transfer of Funds Authorized. The department of health and human services is authorized to transfer funds appropriated to the department for the fiscal year ending June 30, 1999, for the revolving loan fund program under RSA 161-G, to a designated statewide nonprofit community development financial institution for the purposes of the nonprofit child day care loan program established in RSA 170-E:5-b.

5 Transfer of Outstanding Loans Authorized. The department of health and human services is authorized to transfer loans outstanding under the revolving loan fund program established under RSA 161-G, to designated statewide nonprofit community development financial institution administering the nonprofit child day care program established in RSA 170-E:5-b. The designated statewide nonprofit community development financial institution shall monitor and collect such loans for the department. Principal repayments from the revolving loan fund established under RSA 161-G shall be added to the funds available for the nonprofit child day care loan program established in RSA 170-E:5-b.

6 Repeal. RSA 161-G, relative to a revolving loan fund for nonprofit child care providers, is repealed.

7 Effective Date. This act shall take effect July 1, 1998.

Adopted.

Report adopted and referred to Finance.

HB 697-FN-A-L, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax and making an appropriation to the fund for fiscal year 1998-1999. OUGHT TO PASS WITH AMENDMENT

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: With increasing awareness of the problem of homelessness, the committee sought a funding mechanism to supplement presently appropriated funds. It was felt a one-time charge of \$5 each from buyer and the seller of real estate made at the time of the transfer would be a feasible possibility. Monies would be administered by the Department of Health and Human Services Homeless and Housing Bureau. Vote 13-5.

Amendment (0156h)

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

AN ACT establishing a homeless prevention trust fund, to be funded by a charge on transfers of real estate.

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

1 Purpose. The purpose of the homeless prevention fund established in this act is to provide a safety net for basic shelter for all New Hampshire citizens and to provide for the establishment and maintenance of an integrated statewide continuum of care, both to prevent homelessness and to ensure a reliable and rapid transition of homeless families and individuals to permanent acceptable housing. This trust fund, which is funded through a charge on all transfers of real estate, will prevent the residents of any city or town from shouldering an unfair burden of the costs of homeless persons, especially those costs resulting from a reduction in federal or state programs for subsidized housing and poor and homeless families and individuals.

2 New Subdivision; Homeless Prevention Trust Fund. Amend RSA 126-A by inserting after section 32 the following new subdivision:

Homeless Prevention Trust Fund

126-A:32-a Definition. In this subdivision, "continuum of care" means a seamless provision of services to assist families and individuals in obtaining appropriate permanent housing. Continuum of care includes, but is not limited to, outreach, emergency shelter, transitional housing, permanent housing, and permanent housing with supportive services, as defined by the Department of Housing and Urban Development.

126-A:32-b Homeless Prevention Trust Fund Established. A homeless prevention trust fund is established in the treasury. The purpose of the trust fund is to provide adequate and stable funding for establishing and maintaining a statewide continuum of care for all New Hampshire citizens and for reimbursing municipalities for their costs in providing emergency shelter where an emergency shelter bed is not available. Interest and principal from this trust fund shall be used solely for these purposes and for these purposes only. Expenditures from the homeless prevention trust fund shall be approved by the legislature as part of the state operating budget. This trust fund is not intended to replace any general fund appropriations to the department of health and human services. The department shall be maintained at, at least, its fiscal year 1998 actual expenditure of general funds. The trust fund shall be administered by the administrator of the homeless and housing bureau of the department of health and human services. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, necessary for the expenditures, including rules for reimbursing municipalities.

126-A:32-c Investment of Homeless Prevention Trust Fund. The homeless prevention trust fund shall be nonlapsing. The treasurer shall invest that part of the trust fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the trust fund.

126-A:32-d Source of Funding. The state treasurer shall deposit into the fund:

I. The charges on filing deeds of transferred real property under RSA 478:17-k.

II. Other funds received from public or private sources which meet the criteria of RSA 126-A:32-e.

126-A:32-e Requirement for Acceptance of Other Funds. Other public and private funds may be accepted and used to match or otherwise replace state funds only if they do not financially or otherwise harm the persons needing shelter services and only if they do not restrict the ability to serve all the categories of persons who have demonstrated a need for basic shelter services.

3 New Section; Charge on Transfers of Real Property. Amend RSA 478 by inserting after section 17-j the following new section:

478:17-k Charge on Transfers of Real Property. On the recording of any deed filed as a result of change of ownership of property, the register of deeds shall collect \$5 from both the buyer and seller. Moneys collected shall be turned over to the state treasurer for deposit in the homeless prevention trust fund under RSA 126-A:32-d.

4 New Subparagraph; Homeless Prevention Fund. Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) Moneys received under RSA 478:17-k shall be credited to the homeless prevention fund under RSA 126-A:32-d.

5 Separate Program Appropriation Unit for Continuum of Care Expenditures. Beginning with fiscal year 1999, a program appropriation unit shall be established within the operating budget specifically for continuum of care expenditures by the department of health and human services.

6 Repeal. The following are repealed:

I. RSA 126-A:32-d, I, relative to the charge on filing deeds of transferred property as a source of funds for the homeless prevention trust fund.

II. RSA 478:17-k, relative to the charge on filing deeds of transferred property as a source of funds for the homeless prevention trust fund.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill establishes a homeless prevention trust fund within the treasury to be administered by the department of health and human services to provide continuum of care shelter services. The fund is to be funded by a charge on the filing of deeds resulting from the transfer of property ownership.

Rep. Calvert spoke against.

Rep. Copenhagen spoke in favor.

On a division vote, 134 members having voted in the affirmative and 212 in the negative, the committee amendment failed.

Rep. Calvert offered a floor amendment.

Floor Amendment (0218h)

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

AN ACT establishing a homeless coordination council.

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

1 Purpose. The purpose of this act is to establish a regional coordinating council concerned with the prevention of homelessness and ensuring a reliable and rapid transition of homeless families and individuals to permanent and acceptable housing. The council is intended to provide a safety net to help coordinate available agencies and services, prevent duplication of effort in helping to maintain an integrated statewide continuum of care. The general court intends that attention be paid to preventing cities and towns from shouldering an undue burden of the costs of homeless persons, especially those costs resulting from a reduction in federal or state programs for subsidized housing. The general court intends that the council also provide a means to educate the public concerning the problems of, scope of, and people involved in homelessness.

2 New Subdivision; Homelessness Coordination Council. Amend RSA 126-A by inserting after section 32 the following new subdivision:

Homelessness Coordination Council

126-A:32-a Definition. In this subdivision, "continuum of care" means a seamless provision of services to assist families and individuals in obtaining appropriate permanent housing. Continuum of care includes, but is not limited to, outreach, emergency shelter, transitional housing, permanent housing, and permanent housing with supportive services, as defined by the department of Housing and Urban Development.

126-A:32-b Coordination Council.

I. There is established the homelessness coordination council. The coordination council shall consist of the following members:

(a) One person from each county in the state, appointed by the governor.

(b) One senate member, appointed by the senate president.

(c) One house member, appointed by the speaker of the house.

(d) The director of the New Hampshire Coalition for the Homeless, or designee.

(e) The administrator of the homeless and housing bureau of the department of health and human services, or designee.

(f) A representative of the New Hampshire mental health services system, designated by the commissioner of the department of health and human services.

(g) A representative of the independent living program of the bureau of vocational rehabilitation, designated by the board of education.

(h) A member of the public who has experienced homelessness, appointed by the governor.

II. The following members shall serve 3-year terms, provided that the initial terms of such members shall be as follows: 3 of the members in subparagraph (a) and the members in subparagraphs (d) and (e) shall serve for one year; 3 of the members in subparagraph (a) and the members in subparagraphs (f) and (g) shall serve for 2 years; 4 of the members in subparagraph (a) and the member in subparagraph (h) shall serve for 3 years. The members in subparagraphs (b) and (c) shall serve terms coterminous with their terms in office. The initial members shall all be appointed within 30 days after the effective date of this section. In the event of a vacancy in membership on the council, a successor shall be appointed by the person or entity that made the original appointment. The successor appointed to the vacancy shall serve for the remainder of the unexpired term. The members of the council shall serve without compensation, however the legislative members shall receive mileage at the legislative rate for each day of actual attendance at called meetings.

III. The council shall elect a chairperson and vice-chairperson from among the membership each year. The first such election shall take place at the first meeting which shall be held within 45 days after the effective date of this section.

IV. The council shall:

(a) Help coordinate available agencies and services to prevent duplication of effort in helping to maintain an integrated statewide continuum of care to prevent homelessness and ensure a reliable and rapid transition of homeless families and individuals to permanent and acceptable housing.

(b) Be attentive to the burden of the cost of homeless persons to cities and towns in the state, especially those costs resulting from a reduction in federal or state programs for subsidized housing.

(c) Meet at least quarterly to identify unmet needs which should be considered for support.

(d) Investigate the needs of homeless citizens, identifying gaps in services to these citizens.

(e) Educate the public as to problems of, scope of, and people involved in homelessness.

(f) Hold at least 2 public hearings annually, in different regions of the state, to generate input from the public on unmet needs.

(g) Report annually to the governor, the speaker of the house, the senate president, and the commissioner of the department of health and human services on or before November 1, of each year.

V. The council may accept funds from public and private sources, provided acceptance of such funds does not financially or otherwise harm the persons needing shelter services and only if acceptance of such funds does not restrict the ability to serve all the categories of persons who have demonstrated a need for basic shelter services. The commissioner of the department of health and human services shall disburse and administer any funds received by the council for the purposes of

this subdivision.

126-A:32-c Rulemaking. The commissioner of the department of health and human services, after consultation with the homelessness coordination council, shall adopt rules under RSA 541-A relative to any matter necessary to carry out the purposes of the council.

3 Repeal. RSA 126-A:32-a - 126-A:32-c, relative to the homeless coordination council, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a homelessness coordination council concerned with the prevention of homelessness and ensuring a reliable and rapid transition of homeless families and individuals to permanent and acceptable housing. The council is prospectively repealed effective July 1, 2003.

Rep. Calvert spoke in favor.

Reps. Allen and Kurk spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 793, limiting the civil liability of persons engaged in equine activities.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Barbara Hull Richardson for the Majority of Judiciary and Family Law: The hearing for this bill was held in Representatives Hall due to the numbers of people attending. Everyone, except for the lobbyist for the trial lawyers, spoke in favor of this bill. It began as a limited Liability bill but the focus was changed to that of responsibility for persons engaged in equine activities. The unpredictability of horses and other equines makes the passage of this bill important for the equine industry in New Hampshire. Vote 8-7.

Rep. Benjamin J. DePecol for the Minority of Judiciary and Family Law: This bill creates some significant policy changes in New Hampshire law. It raises the standard of liability from negligence to willful and wanton disregard for one segment of business - equine activity. It sets inherent risk into New Hampshire law. It removes the ability to recover from damages caused by any person engaged in equine activity. It provides limited liability for riders of horses even when they commit negligent acts (Sect 2:I). Evidence was not presented that a problem exists under current statutes.

Amendment (0084h)

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

AN ACT defining the responsibility of individuals engaged in equine activities.

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

1 Statement of Intent.

I. The general court finds that equine activities are important to the economy and culture of the state. The general court also recognizes that equines are prone to behave in ways that may result in injury, harm, or death to persons involved in equine activities, and so finds that the responsibilities of sponsors and professionals should be distinguished between those of the participants for purposes of determining liability for injuries suffered from those activities.

II. It is the intent of the general court that no person shall be liable for damages sustained by another solely as a result of risks inherent in equine activity, insofar as those risks are inherent to the equine activity and obvious to the person injured.

III. It is the intent of the general court that a person responsible for equines, or responsible for the safety of those engaged in equine activity, whose negligence proximately causes injury to a person engaged in those activities, is liable for that injury in accordance with other applicable law.

2 New Section; Liability; Equine Activities. Amend RSA 508 by inserting after section 18 the following new section:

508:19 Liability; Equine Activities.

I. In this section:

(a) "Engages in an equine activity" means rides or drives an equine; or assists in medical treatment of an equine; or is a passenger upon an equine; or is a passenger in a vehicle drawn by an equine; or trains, whether mounted or unmounted, an equine; or who is involved in event management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator is in an unauthorized area and in immediate proximity to the equine activity.

(b) "Equine" means a horse, pony, mule, donkey, or hinny.

(c) "Equine activity" means:

(1) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, rodeos, driving, pulling, cutting, polo, steeple chasing, hunting, english and western performance riding, endurance riding, games, and eventing.

(2) Equine training or teaching activities.

(3) Boarding equines.

(4) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine.

(5) Rides, trips, hunts, fields trials, or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor.

(6) Placing or replacing shoes on an equine.

(d) "Equine activity sponsor" means an individual, group, club, partnership or corporation, whether or not the sponsor is operating for profit or not for profit, which sponsors, organizes, or provides for, equine activities, including, but not limited, to pony clubs, 4-H clubs, field trial clubs, hunt clubs, riding clubs, school and college sponsored classes, programs and activities, therapeutic riding programs, stables, clubhouses, pony ride strings, fairs, and arenas at which the activity is held.

