

HOUSE RECORD

Second Year of the 156th Session of the General
Court

Calendar and Journal of the 2000 Session

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Concord N.H.

Thursday, March 23, 2000

No. 26

HOUSE JOURNAL No. 9 (cont.)

Thursday, March 9, 2000

(Rep. Chandler in the Chair)

enrolled bill amendments

HB 1136, relative to the university system of New Hampshire board of trustees.

Amendment (3754-EBA)

Amend section 1 of the bill by replacing line 3 with the following:

The general government of the university system

Adopted.

HB 1386, designating segments of the Souhegan River as protected under the rivers management and protection program.

Amendment (3753-EBA)

Amend section 1 of the bill by replacing line 8 with the following:

point 0.5 miles below the Otis Dam.

Adopted.

RECESS

(Rep. Keith Herman in the Chair)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill 1622 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1622-L, relative to budget information in town reports in towns which have adopted the official ballot referenda form of meeting. (Lynde, Hills 24; Patten, Carr 9; Griffin, Rock 27; Klemm, Dist 22; Below, Dist 5: Municipal and County Government)

RECESS

(Rep. Mercer in the Chair)

RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1623 and 1624 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

First, second reading and referral

HB 1623, relative to the disclosure of customer financial information by financial institutions. (Kurk, Hills 5; Keans, Straff 16; Below, Dist 5; Gordon, Dist 2; F. King, Dist 1: Commerce)

HB 1624, relative to administrative rules concerning sales of pari-mutuel pools. (Dyer, Hills 8; Emerton, Hills 7; F. King, Dist 1: Executive Departments and Administration)

senate messages

concurrence

HB 86-A, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

HB 387, relative to local telephone calling areas, access charges, and competitive telephone services.

HB 580, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.

HB 1150, relative to voter registration for official ballot meetings.

HB 1566-FN, relative to perambulation between states.

HB 1616-FN, relative to registration fees for certain construction equipment vehicles.

HCR 22, a resolution urging the federal government to ensure that defense appropriations are spent in support of defense programs.

nonconcurrence

HB 407, establishing a committee to study unsolicited commercial telephone solicitation calls.

RECESS

(Rep. Keith Herman in the Chair)

RESOLUTION

Rep. Calawa offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 310, 312, 316, 349, 353, 364, 389, 394, 408, 409, 415, 419, 420, 425, 439, 447, 452 and 454 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 310, relative to New Hampshire state