(e) "Equine professional" means a person engaged for compensation:

(1) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine.

(2) In renting equipment or tack to a participant.

(3) In providing daily care of horses boarded at an equine facility.

(4) In training an equine.

(f) "Inherent risks of equine activities" means those dangers and conditions which are an integral part of equine activities, including, but not limited to:

(1) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them.

(2) The unpredictability of an equine's reaction to such things as sounds, sudden movements, and unfamiliar objects, persons, or other animals.

(3) Certain hazards such as surface and subsurface conditions not obvious to the equine participant or not known and reasonably not known by the equine professional or sponsor.

(4) Collisions with other equines or objects that can be reasonably foreseen as a result of normal equine activities.

(5) The potential of a participant to act in a negligent manner that may contribute to injury of the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability; except where said negligence can be reasonably foreseen and the equine professional or sponsor has failed to take any corrective measures.

(g) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

II. Except as provided in paragraph III of this section, an equine activity sponsor, an equine professional, or any other person engaged in an equine activity, shall not be liable for an injury or the death of a participant resulting from the inherent risks of equine activities and, except as provided in paragraph III of this section, no participant's representative shall make any claim against, maintain an action against, or recover from any other person for injury, loss, damage, or death of a participant resulting from any of the inherent risks of equine activities. Each participant in an equine activity expressly assumes the risk of and legal responsibility for any injury, loss or damage to person or property which results from participation in an equine activity. Each participant shall have the sole responsibility for knowing the range of his or her ability to manage, care for, and control a particular horse or perform a particular equine activity, and it shall be the duty of each participant to

act within the limits of the participant's own ability, to maintain reasonable control of the particular horse at all times while participating in an equine activity, to heed all posted warnings, and to refrain from acting in a manner which may cause or contribute to the injury of any person.

III. Nothing in paragraph II of this section shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person engaged in an equine activity, if the equine activity sponsor, equine professional, or person:

(a) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury; or

(b) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity.

(c) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted.

(d) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

(e) Intentionally injures the participant.

3 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill determines the civil liability of equine activity sponsors, equine professionals, and other persons engaged in equine activities.

Rep. DePeco1 spoke against.

Rep. Woods spoke in favor and yielded to questions.

On a division vote, 260 members having voted in the affirmative and 89 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

HB 521-L, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law.
INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The committee has tried for the past year to extend the life of this bill to study ways to bring negotiations of public employees to a speedy conclusion. The committee finds this bill is not the vehicle to do that. Chairman Daniels will form an ad hoc committee to further study the public employees labor relations law. Vote 7-6.

Adopted.

HB 707-L, relative to municipal taxation of utility property. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill, as amended, finally distinguishes between real property that is subject to local taxation and personal property that is not. All utility poles will be taxed equally whether they are owned by electric companies or telecommunications companies. The amendment attempts to address some concerns of the telecommunication industry by exempting wires, fiber optics, switching equipment and other transmission devices. Our cities and towns fear losing revenue should pending court cases be decided in favor of the electric utilities challenging pole taxation on the basis of equality of taxation. If all poles are taxed equally, this danger may disappear. Vote 13-0.

Amendment (0043h)

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

AN ACT relative to municipal taxation of telecommunications poles and conduits.

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

1 New Section; Property Taxation of Telecommunications Poles and Conduits. Amend RSA 72 by inserting after section 8 the following new section:

72:8-a Telecommunications Poles and Conduits. All structures, poles, towers, and conduits employed in the transmission of telecommunication or cable services shall be taxed as real estate in the town in which such property or any part of its is situated. Wires, fiber optics, switching equipment, and other telecommunications or cable services transmission devices and equipment owned by a person or corporation operating as a telecommunications or cable services provider shall not be taxable as real property.

2 Effective Date. This act shall take effect April 1, 1998.

AMENDED ANALYSIS

This bill clarifies the types of telecommunications property which are subject to property taxation by municipalities.

Adopted.

Rep. Wallin spoke against referring the bill to Finance.

Rep. Kurk spoke in favor and yielded to questions.

Report adopted and referred to Finance.

Rep. Joseph Foster declared a conflict of interest and did not participate.

HB 274-FN-A, relative to refinancing the cost and rehabilitation of the
Cheshire Bridge. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways: This bill was re-referred to allow the sponsors the opportunity to try to locate funds from other sources. None having been found, the committee voted this bill inexpedient to legislate. Vote 13-4.

Adopted.

SB 168-A, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler and Katherine D. Rogers for Public Works and Highways: This bill was re-referred by the Public Works and Highways Committee to use as a vehicle for review of the corrections facilities in New Hampshire and allow the committee to make some recommendations regarding construction of a new corrections facility. After visits to Berlin and Laconia and meetings and briefings with various corrections officials, a number of recommendations were developed for legislation to be filed for the 1998 session. Since this is a major issue for the state, it was decided to introduce new legislation rather than amend Senate Bill 168, thereby allowing a full and open process including public hearings on the new legislation. New legislation will include the following items: (1) Construct a new medium security corrections facility in Berlin; (2) Reallocate funds from the 1993 Capital Budget for initial design work for a medium security facility; (3) Remove the population cap and July 1, 1998 closing date at the Laconia facility; (4) Set up a study committee to look into whether a unified correctional program to include state and county facilities makes sense here in New Hampshire. The proposed legislation is necessary because we have an overcrowding situation at the Concord facility which needs attention and we have a program in place at Laconia which is essential to our correctional needs in New Hampshire. A new medium security facility will not alleviate the need for, nor significantly reduce, the current population at the Laconia facility. The program being run at Laconia needs to continue either at Laconia or at a similar facility. The cost of duplicating Laconia has been estimated at \$25 million which would be on top of the \$30-\$35 million needed to construct a new medium-security facility. Hopefully, the House, Senate, and Governor will be able to take the

new legislation and craft a corrections plan which is in the best interests of the state. Vote 18-2.

Rep. Rosen spoke against.

Rep. Gene Chandler spoke in favor.

Adopted.

HB 272, relative to boat docking facilities. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill regulates the location of boat docking facilities on public waters and establishes a minimum distance a dock must be from an abutting property line. This bill is the same as HB 428 from 1995, which passed the House and was subsequently killed by the Senate. Although rules have been adopted after HB 428 was killed in the Senate, the sponsor and most of the committee felt this subject was best addressed in statute. Rules regulate a broad range of activities considered too detailed to control by statute or session law. The majority of the committee felt this was not the case with this bill and that the situation was best served with the placement of these regulations in a statute ensuring legislative involvement prior to any changes to these simple but important regulations regarding appropriate setbacks of docking structures. Vote 11-6.

Rep. Deborah F. Merritt for the Minority of Resources, Recreation and Development: Opposition to this bill, as amended, is not in its content, but in setting the precedent of placing those issues that are appropriate to rulemaking in statute. The Department of Environmental Services testified that the issues covered in the bill are addressed by rules and the bill is not necessary. Codification of rules will only serve to bog down the process of making modifications as new information becomes available and to remove the ability of DES to make timely changes by requiring issues to go through a lengthy political process. The ability of the legislature to handle the codification of rules, as well as the random selection of rules to be added to statute, is highly questionable. The role of the legislature should not be to micromanage state agencies.

Amendment (0109h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Boat Docking Facilities. Amend RSA 482-A:3 by inserting after paragraph XII the following new paragraph:

XIII.(a) All boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters, and at least 20 feet in tidal waters.

(b) Boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line.

(c) Notwithstanding the provisions of paragraph I, boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services.

(d) Abutters may apply for a common dock on or near their common property line. Any application for a common dock shall be accompanied by a notarized written agreement, which shall be signed by all property owners. Such agreement shall be filed at the registry of deeds and attached to the deed of each property owner.

Adopted.

Rep. Merritt spoke against and yielded to questions.

Rep. Whalley spoke in favor and yielded to questions.

On a division vote, 216 members having voted in the affirmative and 121 in the negative, the majority report was adopted.

Ordered to third reading.

HB 547, relative to granting permits to build certain structures on shoreline property. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Deborah F. Merritt for the Majority of Resources, Recreation and Development: This bill would no longer allow the consideration of the public trust doctrine in reviewing applications for those shoreline structures extending less than 50 ft. from the shoreline. The cumulative impact of many shoreline structure could no longer be considered in the application process, thus allowing for interference of the public's use of the state's waters. Whether RSA 482-A:1 and related rules would still be valid within 50 ft. of the shoreline is called into question due to the role of the public trust doctrine as a basis for enforcement. Additionally, the 50 ft. boundary has no basis - it is an arbitrary distance. While the majority of the committee recognizes the need to define the interaction between the public trust and shoreline property owners, this bill could eliminate the state's ability to protect the rights of the public under the public trust doctrine. Vote 9-8.

Rep. David M. Lawton for the Minority of Resources, Recreation and Development: The minority of the committee sees this bill as a solution to the long-standing conflict between shorefront property owners and the issue of the public trust. The important environmental protections found in

existing laws which specify the size, location and other requirements that landowners must comply with before building any shoreline structure will remain completely intact when this bill is signed into law. The language proposed in this bill simply puts into statute what we already know from previous legal interpretations of the public trust doctrine - that shorefront property owners have the right to make reasonable use of the water in front of their property. Among these rights is the right to wharf or construct reasonably-sized shoreline structures.

Majority report adopted.

HB 587-FN, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring. OUGHT TO PASS WITH AMENDMENT

Reps. Terie T. Norelli, Harold V. Lynde and Jeb E. Bradley for Science, Technology and Energy: After considerable debate, the committee agreed to a two-year cap on the systems benefit charge for any utilities whose rates are above the regional average. Member-owned utilities would be exempted. The systems benefit charge will be a separate portion of electric customers' utility bills after deregulation and includes energy efficiency initiatives, low income programs and renewable energy initiatives. The committee believes that this limitation is consistent with, and necessary for, the expressed goal of near term electric rate relief. Vote 16-0.

Amendment (0189h)

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 Findings.

I. The commission is encouraged to form a working group to examine that portion of the system benefits charge relating to energy efficiency programs.

II. For any utility not subject to the limitations of RSA 374-F:4, VIII(b), as inserted by this act, the commission is encouraged to maintain existing programs until there has been review by commission-appointed working groups.

III. If a comprehensive multiparty settlement of the legal, economic, and technical issues arising from electric utility restructuring is proposed to the commission for any utility, and, if such proposed settlement would conflict with the limitations of the system benefits charge in RSA 374-F:4, VIII(b), as inserted by this act, then the legislature should carefully reconsider those limitations.

IV. The establishment of the limitations set forth in this act are not intended to set any precedent or to prejudge what, if any, limits should be placed on the system benefits charge beyond the first 2 years of competition.

2 System Benefits Charge; Limitations. Amend RSA 374-F:4, VIII to read as follows:

VIII.(a) The commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring and that are substantially consistent with the principles established in this chapter. The commission is authorized to require that distribution and electricity supply services be provided by separate affiliates.

(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 second 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 3 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.

(c) The limitations of the system benefits charge in subparagraph (b) shall not apply to any member controlled electric cooperative.

(d) Targeted conservation and load management programs and incentives that are part of a strategy to minimize distribution costs shall be included in the distribution charge, and not included in a system benefits charge.

(e) Beginning in 1999, the commission shall submit a report to the legislative oversight committee on electric utility restructuring by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.

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

AMENDED ANALYSIS

This bill establishes limits on the amount of system benefits charge that may be assessed and requires the public utilities commission to submit an annual report on the systems benefit charge.

Adopted.

Report adopted and referred to Finance.

HB 643-FN, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. OUGHT TO PASS WITH AMENDMENT

Reps. Jeb E. Bradley, Sarah K. Bonneau and Donald B. White for Science, Technology and Energy: As amended, this bill will, over time, fundamentally reorient New Hampshire's regulation of air pollution in a more cost-effective, market driven manner. This bill begins a process of rulemaking by the Departments of Safety and Environmental Services. Required by this amendment is a subsequent legislative vote prior to final implementation, as well as Environmental Protection Agency approval that many of the mandatory provisions of auto emissions testing could be avoided by N.H. motorists. Currently emissions are controlled on a basis of tons allowed to be emitted by a particular source. The object of such regulation is to meet minimally acceptable air pollution standards. When phased in, this bill would place a dollar value per ton of air emissions. Conceptually low emitters would stand to receive payments on a per ton basis from high emitters thereby creating market incentives to reduce air pollution well beyond minimally acceptable standards. Market forces and competition would reward technological innovation and environmental improvement. Car registration fees for the cleanest models would drop slightly and fees for dirtier models would rise slightly creating an incentive for purchases of cleaner vehicles. The bill also creates incentives for improvement of utility emissions while limiting the cost exposure to ratepayers. The committee believes that this bill and manner of pollution reduction is far more cost-effective and less onerous to consumers than mandatory auto emissions testing. Currently, New Hampshire has delayed implementation of such auto tests for several years, but the EPA has threatened the state with further industrial controls and loss of federal highway dollars if such a program is not started in late 1998. Understandably this concept is complex and contentious as there would be winners and losers and because other states may not pursue this strategy. The committee therefore chose to initially restrict this concept to new motor vehicle purchases and electric utility pollution as this would not disadvantage the N.H. economy. Specifically not included in this amendment are industrial pollution sources. Furthermore, this amendment specifically does not include heavy duty diesel trucks for any control program. The only provision in this amendment regarding trucks is one which instructs the Department of Safety to gather information on the vehicle registration form about the emissions status of both cars and trucks. This legislation would require two future significant steps before it could be implemented in New Hampshire. First the EPA would have to specifically allow New Hampshire to substitute pollution reductions envisioned by this bill for auto emissions testing before most rulemaking by the Department of Safety and Department of Environmental Services could begin. Secondly, the full legislature must vote in a subsequent piece of legislation to authorize transfer of funds for utility incentives or changes in car registration fees. Without such subsequent legislative authorization, this program could not be put into effect. Future legislation would also be necessary to include new categories, such as heavy duty trucks. Vote 14-3.

Amendment (0190h)

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

1 New Chapter; Industry Average Performance System for Air Pollution Control. Amend RSA by inserting after chapter 125-K the following new chapter:

CHAPTER 125-L

INDUSTRY AVERAGE PERFORMANCE SYSTEM

FOR AIR POLLUTION CONTROL

125-L:1 Purpose.

I. The general court finds that the general level of air pollution in New Hampshire is greater than desirable for public health and ecological integrity, and that considerable reduction of air pollutant emissions from current levels, at a rate consistent with the continued well-being of the state's economy, is a desirable goal.

II. The general court further finds that based on current scientific evidence, there is no threshold level of air pollution that is safe. Therefore, the goal of the state's air pollution control strategy shall be to provide for continual improvement in air quality and continuing reduction in air pollutant emissions, rather than setting specific goals and terminating programs upon reaching those goals.

III. The purpose of this chapter is to establish a cost-effective system of air pollution control which can provide for continual improvement in air quality and maximize air pollution emission reductions for every dollar spent.

125-L:2 Definitions. In this chapter:

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

II. "Heavy motor vehicle" means a motor vehicle of 8,500 pounds gross vehicle weight or more.

III. "Light motor vehicle" means a motor vehicle of less than 8,500 pounds gross vehicle weight.

IV. "Major air pollutant" means:

- (a) Carbon monoxide;
- (b) Nitrogen oxides; or
- (c) Sulfur dioxide.

V. "Nitrogen oxides" means nitric oxide (NO) or nitrogen dioxide (NO₂).

VI. "Ton" means an English ton of 2,000 pounds.

125-L:3 Principles and Goals.

I. To provide cost-effective flexibility for air pollution emission reductions, and to allow for differing circumstances, differing existing equipment, and differing available pollution reduction options, polluters shall be allowed the option of reducing pollution from their own sources or paying into a fund that will directly or indirectly pay for air pollution reductions by others. To provide maximum benefit for every dollar spent, all economic incentives shall be strictly connected to actual physical reductions in amounts of air pollutant emissions. An integrated system shall be established for regulating all air pollutants, so that air pollution control expenditure decisions for all pollutants can be considered as a package.

II. Because under this chapter the state collects and distributes funds within individual categories of polluters, the legislature may choose to include separate categories of polluters in this regulatory system one at a time.

III. The goal for improvement in air pollutant emissions is 3 to 5 percent compounded reduction per year. At this rate, air pollutant emissions will be halved every 15 to 25 years. Pollution control fee rates shall be set to achieve overall emission reduction of that magnitude.

IV. The pollution control fee rates for various major air pollutants should be based on the best available scientific data for relative damage done by the major air pollutants. Such evidence may include, but shall not be limited to, federal Environmental Protection Agency standards for the various major air pollutants, current levels of air pollution concentrations, other public health data, and other environmental and ecological integrity data.

V. The pollution control fee rates shall be set by the legislature.

VI. Since many air pollution controls require significant capital expenditures with sizable lifetimes, the state hereby adopts a stable, slowly changing air pollution control regulatory system. New major air pollutants shall be added only after they have been accepted as a serious problem for several years, and after their relative toxicities have been established by repeated scientific research. Pollution control fee rate ratios among major air pollutants should be adjusted slowly, and only on the basis of repeated scientific research. Changes shall be announced in advance so that adequate time is available to plan and execute additional pollution reduction measures prior to the change. The goal of this regulatory system of economic incentives is to encourage air pollution reduction, not to collect reparations.

125-L:4 Pollution Control Fee Rate.

I. A pollution control fee rate shall be established for each major air pollutant, in terms of dollars per ton to the nearest whole dollar. The rate shall be calculated by multiplying the base pollution control fee rate of paragraph II by any automatic adjustments in accordance with paragraph III, and multiplying the total by the inflation adjustment provided for in paragraph IV.

II. The base pollution control fee rate for each major air pollutant shall be:

(a) For carbon monoxide, \$175 per ton.

(b) For nitrogen oxides:

(1) \$2,275 per ton during the months of May through September, inclusive; and

(2) \$775 per ton during the months of October through April, inclusive.

(c) For sulfur dioxide:

(1) \$455 per ton during the months of May through September, inclusive; and

(2) \$275 per ton during the months of October through April, inclusive.

III. If the actual total annual major air pollutant emissions in any odd-numbered year, starting in 2001, calculated in dollars based on the pollution control fee rates listed in paragraph II, exceed the target upper limit for any year, specified in paragraph V, then all base pollution control fee rates shall be permanently increased by the ratio of the actual total annual major air pollutant emissions for that year to the target upper limit for that year.

IV. Whenever the commissioner determines that the cost of living, as measured by the federal CPI-U index, or its successor, as determined by the Bureau of Labor Statistics, shall have increased by 5 percent or more from January 1, 1998, or from the date used for the previous adjustment under this paragraph, the commissioner shall establish a corresponding inflation adjustment which shall take effect at the beginning of the next calendar month.

V.(a) The target upper limit for the year 2001 shall be the total of the following amounts, evenly distributed by month throughout the year, calculated in dollars based on the base pollution control fee rates listed in paragraph II:

(1) 300,000 tons of carbon monoxide,

(2) 56,000 tons of nitrogen oxides, and

(3) 48,000 tons of sulfur dioxide.

(b) The target upper limit for any odd-numbered year after 2001 shall be 92 percent of the target upper limit for the year 2 years prior to that year.

125-L:5 Categories of Polluters; Implementation; Rulemaking Authority.

I.(a) There is established a retail electricity pollution control fund for the purposes of collecting money from electricity generation sellers who generate electricity within New Hampshire and distributing all money collected to end-user consumers of electricity within the state on a monthly basis.

(b) The commissioner shall determine emissions for all electricity generation sellers who generate electricity within New Hampshire and 1996 average emission rate levels for each facility. For facilities without continuous emission monitoring, emission rates shall be determined based on the scientifically best available data.

(c) All electricity generation sellers who generate electricity within New Hampshire shall pay into the fund the amount determined in RSA 125-L:4 for all emissions on or after the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), less the following credits and exemptions:

(1) A credit against this payment shall be allowed for existing electricity generation sellers who generate electricity within New Hampshire. For the Public Service Company of New Hampshire, or its assignees or successors in interest, the total of credit per month for all facilities shall be, for each of the following periods, calculated in dollars based on the pollution control fee rates established in RSA 125-L:4 for that month:

May, 1999 through April, 2000 900 tons of nitrogen oxides

and 4300 tons of sulfur dioxide

May, 2000 through April, 2001 880 tons of nitrogen oxides

and 4200 tons of sulfur dioxide

May, 2001 through April, 2002 860 tons of nitrogen oxides

and 4100 tons of sulfur dioxide

May, 2002 through April, 2003 840 tons of nitrogen oxides

and 4000 tons of sulfur dioxide

May, 2003 through April, 2004 820 tons of nitrogen oxides

and 3900 tons of sulfur dioxide

After April, 2004 800 tons of nitrogen oxides

and 3800 tons of sulfur dioxide

(2) Any unused credits may be carried over to future months, without expiration date, and may be transferred or assigned to any other entity. They may only be used as credits against payments to the fund established in subparagraph I(a).

(3)(A) Between the effective date of this chapter and the day before the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), any facility that reduces its emission rate from 1996 average emission rate levels shall receive a credit against future payments due under this chapter.

(B) The credit earned for any day for a facility shall be equal to the number of kilowatt-hours sold from that facility's production, times the credit earned per kilowatt-hour sold. The credit earned per kilowatt-hour sold shall be the amount by which the emissions payment per kilowatt-hour sold, calculated under RSA 125-L:4, based on actual emissions, is less than the emissions payment per kilowatt-hour for that facility, calculated for that day under RSA 125-L:4, if its emissions were 90 percent of its average emissions per kilowatt-hour sold during the year 1996, or 90 percent of its maximum allowable emissions per kilowatt-hour sold under current federal and other state regulations, whichever is less.

(4) Any facility existing as of May 21, 1996 that, as of that date, was selling 50 percent or more of its annual output under a qualified facility rate order or contract pursuant to RSA 362-A shall be exempt from making any payments into the retail electricity pollution control fund for the duration of that rate order, contract, or any renegotiated arrangement thereto approved by the public utilities commission. Between the effective date of this chapter and the expiration of that rate order, contract, or arrangement, any such facility that reduces its emission rate to less than 90 percent of its 1996 average emission rate levels shall receive a credit against future payments under this chapter, calculated as provided in subparagraph I(c)(3)(B), which may be transferred in accordance with subparagraph I(c)(2).

(d) All amounts received by the retail electricity pollution control fund each month shall be distributed to all end-user consumers of electricity within the state based on consumption during that month. Funds shall be distributed as a lump sum to each electricity distribution service provider for all of its customers and applied as a credit against customer bills.

(e) The commissioner shall be responsible for determining all amounts due to the fund, and for notifying the public utilities commission of these amounts. The public utilities commission shall be responsible for calculating all amounts due from the fund.

(f) The public utilities commission shall be responsible for collecting all amounts required by this paragraph, depositing them to the retail electricity pollution control fund, and distributing the funds in accordance with this chapter.

(g) No money shall be collected or distributed from the retail electricity pollution control fund until any rules required to be adopted to implement this paragraph become effective, or May 1, 1999, whichever is later.

II.(a) There is established a light motor vehicle pollution control account for the purpose of accounting for all net funds collected from any increases or discounts established pursuant to this chapter from all motor vehicle registrations of light motor vehicles under RSA 261:141, III(g).

(b) The commissioner shall determine the dollar amount of discounts in motor vehicle registration fees for different categories of light motor vehicles in accordance with the pollution control fee rates and other provisions of this chapter, and shall notify the commissioner of the department of safety of these discount amounts. This determination shall include procedures for handling different weight classes which have been assigned differing emission limits under the federal Clean Air Act.

(c) Any light motor vehicle manufactured to a standard less stringent than 1998 federal standards shall be treated for purposes of this chapter the same as a vehicle meeting the 1998 federal standards.

(d) The commissioner of the department of safety shall provide that emissions category information be added to the motor vehicle registration form of light motor vehicles to identify categories of vehicles with pollution emissions at rates less than 1998 federal standards.

(e) The commissioner of the department of safety shall determine the necessary increase in the motor vehicle registration fee for light motor vehicles not qualifying for a discount. This increase shall be sufficiently large to accommodate the discounts determined in subparagraph II(b) and retain a positive or zero balance in the light motor vehicle pollution control account, and may be large enough so that registration fees will not need to be changed more often than once every 12 months. The commissioner of the department of safety shall then determine the necessary dollar amount adjustments in motor vehicle registration fees under RSA 261:141, III(g) in accordance with this chapter. All adjustments in motor vehicle registration fees shall be in multiples of \$.60 per year (\$.05 per month).

(f) Light motor vehicle registration fees shall not be changed pursuant to this chapter until after the effective date of any rules required to be adopted to implement this chapter; or the date on which the commissioner of the department of safety certifies that at least 10 percent of all light motor vehicles registered in New Hampshire, or at least 50 percent of all light motor vehicles of a completed model year registered in New Hampshire, qualify for a registration fee discount of at least \$5 per year; or April 1, 2000, whichever is latest.

III. The commissioner of the department of safety shall provide that emissions category information be added to the motor vehicle registration form of heavy motor vehicles to identify categories of vehicles with pollution emissions at rates less than 1998 federal standards.

125-L:6 Rulemaking Authority; Contingent Authority for Chapter.

I. The commissioner shall adopt rules, pursuant to RSA 541-A:

(a) For the determination of emissions for each facility generating electricity pursuant to RSA 125-L:5, I(b).

(b) To calculate payments and credits, and determine amounts due to the retail electricity pollution control fund.

(c) To determine discounts in motor vehicle registration fees pursuant to RSA 125-L:5, II(b).

(d) For such other purposes as necessary to implement this chapter.

II. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A:

(a) To add emissions category information to motor vehicle registration forms pursuant to RSA 125-L:5, II(d).

(b) For the determination of changes in motor vehicle registration fees under RSA 125-L:5, II(e).

(c) To determine the percentage of light motor vehicles qualifying for registration fee discounts.

(d) For such other purposes as necessary to implement this chapter.

III. The public utilities commission shall adopt rules, pursuant to RSA 541-A:

(a) To determine all amounts due from the retail electricity pollution control fund.

(b) To provide for the collection and distribution of funds in accordance with RSA 125-L:5, I.

(c) For such other purposes as necessary to implement this chapter.

IV.(a) The addition of emissions category information to motor vehicle registration forms as described in RSA 125-L:5, II(d) and RSA 125-L:5, III, and any necessary rulemaking, may begin on the effective date of this chapter.

(b) All other rulemaking under RSA 541-A authorized by this chapter shall not begin until the commissioner has:

(1) Certified that the federal Environmental Protection Agency will allow the state to substitute emission reductions

achieved under this chapter for part or all of federal motor vehicle emission testing requirements which would otherwise be necessary;

(2) Studied the emissions reductions expected under this chapter and compared them with those required to substitute for motor vehicle emission testing; and

(3) Submitted a report on this study to the speaker of the house, senate president, governor, and state library.

(c) Fund collections, fund payments, and changes in motor vehicle registration fees pursuant to this chapter shall not begin until the legislature has received the study required by this paragraph and authorized implementation in future legislation.

125-L:7 Integration with Other Air Pollution Control Programs. Any payment under this chapter shall not excuse anyone from the obligation to comply with all other applicable laws.

125-L:8 Annual Report. The department of environmental services shall study possible modifications to this chapter, and shall annually report findings and recommendations of the study to the governor and council, speaker of the house, senate president, house clerk, senate clerk, and state library by October 31. This study shall include recommendations on:

I. Any desirable changes to the base pollution control fee rates, based on scientifically valid evidence, including studies of pollutant transport, differences in pollutant impact depending on location, and differences in pollutant impact depending on temperature or other meteorological variables.

II. The practicality and desirability of adding additional categories of polluters, and creating additional funds or accounts, to this chapter.

III. The practicality and desirability of adding additional major air pollutants to this chapter.

2 Motor Vehicle Registration Fees; Reference Added. 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 per month)
month)	3001-5000 lbs.	\$31.20 (\$2.60 per
month)	5001-8000 lbs.	\$43.20 (\$3.60 per

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

weight[.], provided that

the fees may be adjusted

pursuant to RSA 125-L:5, II.

3 Initial Report by the Department of Environmental Services. In addition to the requirements of RSA 125-L:8, the department of environmental services report due October 31 , 1998 shall include specific recommendations on:

I. The practicality and desirability of adding one or more heavy motor vehicle funds to this chapter, and the possibility of using this chapter as a substitute for the purposes of the clean fuel fleet program established in RSA 125-K, and of repealing RSA 125-K.

II. The practicality and desirability of making pollution control fee rates for nitrogen oxides depend on outdoor air temperature rather than just the month of the year.

III. The practicality and desirability of adding additional categories of polluters, and creating additional funds, for industrial fuel combustion other than by electricity generation sellers and for retail gasoline sellers.

IV. The current state of knowledge regarding differences among different physical and chemical components of particulate matter and differences among volatile organic compounds, and the additional information needed before they could be considered for addition to the list of major air pollutants.

V. The current state of knowledge regarding mercury and the additional information needed before it could be considered for addition to the list of major air pollutants.

4 Legislative Intent; Report of Department of Environmental Services Due October 31, 2001. It is the intent of the legislature that the credits described in RSA 125-L:5, I(c)(1) for the periods following April, 2004 are subject to legislative review. The department of environmental services, in the annual report due October 31, 2001 pursuant to RSA 125-L:8, shall include specific recommendations for appropriate dollar amounts for the credits for the periods following April, 2004.

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

Reps. Howard, Whalley and Schotanus spoke against and yielded to questions.

Reps. MacGillivray and Jeb Bradley spoke in favor and yielded to questions.

Reps. Varrell and Pfaff spoke against.

Reps. Donald White and Kaen spoke in favor.

Rep. Varrell requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

YEAS 173 NAYS 174

YEAS 173

BELKNAP

Boyce, Robert	Calvert, Alice	Clark, Charles	Laflam, Robert
Pilliod, James	Thomas, John		

CARROLL

Bradley, Jeb	Chandler, Gene	Patten, Betsey	Philbrick, Donald
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CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Hunt, John
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Vogl, John

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Mears, Edgar
Moynihan, Wayne			

GRAFTON

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie	Hinman, Harry
Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Barry, William, III	Batula, Peter	Belvin, William	Bergin, Peter

Cardin, Lori	Carlson, Donald	Carney, Lauren	Chabot, Robert
Christiansen, Lars William	Daigle, Robert	Dawe, Eileen	Desrosiers,
Dokmo, Cynthia	Durham, Susan	Fenton, James	Flora, Kathleen
Foster, Joseph	Foster, Linda	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Haettenschwiler, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary	McDonald, James, Sr.
Melcher, Harold	Messier, Irene	Mittelman, David	O'Hearn, Jane
Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve	White, Donald
Williams, Carol			

MERRIMACK

Burney, Carol	Colburn, Thomas	Crosby, Toni	Crowell, Peter
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Hager, Elizabeth	Jacobson, Alf	Lamach, Bernard	Leber, William
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn	Carson, Gregory
Clark, Martha	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dalrymple, Janeen	Dearborn, Bruce	Downing, Michael	Flanders, David
Frechette, Joseph	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Lovejoy, Marian

Major, Norman McCarthy, John, Jr. McKinney, Betsy Micklon,
Stephanie

Norelli, Terie Noyes, Richard Pantelakos, Laura Pitts, Jacqueline

Rabideau, Marie Sapareto, Frank Schanda, Frank Syracuse, Anthony

Vaughn, Charles Woods, Deborah

STRAFFORD

Callaghan, Frank Dunlap, Patricia Estabrook, Iris Grassie, Anne

Hemon, Roland Kaen, Naida Keans, Sandra Knowles, William

Lundborn, Raymond Merrill, Amanda Pelletier, Arthur Pelletier, Marsha

Rogers, Rose Marie Smith, Marjorie Sullivan, Henry Taylor, Kathleen

Vachon, Dennis Wall, Janet

SULLIVAN

Burling, Peter Cloutier, John Donovan, Thomas Robb-Theroux, Amy

Wiggins, Celestine

NAYS 174

BELKNAP

Bartlett, Gordon Boriso, Thomas Holbrook, Robert Hurt, George

Lawton, David Lawton, Robert Rice, Thomas, Jr. Salatiello, Thomas

Turner, Robert

CARROLL

Babson, David, Jr. Cooper, Kipp Dickinson, Howard, Jr. Howard,
Godfrey

Kenney, Joseph Lyman, L. Randy MacDonald, Kenneth Mock, Henry

CHESHIRE

DePecol, Benjamin Lynott, Margaret McNamara, Wanda Metzger, Katherine

Smith, Edwin Steere, Myron, III

C00S

Coulombe, Henry Horton, Lynn Merrill, Gerald Pratt, Leighton
St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Alger, John Brown, Channing Chase, Paul, Jr. Cobbin, Philip
Connolly, Steven Eaton, Stephanie Hill, Richard LaMott, Paul
Lovett, Sidney Mirski, Paul Phinney, William Root, John
Weber, Phil Williams, William, Jr.

HILLSBOROUGH

Alukonis, David Ameen, W. Baroody, Benjamin Boutin, David
Brundige, Robert Buckley, Raymond Burke, M. Virginia Calawa, Leon, Jr.
Clay, Susan Clegg, Robert, Jr. Cote, Peter Daniels, Gary
Drabinowicz, A. Theresa Dwyer, Paul, Sr. Dyer, Merton Emerton,
Lawrence, Sr.
Fields, Dennis Franks, Suzan Gosselin, Gerald Goulet, Maurice
Hunter, Bruce Jean, Loren Johnson, Lionel Kelley, Robert
Leishman, Peter Leonard, Peter Lessard, Rudy Letendre, Evelyn
Marcinkowski, Michael McCarthy, William McCarty, Winston McGough, Tim
McRae, Karen Mercer, Robert Milligan, Robert Murch, George
Murphy, Robert O'Rourke, Thomas Pepino, Leo Perkins, Paul
Piteri, Dawn Riley, Frances Rowe, Robert Sargent, Maxwell
Searles, Stanley, Sr. Thulander, O. Alan Turgeon, Roland Wheeler,
Robert
White, Jay

MERRIMACK

Anderson, Eric Brown, Mary Daneault, Gabriel DeStefano, Stephen
Gile, Mary Hess, David Hoadley, Elizabeth Krueger, Patricia

Langer, Ray Larrabee, David Lavoie, Gerard Lockwood, Robert
Morrill, Olive Nichols, Avis Pfaff, Terence Reardon, Tara
Whalley, Michael Whittemore, James

ROCKINGHAM

Abbott, Dennis Battles-Peirce, Marjorie Belanger, Ronald Bishop,
Franklin
Camm, Kevin Case, Margaret Cegelis, Mark Christie, Andrew, Jr.
Dodge, Robert Dolan, Richard Dowd, Sandra Dunham, Vivian
Felch, Charles, Sr. Fesh, Robert Flanagan, Natalie Flanders, John,
Sr.
Francoeur, Sheila Gleason, John Johnson, Robert Katsakiores, George
Katsakiores, Phyllis Klemm, Arthur, Jr. Kobel, Rudolph Langone,
John
Letourneau, Robert Malcolm, Kenneth Mikowski, Walter Nowe, Ronald
Packard, Sherman Raynowska, Bernard Reardon, Neil Sabella, Norma
Stickney, Nancy Stone, Joseph Stritch, C. Donald Tufts, J. Arthur
Varrell, Thomas Weatherspoon, Jackie Welch, David Weyler, Kenneth

STRAFFORD

Berube, Roger Bickford, David Brennan, William Brown, Julie
Cossette, Larry DeChane, Marlene Heon, Richard McCann, William, Jr.
McKinley, Robert Merritt, Deborah Rollo, Michael Snyder, Clair
Torr, Ann Torr, Franklin Tsiros, William Twardus, Joseph
Vincent, Francis

SULLIVAN

Adler, Rudolf Ferland, Brenda Kibbey, David Leone, Richard
Lindblade, Eric Palmer, Lorraine Schotanus, Merle

and the amendment failed.

Rep. Jeb Bradley moved re-commit to committee.

Rep. Guay requested a roll call; sufficiently seconded.

The question being the motion to re-commit.

YEAS 257 NAYS 89

YEAS 257

BELKNAP

Boriso, Thomas	Boyce, Robert	Calvert, Alice	Clark, Charles
Laflam, Robert	Pilliod, James	Salatiello, Thomas	Thomas, John
Turner, Robert			

CARROLL

Babson, David, Jr. Howard, Jr.	Bradley, Jeb	Chandler, Gene	Dickinson,
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meader, David	Metzger, Katherine
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Vogl, John			

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Moynihan, Wayne

GRAFTON

Akins, Ralph	Alger, John Almy, Susan Below, Clifton		
Brown, Channing Robert	Copenhaver, Marion	Guaraldi, Lawrence	Guest,
Ham, Bonnie Hinman, Harry	Lovett, Sidney	Mirski, Paul	
Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Arnold, Thomas, Jr. William	Barry, William, III	Batula, Peter	Belvin,
Bergin, Peter	Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori
Carlson, Donald	Carney, Lauren	Chabot, Robert	Christiansen, Lars
Clay, Susan Cote, Peter	Daigle, Robert	Daniels, Gary	
Dawe, Eileen Theresa	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A.
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Joseph	Foster, Linda
Franks, Suzan	Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Holt, David	Kelley, Robert
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lozeau, DonnaLee
Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael Sr.	Martin, Mary	McCarthy, William	McDonald, James,
Melcher, Harold	Mercer, Robert	Messier, Irene	Mittelman, David
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Reidy, Frank
Riley, Frances Steve	Sargent, Maxwell	Thulander, O. Alan	Vaillancourt,

Wheeler, Robert White, Donald White, Jay Williams, Carol

MERRIMACK

Anderson, Eric Burney, Carol Colburn, Thomas Crosby, Toni
Crowell, Peter Daneault, Gabriel DeStefano, Stephen Dunn, Miriam
Feuerstein, Martin Fraser, Marilyn French, Barbara Gile, Mary
Hager, Elizabeth Hess, David Hoadley, Elizabeth Jacobson, Alf
Krueger, Patricia Lamach, Bernard Leber, William Marshall, Kenneth
Maxfield, Roy Moore, Carol Morrill, Olive Owen, Derek
Reardon, Tara Seldin, Gloria St. Cyr, Gerard Wallin, Jean
Wallner, Mary Jane Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Arndt, Janet Beaulieu, Jon Bishop, Franklin
Blanchard, MaryAnn Carson, Gregory Case, Margaret Christie, Andrew, Jr.
Clark, Martha Coes, Betsy Cooney, Richard Cushing, Robert
Dalrymple, Janeen Dearborn, Bruce Dodge, Robert Dowd, Sandra
Downing, Michael Dunham, Vivian Fesh, Robert Flanagan, Natalie
Flanders, David Francoeur, Sheila Frechette, Joseph Griffin, Mary
Guthrie, Joseph Heath, John Henderson, Warren Hutchinson, Rebecca
Johnson, Robert Kane, Cecelia Klemm, Arthur, Jr. Lovejoy, Marian
Major, Norman Malcolm, Kenneth McCarthy, John, Jr. McKinney, Betsy
Micklon, Stephanie Norelli, Terie Nowe, Ronald Noyes, Richard
Packard, Sherman Pantelakos, Laura Rabideau, Marie Sabella, Norma
Sapareto, Frank Schanda, Frank Stone, Joseph Syracuse, Anthony
Vaughn, Charles Weatherspoon, Jackie Welch, David Weyler, Kenneth
Woods, Deborah

STRAFFORD

Berube, Roger Brennan, William Brown, Julie Callaghan, Frank
Dunlap, Patricia Estabrook, Iris Grassie, Anne Hemon, Roland
Heon, Richard Kaen, Naida Keans, Sandra Knowles, William
Lundborn, Raymond Merrill, Amanda Merritt, Deborah Pelletier, Arthur
Pelletier, Marsha Rogers, Rose Marie Rollo, Michael Smith, Marjorie
Snyder, Clair Sullivan, Henry Taylor, Kathleen Torr, Ann
Torr, Franklin Vachon, Dennis Vincent, Francis Wall, Janet

SULLIVAN

Adler, Rudolf Burling, Peter Cloutier, John Donovan, Thomas
Palmer, Lorraine Robb-Theroux, Amy Wiggins, Celestine

NAYS 89**BELKNAP**

Bartlett, Gordon Holbrook, Robert Hurt, George Lawton, David
Lawton, Robert Rice, Thomas, Jr.

CARROLL

Cooper, Kipp Howard, Godfrey

CHESHIRE

Steere, Myron, III

COOS

Pratt, Leighton St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Chase, Paul, Jr. Cobbin, Philip Connolly, Steven Eaton, Stephanie
Hill, Richard Phinney, William Root, John Weber, Phil
Williams, William, Jr.

HILLSBOROUGH

Ameen, W. Baroody, Benjamin Boutin, David Brundige, Robert
Burke, M. Virginia Clegg, Robert, Jr. Dwyer, Paul, Sr. Gosselin,
Gerald
Goulet, Maurice Hunter, Bruce Jean, Loren Johnson, Lionel
Lessard, Rudy Letendre, Evelyn McCarty, Winston McGough, Tim
McRae, Karen Milligan, Robert Murch, George O'Rourke, Thomas
Pepino, Leo Perkins, Paul Piteri, Dawn Rowe, Robert
Searles, Stanley, Sr. Turgeon, Roland

MERRIMACK

Brown, Mary Langer, Ray Larrabee, David Lavoie, Gerard
Lockwood, Robert Nichols, Avis Pfaff, Terence Whalley, Michael
Whittemore, James

ROCKINGHAM

Battles-Peirce, Marjorie Belanger, Ronald Camm, Kevin Cegelis, Mark
Dolan, Richard Felch, Charles, Sr. Flanders, John, Sr. Gleason,
John
Katsakiores, George Katsakiores, Phyllis Kobel, Rudolph Langone,
John
Letourneau, Robert Mikowski, Walter Pitts, Jacqueline Raynowska,
Bernard
Reardon, Neil Stickney, Nancy Stritch, C. Donald Tufts, J. Arthur
Varrell, Thomas

STRAFFORD

Bickford, David Cossette, Larry DeChane, Marlene McCann, William, Jr.
McKinley, Robert Tsiros, William Twardus, Joseph

SULLIVAN

Ferland, Brenda Kibbey, David Leone, Richard Lindblade, Eric

Schotanus, Merle

and the motion was adopted.

HB 651-FN-L, relative to electric rate reduction financing. OUGHT TO PASS
WITH AMENDMENT

Reps. Clifton C. Below, Donald B. White, Jeb E. Bradley, Terie T. Norelli and Norman L. Major for Science, Technology and Energy: Passage of this bill will allow the Public Utilities Commission to pursue an electric utility financing technique using revenue bonds, often referred to as securitization. A utility would receive an up-front payment for its costs or stranded costs from third-party bond purchasers. Bondholders would be guaranteed repayment of the revenue bonds by the secured promise of electric customers' future payments. When this promise becomes "secure" through legislation guaranteeing customer payment of bonds through utility bills, the cost of the bond financing drops significantly and ratepayers benefit through lower cost of capital. Nationwide utilities are pursuing this strategy as a means of lowering the cost to ratepayers of recovering stranded costs while competition is implemented. There are skeptics to this financing technique however, particularly among individuals who are uncomfortable guaranteeing a future revenue stream of ratepayer money to cover past utility expenses that some consider questionable for recovery and uneconomic due to deregulation. Members of the committee share this concern about any use of securitization, especially in light of New Hampshire's poignant experience in 1989. However, the committee recommends this amendment because it restricts the PUC to utilizing this financing technique for one purpose only at this time. That purpose is to facilitate the pending buydowns of the wood to energy plant referred to in the description of HB 485. Despite PUC approval of one of those buydowns, PSNH cannot finance the up-front payment to the wood energy plant due to PSNH's poor credit rating. This financing technique would allow those buydowns to be consummated. Without this legislation, those deals may never be completed and PSNH ratepayers will likely lose future rate savings approaching \$150 million over the life of those wood to energy rate orders. Virtually all utility experts agree that these rate orders are legally enforceable obligations and binding upon ratepayers. In the absence of the buydowns being completed, ratepayers will be obligated to pay the full price of wood energy rate orders for at least the next eight years and never realize any rate savings in the price of wood to energy electricity. This amendment has the support of customer organizations such as the Retail Merchants Association and Cabletron due to its limited scope. For securitization to be pursued beyond the wood to energy plant buydowns, another subsequent act of the legislature would be required. If there is a fair and equitable settlement of the outstanding legal issues between PSNH and the state, further securitization may be appropriate, and should be judged by the legislature in the context of a settlement. Vote 16-1.

Amendment (0195h)

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

1 New Chapter; Electric Rate Reduction Financing. Amend RSA by inserting after chapter 369 the following new chapter:

CHAPTER 369-A

ELECTRIC RATE REDUCTION FINANCING

369-A:1 Declaration of Purpose and Findings. The general court finds that:

I. Restructuring of electric utilities to provide greater competition and more efficient regulation has been found by the general court to be in the public good and New Hampshire is now aggressively pursuing restructuring and increased customer choice in order to provide electric service at lower and more competitive rates.

II. The transition to competitive markets for electricity is a complex endeavor and requires the development of creative and flexible mechanisms to facilitate the movement from monopoly to competition.

III. The establishment of structured financing options for public utilities will enhance and facilitate the expeditious transition to competition, choice for retail electric customers, and reductions in electric rates for all customer classes consistent with the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or obligation of the state or other adverse impacts upon the state's finances or credit rating. Structured financing options may facilitate and help mitigate stranded cost recovery that the commission determines is appropriate, equitable, and balanced pursuant to authority granted in RSA 374-F:3, XII and 374-F:4.

IV. Structured finance options are best pursued in the context of settlement agreements between a utility and the commission concerning the implementation of competition. The authorization to securitize the pending buydowns pursuant to RSA 369-A:3, VI(a) is not intended to set any precedent or to prejudge whether structured finance options should be used under any other circumstances.

369-A:2 Definitions. In this chapter:

I. "Commission" means the public utilities commission established in RSA 363.

II. "Financing entity" means any entity formed or used for the purpose of financing transition costs through the issuance of rate reduction bonds which acquires transition property directly or indirectly from an electric utility in accordance with the terms of a finance order approved by the commission.

III. "Finance order" means an order of the commission adopted pursuant to this chapter.

IV. "Rate reduction bonds" means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness or ownership, issued pursuant to an indenture or other security agreement of an electric utility, the proceeds of which are used to pay, finance, reimburse, or refinance transition costs and are secured by or payable from transition property.

V. "Service territory" means, with respect to any public utility, the geographic area established by the commission as the retail electric service territory of such public utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993.

VI. "Security interest" means a "security interest" as defined in RSA 382-A:1-201(37).

VII. "Transition costs" means expenditures incurred by a public utility or public utilities or which a public utility or public utilities are obligated to incur either prior or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include:

(a) Costs associated with generation-related assets and obligations, including generation facilities, generation-related regulatory assets, nuclear settlements, and power purchase contracts, including but not limited to power purchase contracts or arrangements between a public utility and a qualifying facility within the meaning of RSA 362-A, and any renegotiated arrangements thereof;

(b) Costs associated with conservation and load management programs;

(c) Costs incurred in connection with acquisitions of electric utilities by other electric utilities, including but not limited to premiums paid in connection with such acquisitions;

(d) Amounts necessary to refinance or retire existing debt or equity capital of the electric utility and any costs related thereto;

(e) Amounts necessary to recover federal or state taxes whose recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter; and

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, transaction costs and redemption premiums, if any, and all other fees, costs, and charges in respect of rate reduction bonds.

VIII. "Transition property" means the irrevocable vested property right created pursuant to this chapter including, without limitation, the right, title, and interest of a public utility or a financing entity to all revenues, collections, claims, payments, money, or proceeds of or arising from rates authorized to be imposed and collected pursuant to a finance order to recover transition costs issued pursuant to this chapter and the costs of paying, financing, reimbursing, or refinancing the transition costs, including the costs of issuing, servicing, and retiring rate reduction bonds, all as determined by the commission in its approval of such finance orders. "Transition property" shall constitute a current irrevocable vested property

right notwithstanding the fact that the value of such property right will depend upon electricity usage or the performance of certain services.

369-A:3 Authority to Issue Finance Orders to Finance Transition Costs.

I. The commission is authorized, after hearing or investigation as it may deem proper, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is consistent with the public good and will result in significant net savings for ratepayers.

II. When determining whether the issuance of a finance order is consistent with the public good the commission's consideration should include, but not be limited to, whether such an order will assist in providing cost mitigation pursuant to RSA 374-F:3, XII(c), will assist in providing near term rate relief pursuant to RSA 374-F:3, XI, and is consistent with stranded cost recovery that is appropriate, equitable, and balanced pursuant to RSA 374-F:3, XII and 374-F:4.

III. Such finance order or finance orders shall designate certain expenditures or amounts made or incurred by a public utility or public utilities, or expenditures which a public utility or public utilities are obligated to make or incur, as transition costs, and shall direct that the proceeds from the issuance of rate reduction bonds shall be applied only as approved pursuant to RSA 369-A:5.

IV. Finance orders for any transition costs shall only be issued by the commission after approving such transition costs for recovery from ratepayers pursuant to RSA 374-F:4, V and 374-F:4, VII.

V. A utility may petition the commission for adjudication of all or partial stranded cost recovery and the commission may make final determination of some or all amounts approved for stranded cost recovery under RSA 374-F:4, V and 374-F:4, VII at any time.

VI. The commission shall only issue finance orders for the following purposes:

(a) Notwithstanding the limitations of paragraph IV, the commission may issue finance orders to facilitate any or all of the pending buydowns that have been negotiated between the remaining 6 wood to energy plants, or any modified buydowns, if the commission determines that the transition costs being financed are approved for recovery from ratepayers.

(b) The commission shall not issue any finance orders beyond those authorized in this paragraph without further express legislative authorization.

369-A:4 Establishment of Rates to Recover Transition Costs.

I. A finance order shall establish and place into effect one or more non-bypassable rates or charges, including any provisions for subsequent adjustments thereto, that shall provide for the collection of revenues from customers of public utilities sufficient in amount to recover all transition

costs designated in the finance order and the costs of capital associated with such transition costs, including, without limitation, the payment of principal, premium, if any, interest, and other costs arising from the issuance of rate reduction bonds. Such rates or charges shall be set forth in a schedule or schedules filed with the commission in such form as may be determined by the commission.

II. The commission shall set the rates or charges, per unit of electricity or unit of capacity for delivery of electricity, necessary and sufficient to provide for the full recovery of payments and interest on the rate reduction bonds, in accordance with the amortization schedule for such bonds determined at the time of offering, as well as financing costs and fees (collectively, "debt service"), based upon the electric utility's reasonable assumptions, including sales forecasts. Such rates and charges shall be adjusted periodically as determined by the commission, but not less frequently than annually nor more frequently than quarterly. Adjustments shall reconcile actual costs and collections and insure that the debt service on rate reduction bonds is being fully recovered on a current cost basis and that any over-recovery or under-recovery from prior periods is reconciled within one year of the end of such prior periods. The electric utility shall submit a report to the commission showing the calculation of each such adjustment, and such report shall include certification by an independent, nationally-recognized accounting firm, with experience in utility accounting, that the adjustment was computed in accordance with the requirements of this paragraph. Upon its own motion, the commission may investigate the reasonableness of the charges hereunder.

III. The rates or charges established in a finance order shall be collected from each electric customer who purchases electricity distribution services, meaning the retail delivery of electricity to another, and who is located within the service territory or service territories of public utilities identified in the finance order. If such an electric customer purchases electricity distribution services from any person other than the public utility in whose service territory the ratepayer is located, the commission shall require such new electricity distribution service provider to collect such rates or charges from the electric customer by or on behalf of the public utility with revenues therefrom remitted solely for the benefit and repayment of rate reduction bonds as a condition to the provision of electric service to such ratepayer, unless the ratepayer shall have paid a termination charge in the manner and on the basis specified in the finance order.

IV. The commission may set special capacity charges, as part of a finance order, for electric customers who purchase back-up, emergency, or supplemental capacity for the distribution of electricity.

369-A:5 Issuance of Rate Reduction Bonds.

I. An electric utility or financing entity may, from time to time, and after review and approval by the commission, pursuant to a finance order or orders, issue rate reduction bonds. The power and authority of such electric utility or financing entity to issue such bonds shall expire on December 31, 2002. The proceeds from the issuance of rate reduction bonds shall only be used to pay, finance, reimburse, or refinance transition costs, including debt retirement, purchase or redemption of the electric utility's stock, payments made in settlement of outstanding obligations, and

amortization of regulatory or intangible assets, all as expressly and specifically approved by the commission. Proceeds from the issuance of rate reduction bonds shall not be used for dividends or executive bonuses.

II. Notwithstanding any other provision of law, RSA 374:30 and RSA 369 shall not apply to any sale, assignment, or other transfer or grant of a security interest in any transition property or the issuance of rate reduction bonds under this chapter.

369-A:6 Creation, Assignment, and Pledge of Transition Property.

I. The vested right established pursuant to this chapter to collect rates or charges to finance, reimburse, or refinance transition costs pursuant to a finance order shall constitute transition property. Transition property, including, without limitation, the irrevocable right to receive all proceeds arising with respect thereto, shall be a vested property right of the public utility or financing entity that owns such transition property. Notwithstanding any other provision of law, if the commission takes final action to designate transition costs and to establish rates or charges pursuant to a finance order, the commission, as it may be constituted from time to time, and any successor agency exercising functions similar to the commission, shall not have authority to thereafter issue any order or process which would alter, amend, suspend, annul, revalue, set aside, or otherwise modify such approval or result in the fixing of rates or transition costs other than in the manner prescribed in the finance order, or which would in any manner reduce or impair the value of transition property or the revenues arising with respect thereto. Upon application by a public utility or a financing entity, or upon its own motion, the commission shall have authority to initiate such other proceedings, hold such other hearings, and take such other actions as may be necessary to implement, protect, and preserve the value of the finance order, the rates and charges specified therein and the transition property. The state pledges that the state shall not limit, alter, or in any way reduce the value of rates or charges approved by the finance order until the principal of the rate reduction bonds and the interest thereon are fully paid and discharged or the contracts are fully performed by the public utility, and that the state shall not impair the rights or remedies of the holders of such rate reduction bonds.

II. An owner of transition property established pursuant to a finance order may, with the approval of the commission, sell or assign all or portions of the owner's right, title, and interest in transition property directly or indirectly to one or more financing entities for the purpose of facilitating the issuance of rate reduction bonds. A public utility or financing entity may, with the approval of the commission, grant rights in transition property as collateral to secure the repayment and satisfaction of all obligations under rate reduction bonds.

III. If a public utility or public utilities sell and assign transition property to a financing entity, the commission shall authorize the public utility or public utilities to contract with the financing entity obligating such public utility or utilities, or their respective successors to collect the rates and charges established under the finance order for the benefit and account of the financing entity for the satisfaction of obligations under rate reduction bonds.

IV. A transfer of transition property by a public utility to a financing entity that the parties have expressly stated in the governing documentation to be a sale or other absolute transfer, in a transaction approved in a finance order and made in connection with the issuance of rate reduction bonds shall be treated as a true sale and not as a pledge or other financing of the transition property. According to the holders of the rate reduction bonds a preferred right to revenues of the public utility or the provision by the utility of other credit enhancement with respect to rate reduction bonds shall not impair or negate the characterization of any transfer as a true sale. Any finance order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceeding with respect to the debtor, pledgor, or transferor of transition property.

369-A:7 Security Interests in Transition Property.

I. The provisions of this section shall apply to any transaction regardless of its form which is intended to create a security interest in transition property. The provisions of this section, and the provisions of Article 9 of RSA 382-A to the extent not inconsistent with the provisions of this section, shall apply to the creation, perfection and enforcement of any security interest in transition property. If any conflict should arise between the provisions of this section and the provisions of Article 9 of RSA 382-A, the provisions of this section shall govern. This section applies to security interests in transition property created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract, and lease or consignment intended as security.

II. The filing of a financing statement in accordance with the terms of this section is required to perfect a security interest in transition property. Unless a person has filed a financing statement in accordance with the terms of this section, the person shall not have a perfected security interest in transition property. A security interest is perfected when it has attached and when a financing statement is filed with the commission and with the office of the secretary of state. If such filings are made before the security interest attaches, then the security interest is perfected at the time when it attaches. The financing statement shall contain a statement describing the transition property and identifying the finance order that establishes the transition property that is the subject of the financing statement. A financing statement substantially complying with the requirements of this section and applicable provisions of Article 9 of RSA 382-A is effective even though it contains minor errors which are not seriously misleading.

III. Presentation for filing of a financing statement or acceptance of the financing statement by the filing officer constitutes filing under this section. A filed financing statement is effective and continues until a termination statement is filed.

IV. The priority between conflicting security interests in transition property shall be determined according to the following:

(a) Conflicting security interests in transition property rank according to priority in time of filing or perfection. Priority dates

from the time a filing is first made covering the transition property or the time the security interest is first perfected in accordance with the provisions of this section, whichever is earlier.

(b) For conflicting security interests that are unperfected, the first to attach has priority.

V. A security interest in transition property that has been perfected in accordance with the provisions of this section shall be a continuously perfected security interest in the transition property and any and all proceeds arising with respect thereto, whether received or accrued before or after granting of the security interest.

VI. Except as otherwise provided in this section, when a debtor is in default under a security agreement that grants a security interest in transition property, a secured party shall have the rights and remedies provided in Article 9 of RSA 382-A.

(a) Unless otherwise agreed, upon a default of the debtor, a secured party shall have, in addition to all other rights and remedies that the debtor may have, the right to petition the commission to issue an order directing the debtor to sequester revenues arising with respect to the transition property and to pay such sequestered revenues to the financing entity for the benefit of the holders of rate reduction bonds. The commission shall issue this sequestration and payment order upon petition by the debtor and a finding that the debtor has defaulted under its obligations with respect to the rate reduction bonds and security agreements with respect to the transition property. To the fullest extent permitted by law, any such order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the debtor.

(b) If a security interest in transition property is perfected and subsequently the transition property or the revenues arising with respect to the transition property shall become commingled with other funds of the debtor, the party with a perfected security interest in transition property shall have priority over all other parties with security interests in cash, funds, and deposit accounts of the debtor. This senior ranking shall apply notwithstanding any provision of Article 9 of RSA 382-A to the contrary.

(c) Any surplus in excess of amounts necessary to pay principal, premium, if any, interest, and other costs arising under the documents establishing and governing the rate reduction bonds, shall be remitted to the debtor.

369-A:8 Successors to Public Utilities. Any successor to a public utility pursuant to any merger, acquisition, divestiture, sale, property transfer, bankruptcy, reorganization, or other insolvency proceeding shall perform and satisfy all obligations of the public utility with respect to rate reduction bonds in the same manner and to the same extent as was required of the public utility before such proceeding, including, without limitation, collecting and paying to the holders of the rate reduction bonds, or their representatives, revenues arising with respect to the transition property and seeking tariff adjustments, as necessary and permitted by a

finance order, to recover all transition costs designated in an applicable finance order or finance orders.

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

Adopted.

Rep. Cobbin spoke against.

Reps. Below and Jeb Bradley spoke in favor and yielded to questions.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 279 NAYS 52

YEAS 279

BELKNAP

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Hurt, George	Lawton, David	Lawton, Robert
Pilliod, James	Thomas, John	Turner, Robert	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Hunt, John	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Meador, David	Metzger, Katherine	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Vogl, John	

COOS

Bradley, Paula Coulombe, Henry Davis, Perley Horton, Lynn
Mears, Edgar Merrill, Gerald Moynihan, Wayne St. Hilaire, Paul
Tholl, John, Jr.

GRAFTON

Akins, Ralph Almy, Susan Below, Clifton Chase, Paul, Jr.
Copenhaver, Marion Eaton, Stephanie Guest, Robert Ham, Bonnie
Hill, Richard Hinman, Harry LaMott, Paul Lovett, Sidney
Nordgren, Sharon Phinney, William Teschner, Douglass Trelfa, Richard
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip Allen, W. Gordon Alukonis, David Ameen, W.
Amidon, Eleanor Arnold, Thomas, Jr. Baroody, Benjamin Barry, William, III
Belvin, William Bergin, Peter Buckley, Raymond Burke, M. Virginia
Calawa, Leon, Jr. Cardin, Lori Carlson, Donald Carney, Lauren
Chabot, Robert Christiansen, Lars Clay, Susan Cote, Peter
Daigle, Robert Daniels, Gary Dawe, Eileen Dokmo, Cynthia
Drabinowicz, A. Theresa Durham, Susan Dwyer, Paul, Sr. Dyer, Merton
Emerton, Lawrence, Sr. Fenton, James Fields, Dennis Flora, Kathleen
Foster, Joseph Foster, Linda Franks, Suzan Gage, Ruth
Gagnon, Eugene Ginsburg, Ruth Golding, William Goulet, Maurice
Haettenschwiller, Alphonse Hall, Betty Hansen, Herbert Herman, Keith
Holley, Sylvia Holt, David Hunter, Bruce Konys, Christine
Kurk, Neal L'Heureux, Robert LaRose, Richard Lefebvre, Roland
Leishman, Peter Leonard, Peter Letendre, Evelyn Lozeau, DonnaLee

Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris	McCarthy, William
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Mittelman, David	Murphy, Robert
O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, Jay	Williams, Carol		

MERRIMACK

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen Marilyn	Dunn, Miriam	Feuerstein, Martin	Fraser,
French, Barbara	Gile, Mary	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Lamach, Bernard	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Morrill, Olive	Owen, Derek	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin Jr.	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew,
Clark, Martha	Coes, Betsy	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dowd, Sandra	Downing, Michael	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Guthrie, Joseph

Heath, John	Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia
Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas	Kibbey, David
Leone, Richard	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle
Wiggins, Celestine			

NAYS 52

BELKNAP

Laflam, Robert	Rice, Thomas, Jr.
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CARROLL

None

CHESHIRE

Bonneau, Sarah Steere, Myron, III

COOS

Pratt, Leighton

GRAFTON

Alger, John Brown, Channing Cobbin, Philip Connolly, Steven

Guaraldi, Lawrence Mirski, Paul Root, John Weber, Phil

HILLSBOROUGH

Batula, Peter Brundige, Robert Clegg, Robert, Jr. Gosselin, Gerald

Jean, Loren Johnson, Lionel Lessard, Rudy Luebker, Bernard

Marcinkowski, Michael Martin, Mary McRae, Karen Milligan, Robert

Murch, George Pepino, Leo Riley, Frances Thulander, O. Alan

MERRIMACK

Brown, Mary Lavoie, Gerard Nichols, Avis

ROCKINGHAM

Battles-Peirce, Marjorie Camm, Kevin Cushing, Robert Dodge, Robert

Dolan, Richard Flanders, David Griffin, Mary Johnson, Robert

Katsakiores, George Katsakiores, Phyllis Mikowski, Walter Raynowska, Bernard

Reardon, Neil Stickney, Nancy Stritch, C. Donald Varrell, Thomas

STRAFFORD

Bickford, David Cossette, Larry

SULLIVAN

Adler, Rudolf Ferland, Brenda

and the report was adopted.

Referred to Finance.

Rep. Carson did not vote and wished to be recorded in favor.

Rep. Crowell declared a conflict of interest and did not participate.

HJR 3, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. INEXPEDIENT TO LEGISLATE

Rep. John M. Pratt for State-Federal Relations and Veterans Affairs: This resolution would require the N.H. Attorney General to bring a suit against the United States challenging the constitutionality of a federal statute banning assault weapons. Since any private individual or group aggrieved by that statute may file such a lawsuit, the majority concluded that this requirement constitutes an unwise and unnecessary expenditure of our taxpayers' dollars. Vote 12-4.

Rep. Mirski spoke against.

Rep. John Pratt spoke in favor.

Adopted.

Rep. David Flanders declared a conflict of interest and did not participate.

HB 477, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Milligan for the Majority of Transportation: The Department of Safety and the Department of Transportation have coordinated due to this bill being filed. Therefore, the committee was pleased to vote to retain aviation abilities. Vote 14-3.

Rep. Robert J. Letourneau for the Minority of Transportation: The minority feel that by killing this bill the wrong message will be sent to those who were responsible for the bill being brought forward. The speed limit on the river is 10 mph and by the very nature of the aircraft involved, it would be reasonable to satisfy the residents that brought about this legislation.

Majority report adopted.

HB 177-FN, increasing the wild black bear license and tag fee. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Wildlife and Marine Resources: This bill increases the license fee to hunt black bears from its present \$2 to \$4. The Department of Fish and Game had requested in the original bill an increase to \$10 for residents and \$15 for nonresidents. A majority of the committee felt that a 100 percent increase was sufficient. This should produce revenue of \$40,000 to \$60,000 annually to be matched with federal funds. Vote 10-3.

Amendment (0184h)

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

1 Wild Black Bear License and Tag Fee Increased. Amend RSA 208:24, II to read as follows:

II. No person shall take wild black bears in this state without first procuring a bear license and tag in addition to the applicable license to hunt issued pursuant to RSA 214:9 or 208:5. The cost of [said] the bear license and tag shall be [\$2] \$4.

2 Effective Date. This act shall take effect July 1, 1998.

Adopted.

Report adopted and ordered to third reading.

HB 747-FN-A, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill is an important step in recognizing the need for the Department of Fish and Game to become actively involved in habitat protection, improvement and enhancement. The loss of lands and habitat within the state makes it important for the sports persons and general public to participate in a program which will benefit both game and non-game species now and in the foreseeable future. The bill was carefully crafted to ensure that all interests would be represented: wildlife, non-game interests and future citizens of New Hampshire who are today too young to have input into this very important and landmark piece of legislation. Vote 13-0.

Amendment (0149h)

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

AN ACT establishing a wildlife habitat stamp for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

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

1 New Section; Wildlife Habitat Stamp; Wildlife Habitat Account Established. Amend RSA 214 by inserting after section 1-e the following new section:

214:1-f Wildlife Habitat Stamp.

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp under RSA 214:9, XV, for the same period. Each stamp issued shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp provided that, while so doing, the person is accompanied by an adult who has procured such stamp. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:7-a, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c that was purchased in a prior calendar year.

II. A license to take any kind of wild animal or wild bird as required by title XVIII shall not be issued, except for the complimentary licenses listed under paragraph I, to any person who has not purchased a wildlife habitat stamp. A person shall only be required to purchase one wildlife habitat stamp each year regardless of the number of licenses purchased by that person during that year.

III. For the purpose of this section, "wild animal" shall not include fish or marine species.

IV. The executive director, with the approval of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the manner of issuance of the wildlife habitat stamp, and may, with the approval of the commission, provide for the reproduction, sale, licensing, and other disposal of art created for the stamp. The art for the stamp may be selected through an art contest administered by the executive director with the approval of the commission.

V. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the wildlife habitat account, to which shall be credited all fees collected under RSA 214:9, XV from the sale of wildlife habitat stamps and all proceeds derived from the art created for the stamp under paragraph IV. The state treasurer may accept public and private grants and donations into the account.

VI. The state treasurer shall invest the moneys in the wildlife habitat account as provided by law. Interest received on investments shall be credited to the account.

VII. The wildlife habitat account is continually appropriated and may only be used for the following purposes within the state of New Hampshire:

(a) The development, management, preservation, conservation, restoration, and maintenance of wildlife habitat on both public

and private lands, with at least 50 percent of the annual revenue from stamp sales dedicated to pay costs of labor and materials for direct physical land management activities;

(b) Obtaining land access to wildlife habitat areas;

(c) The acquisition of easements upon private property for the purposes of subparagraphs (a) and (b);

(d) The acquisition of private land to protect critical wildlife habitat, provided that the governing body of any municipality, unincorporated town, or unorganized place in which the property is located approves;

(e) The promotion and production of the wildlife habitat stamp and artwork; and

(f) Providing information to the public on the location of properties managed by the fish and game department.

VIII. When stamp revenue is used to either obtain an easement under subparagraph VII(c) or purchase land under subparagraph VII(d), no condition shall be accepted which restricts hunting and trapping on the associated land. This requirement shall not apply to lands used for access purposes or if the executive director finds that it is in the interest of the hunting and trapping community to allow such a restriction. The executive director shall allow hunting and trapping on such lands, as is permissible, but may prohibit for any length of time the hunting or trapping on the whole or part of such lands when it is necessary for the protection or propagation of a wildlife species or for public safety reasons.

IX. The executive director, with the approval of the commission, shall expend the funds in the wildlife habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.

X. The executive director shall submit to the fiscal committee and the chairpersons of the house wildlife and marine resources committee and the senate wildlife and recreation committee a detailed fiscal year report by October 1 of each year, beginning with fiscal year 1999, with sufficient information to be fully understood by the general court and the public, summarizing the receipts and disbursements from the wildlife habitat account and the public benefits derived from the disbursements from it. Every fifth year, beginning in 2003, the annual report shall provide an in-depth financial accounting and summary of work accomplished in the previous 5 years, outlining all projects that are completed, in process, and planned. All annual reports shall be made available to the public after submission to the general court.

2 New Paragraph; Fee; Wildlife Habitat Stamp. Amend RSA 214:9 by inserting after paragraph XIV the following new paragraph:

XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild birds, \$2.50, and the agent shall thereupon issue a wildlife habitat stamp as provided in RSA 214:1-f. The agent shall be entitled to retain \$.50 of the \$2.50 fee for each wildlife habitat stamp sold and all stamps sold at the department headquarters or any subagency thereof shall retain the same \$.50 fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish and game fund.

3 Effective Date. This act shall take effect on January 1, 1999.

AMENDED ANALYSIS

This bill requires that a person wishing to take wild animals or birds shall first acquire a wildlife habitat stamp. The revenue from the stamp shall be credited to a wildlife habitat account in the fish and game fund for the purposes of the acquisition, development, maintenance and promotion of wildlife habitats.

Adopted.

Report adopted and referred to Finance.

HB 204-FN-L, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill, as amended, improves courtroom security by allowing the county sheriff to be responsible for the security of the state's courts and be responsible for the custody and control of prisoners within the state's courts except for the supreme court. The amendment provides for the protection of the staff, members of the public and the officers of the court while in the state's courts conducting their business. The current budget calls for a \$2,000,000 increase in the judicial budget but the court had asked for a \$4,000,000 increase. As a result of the "cut" the judiciary chose to cut security in the courts. The committee felt that with the increase in violence in our state and the nation, the security of the courts should be enhanced by the presence of law enforcement personnel working as bailiffs. The committee recognizes the "Separation of Powers" (N.H. Const. pt. I, Art. 37) and further recognizes that custody and detention of prisoners is a function of the executive branch (sheriffs). The committee allowed for an increase in the per diem allowance paid to the bailiffs from \$50 to \$65 and further allowed for a half day at \$35 to allow the sheriff the opportunity to determine the number of bailiffs to retain for a full day and reduce the cost of doing so. The committee has determined that the costs for this change should reduce payments by the state for court security by as much as \$1.4 million. There would be little or no impact on county expenditures due to the increased revenue from the state for court security, and the local cities and towns would be able to save the costs of local officers being responsible for custody of prisoners while in the state's courts. The city of Manchester has testified that it would save the bulk of \$168,000 and be able to put four to five officers back on patrol in the streets of Manchester. This information was determined by using figures from the sheriffs and the Administrative

Office of the Courts (AOC). This bill extracts the funds for court security from the judicial budget and transfers the funds to Administrative Services. Vote 18-0.

Amendment (0115h)

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

AN ACT granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.

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

1 Statement of Intent.

I. It is the intent of the legislature in adopting this act to provide for the protection of staff, members of the public, and officers of the court while conducting their affairs and business in the state's courts.

II. The legislature intends this act to be in accordance with part I, article 37 of the New Hampshire constitution, regarding separation of powers, to keep law enforcement functions and custody issues separate from the judicial functions of the court. The legislature intends to remain within its constitutional authority pursuant to part I, article 37 in requiring that the sheriff, through the sheriff's deputies and bailiffs, be responsible for courtroom security and the custody and control of detained defendants during the time they are within the state's courts.

III. The legislature does not intend the provisions of this act to infringe upon the ability of the judiciary to establish rules governing the administration of all courts in the state and the practice and procedure which shall have the force and effect of law pursuant to part II, article 73-a of the New Hampshire constitution. The legislature distinguishes the judiciary's authority over practice and procedure from the legislature's authority to designate the sheriff's duties of custody and control of detained defendants and courtroom security. The legislature believes that law enforcement and custody issues are an executive branch function and the conduct of trials is clearly the function and responsibility of the judiciary.

IV. By adopting this act, the legislature does not intend for sheriffs to provide security in the supreme court. It would not be outside the intent of the legislature for the judiciary to hire personnel to protect supreme court justices. The legislature also intends that the judiciary should have the power to influence the certification and training of bailiffs.

2 Responsibility for Custody of Detained Defendants. Amend RSA 30-B:4, III to read as follows:

III.(a) The superintendent shall, in person or by agent, receive all persons sent by lawful authority to the county department of corrections

and retain them until they are released by process appropriate under law, except as provided in subparagraph (b).

(b) Whenever a person in the custody of the superintendent under subparagraph (a) is transported to a state court, the sheriff through the sheriff's deputies and bailiffs shall be responsible for custody and control of such person during the time period such person is in the courthouse.

3 Duties of Sheriff. RSA 104:5 is repealed and reenacted to read as follows:

104:5 Duties.

I. The sheriff and the sheriff's deputies shall serve and execute all writs and other precepts directed to the sheriff's department and issued from lawful authority.

II. The sheriff, sheriff's deputies and bailiffs shall perform the duties of crier of the court.

III. The sheriff's bailiffs shall provide adequate security in all state courts, except the supreme court.

IV. The sheriff's bailiffs shall comply with such background investigation checks, physical and mental standards, and training appropriate to their duties as the police standards and training council may require. The council shall consult with the New Hampshire Sheriffs Association and the administrative office of the courts prior to adopting these standards.

4 Sheriff as Bailiff; District Courts. RSA 104:31, XII is repealed and reenacted to read as follows:

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

5 Bailiffs. Amend RSA 594:1-a to read as follows:

594:1-a Bailiffs and Court Security Officers.

I. Bailiffs and supreme court security officers responsible for court security shall have the powers of arrest provided in this chapter when performing their duties relating to court security.

II. The sheriff, through the sheriff's deputies and bailiffs, shall be responsible for court security and shall be responsible for the conduct and control of detained defendants and prisoners during the time

period that such defendants and prisoners are in all state courts, except for the supreme court.

6 Detention of Person Arrested. Amend RSA 594:19-a to read as follows:

594:19-a Detention of Person Arrested; With Warrant; Without Warrant.

I. [ON WARRANT.] Every officer making an arrest or holding a person in custody under a warrant shall take the accused [before] to the court as directed [therein] in the warrant without unreasonable delay [and shall there detain him for trial or examination until relieved by the court].

II. [WITHOUT WARRANT.] An officer arresting a person without a warrant shall without unreasonable delay take [him before] such person to the court to answer a complaint for the offense.

7 Court Appearances. Amend RSA 623:1-a to read as follows:

623:1-a Court Appearances. Any person confined in a county department of corrections facility, state prison, or other place of detention may, under necessary precautions and upon approval of the administrator of the institution in which said person is confined, be taken by some regular or specially authorized officer from such place of detention to a state or federal court within the state of New Hampshire to appear in a proceeding before that court, provided that the absence of the inmate from the place of detention shall not exceed 12 hours without approval of a justice of the superior court. During the time period such person is in a state courthouse, the sheriff, through the sheriff's deputies and bailiffs, shall be responsible for such person's custody and control.

8 Positions Abolished. Except for the court security officer positions at the supreme court, all judicial branch employee positions directly associated with courthouse security are hereby abolished.

9 Court Security; Transfer of Funds. Amend 1997, 350:1 by replacing PAU 02, 01, 06 for fiscal year 1999 with the following:

02 Admin of justice & public prtn

01 Judicial branch

06 Court security

FY 1999

10 Personal services - permanent	28,395
20 Current expenses	2,000
24 Maint. other than build. & grnds	9,500
30 Equipment new/replacement	7,000

50 Personal service -temp/appointe	17,954
60 Benefits	14,368
70 In-state travel	
92 Sheriff reimbursement	
93 Additional sheriff reimbursement	
49 Transfers to other state agencies D *	2,333,603

* The judicial branch shall make transfers
sufficient to fully fund the provisions of
RSA 104:31, XII and other court bailiff reimbursement.

Total	2,412,820
-------	-----------

Estimated source of funds for

Court security

General Fund	2,412,820
--------------	-----------

Total	2,412,820
-------	-----------

Total	49,106,105
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10 Court Security; Reimbursement of Funds. Amend 1997, 350:1 by inserting in PAU 01, 04, 01, 06 the following new class line for fiscal year 1999:

93 Court bailiff reimbursement D *	2,333,603
------------------------------------	-----------

* This classline shall remain fully funded for the purpose
of funding court bailiff reimbursement.

11 Totals Adjusted; Court Security Funds. Amend PAU 01, 04, 01, 06 as inserted by 1997, 350:1 by replacing the estimated source of funds and totals for fiscal year 1999 with the following:

Total	9,574,998
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Estimated source of funds for

Court facilities

01 Transfers from other agencies	9,348,372
----------------------------------	-----------

09 Agency income	226,626
Total	9,574,998

12 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court, and transfers funds for fiscal year 1999 for this purpose. The bill increases the rate of state reimbursement to sheriffs and counties for providing such security services.

Adopted.

Rep. Dolan spoke against.

Rep. David Welch spoke in favor.

Rep. Dolan requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 298 NAYS 19

YEAS 298

BELKNAP

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Laflam, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Thomas, John	Turner, Robert	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Bonneau, Sarah	DePecol, Benjamin	Hunt, John
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Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Meader, David	Metzger, Katherine	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Smith, Edwin	Steere, Myron, III	Vogl, John

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

GRAFTON

Alger, John	Almy, Susan	Below, Clifton	Chase, Paul, Jr.
Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert
Ham, Bonnie	Hill, Richard	Hinman, Harry	LaMott, Paul
Lovett, Sidney	Mirski, Paul	Nordgren, Sharon	Phinney, William
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.
Cote, Peter	Daigle, Robert	Daniels, Gary	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Golding, William	Gosselin, Gerald

Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Leonard, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert	White, Donald

MERRIMACK

Anderson, Eric	Brown, Mary	Burney, Carol	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Morrill, Olive
Nichols, Avis	Owen, Derek	Pfaff, Terence	Reardon, Tara
Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Carson, Gregory	Case, Margaret

Clark, Martha	Coes, Betsy Cooney, Richard	Cushing, Robert	
Dalrymple, Janeen	Dearborn, Bruce	Dowd, Sandra	Downing, Michael
Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Frechette, Joseph	Gleason, John
Griffin, Mary	Guthrie, Joseph	Heath, John	Hutchinson, Rebecca
Johnson, Robert Jr.	Kane, Cecelia	Katsakiores, Phyllis	Klemm, Arthur,
Kobel, Rudolph	Langone, John	Letourneau, Robert	Major, Norman
Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie
Mikowski, Walter	Norelli, Terie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hemon, Roland	Heon, Richard	Kaen, Naida	Knowles, William
Lundborn, Raymond	McKinley, Robert	Merrill, Amanda	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Tsiros, William	Twardus, Joseph	Vincent, Francis
Wall, Janet			

SULLIVAN

Adler, Rudolf	Burling, Peter	Cloutier, John	Donovan, Thomas
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Ferland, Brenda Leone, Richard Palmer, Lorraine Schotanus, Merle
Wiggins, Celestine

NAYS 19

BELKNAP

Holbrook, Robert Hurt, George

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Cobbin, Philip Root, John Weber, Phil

HILLSBOROUGH

Barry, William, III Leishman, Peter McRae, Karen Murch, George

MERRIMACK

Langer, Ray

ROCKINGHAM

Bishop, Franklin Dodge, Robert Dolan, Richard Francoeur, Sheila
Katsakiores, George Lovejoy, Marian

STRAFFORD

Keans, Sandra Vachon, Dennis

SULLIVAN

Kibbey, David

and the report was adopted.

Referred to Finance.

Reps. Christie and Perkins declared conflicts of interest and did not participate.

HB 647-FN-A-L, relative to a centralized computer checklist of voters and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Election Law: This bill is the initial attempt to establish a statewide computerized voter checklist which can be sorted and reproduced in hard copy or computer media. It constitutes enabling legislation and is designed to encourage towns to participate. One benefit of a statewide computerized checklist is to reduce voter fraud. The database will be controlled by the Secretary of State. Vote 10-0.

Amendment (0201h)

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

1 New Section; Centralized Computer Voter Checklist. Amend RSA 5 by inserting after section 6-c the following new section:

5:6-d Centralized Computer Voter Checklist.

I.(a) The secretary of state shall maintain in the office of the secretary of state a centralized computer checklist which shall contain the voter checklist from each town and city ward in the state whether submitted electronically or in written form. The checklist shall contain the name, mailing and legal address of each voter, except if nonpublication is authorized by law, and shall be capable of being sorted by a board of supervisors, party, address, and voting history for the past 3 primary and general biennial elections. If a resident registers to vote on election day the electronic checklist shall contain a feature that automatically notifies the resident's previous town or city ward in which the resident voted. The database shall contain one false name and address from each jurisdiction as a security device.

(b) The secretary of state shall maintain the checklist; provided that the supervisors of the checklist may modify its checklist and provided that notice is provided the secretary of state.

(c) A person who has not voted in the previous 3 general biennial elections shall be removed from the checklist.

II.(a) The checklist shall be a public record open to inspection at reasonable times. The secretary of state shall furnish one or more portions of or the entire copy of the checklist to any requesting person and shall charge a reasonable fee based upon the actual costs incurred for producing the copies, but not to exceed \$25 per supervisory jurisdiction.

(b) Twenty percent of the collected fee shall be deposited in the general fund and 80 percent shall be returned to the town or city

providing the requested checklist. If a town or city sells its checklist, the town or city shall retain the entire fee.

(c) Persons who have purchased a checklist shall not be permitted in any way transfer the checklist for profit or commercial purposes.

III. The secretary of state shall provide the attorney general written notice if the checklist indicates a voter has voted twice in the same election.

IV.(a) An advisory panel is established to assist the secretary of state in implementing the provisions of this section.

(b) The panel shall consist of the following members:

(1) One representing the New Hampshire Town Clerks Association, appointed by the association.

(2) One representing the New Hampshire Municipal Association, appointed by the association.

(3) Two representing each of the 2 largest political parties in the state, as determined by representation in the general court, to be appointed by the chairpersons of the parties.

(4) Two from the house election laws committee, including one from each of the 2 largest political parties, to be appointed by the speaker of the house.

(5) Two from the senate public affairs committee, including one from each of the 2 largest political parties, to be appointed by the senate president.

V. The secretary of state may apply for assistance from the Americorps program and university system of New Hampshire volunteers to establish and maintain the computer voter checklist. University system volunteers may be eligible for academic credit.

2 Appropriation. The sum of \$150,000 for the fiscal year ending June 30,1999, is hereby appropriated to the department of state for the purposes in section 1 of this act. This sum shall be in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Prospective Repeal. RSA 5:6-d, IV relative to a computer voter checklist advisory panel, is hereby repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2001.

II. The remainder of this act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill:

I. Requires the secretary of state to maintain a centralized computer voter checklist which shall contain the voter checklists from each city and town in the state. The checklist shall be available as a public record.

II. Establishes an advisory panel for the purpose of assisting the secretary of state in implementing the centralized computer voter checklist.

III. Appropriates \$150,000 for the fiscal year ending June 30, 1999 for the purposes of this bill.

Rep. Arndt spoke against.

The amendment failed.

The report failed.

Rep. Arndt moved Refer for Interim Study.

Adopted.

HB 734-FN, requiring district courts to hold evening sessions. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: The committee was impressed with the testimony from police officers representing small communities that rely on part-time officers. Often the officer works nights after a regular day job. In order to prosecute the offense, the officer would have to take time off from the day job to appear in court. Also, the defendant often loses a day's pay to be in court which would be in addition to any fines. Vote 15-0.

Rep. John McCarthy spoke against.

The report failed.

Rep. Clay moved Ought to Pass with Amendment and offered a floor amendment.

Floor Amendment (0250h)

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

AN ACT establishing a study committee on district court evening sessions.

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

1 Committee Established. There is established a committee to study the options for and costs of holding evening sessions in the district courts.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, at least 2 of whom shall be members of the house judiciary and family law committee, appointed by the speaker of the house.

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

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

3 Duties. The committee shall study the options for and costs of holding evening sessions in the district courts. The committee shall make recommendations on the frequency, length, and locations of district court evening sessions.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

AMENDED ANALYSIS

This bill establishes a study committee on evening sessions in the district courts.

Rep. Clay spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 627-FN, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. OUGHT TO PASS WITH AMENDMENT

Rep. Sherman A. Packard for Transportation: After many years of work and countless hours of meticulous review by all parties participating throughout the public hearing process, the committee unanimously feels the amended version of this bill best addresses all concerns. Most importantly, this bill as now written provides that all of the State's costs, including administration and manufacturing costs, shall be met before any money is available to the designated funds. The committee feels the purpose of the funds generated through the sale of license plates is unique since these funds will only be used to support New Hampshire's natural and cultural resources within a broad general public purpose. Vote 16-0.

Amendment (0098h)

Amend RSA 261:91-b, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established a conservation number plate trust fund under the administration of the state treasurer. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The state treasurer shall distribute the funds annually on July 1 as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting native wild flowers; the remainder shall be distributed equally among the department of cultural affairs, the department of fish and game, the department of resources and economic development, and the state conservation committee.

Amend RSA 261:91-c, V as inserted by section 2 of the bill by replacing it with the following:

V. The funds transferred to the department of transportation shall be used for the expanded wildflower establishment program to be used in maintenance districts.

VI. Any funds transferred from the conservation number plate trust fund which remain unexpended at the end of the fiscal year shall be non-lapsing.

Amend RSA 261:91-d, I(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Three senators appointed by the president of the senate.

Amend the bill by deleting 261:91-d, I(h), as inserted by section 2 of the bill.

Amend RSA 261:91-d, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Monitor the implementation of the program through an annual evaluation of projects accomplished during the preceding year and an

assessment, prior to implementation, of projects proposed for the coming year to ensure that they are in accordance with legislative intent.

Amend RSA 261:91-f as inserted by section 2 of the bill by replacing it with the following:

261:91-f Report.

I. The members representing the department of transportation, the department of cultural affairs, the department of fish and game, the state conservation committee, the department of resources and economic development, and the department of safety shall each submit a report to the New Hampshire conservation number plate advisory committee chairperson no later than October 1 of each year. The committee chairperson shall compile the 6 reports as a unified report and submit the unified report to the governor, senate president, and the speaker of the house no later than December 31 of each year.

II. The unified report shall contain the following:

(a) A report from the department of safety indicating:

(1) The total number of conservation number plates sold during the preceding year, including the number of initial plates and the number of renewals.

(2) The gross revenue derived from the sale of conservation number plates.

(3) The amount retained by the department of safety to cover administrative costs of the program.

(4) The amount paid to the state treasurer for deposit into the New Hampshire conservation number plate trust fund during the preceding fiscal year.

(b) A report from each of the 5 agencies receiving proceeds under RSA 261:91-c, indicating:

(1) The amount of proceeds received under RSA 261:91-c.

(2) Total funds expended.

(3) Accomplishments achieved pursuant to RSA 261:91-c during the preceding fiscal year.

(4) An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the fund.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) The designated portion of moneys received under RSA 261:91-a, which shall be credited to the conservation number plate trust fund established in RSA 261:91-b.

Adopted.

Rep. Kenney spoke against.

Rep. Packard spoke in favor.

Report adopted and referred to Finance.

RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 15, 1998 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HR 54, amending House Rules 51, 52, and 64 for the 1998 legislative session.

HB 147, relative to disclosure of certain information relating to tobacco products.

HB 505, relative to smoking in indoor public places.

HB 670-FN, prohibiting telephone solicitors from using caller identification blocking services.

HB 798, relative to the regulation of health clubs.

SB 10, relative to funds for prearranged funerals or burial plans.

SB 100-FN, establishing a New Hampshire film and television commission.

HB 152, relative to permissible fireworks.

HB 420, relative to administrative review of suspended or revoked motor vehicle licenses.

HB 467-FN, clarifying the definition of "telephone cloning paraphernalia."

HB 480, revising the law relative to protection of persons from domestic violence.

HB 559-FN, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age.

HB 565-FN, relative to unauthorized use of a propelled vehicle or animal.

HB 583-FN-L, relative to felonious disarming of a law enforcement officer.

HB 682-FN-L, requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry.

HB 730-FN, relative to aggravated felonious sexual assault.

SB 102-FN, relative to the possession of certain weapons in the commission of a crime.

HB 749-FN, relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

HB 234-FN-L, relative to disposition by counties of funds of deceased patients of county nursing homes.

HB 290, relative to digital signatures.

HB 555, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment.

HB 802, relative to judgments on past due rent.

SB 26, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full.

SB 84, revising the uniform simultaneous death act.

HB 111-FN, establishing a committee to study the preservation of and access to records of legislation in the state archives.

HB 170-L, exempting temporary, demountable, plastic-covered greenhouses from property taxation.

HB 552-L, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities.

HB 642, clarifying the effect of subdivision on property tax assessment and collection.

SB 161-FN-A, relative to a master plan of Odiorne Point State Park.

HB 132-FN, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

HB 753, relative to the board of auctioneers.

HB 697-FN-A-L, establishing a homeless coordination council.

HB 793, defining the responsibility of individuals engaged in equine activities.

HB 272, relative to boat docking facilities.

HB 177-FN, increasing the wild black bear license and tag fee.

HB 734-FN, establishing a study committee on district court evening sessions.

RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

RECESS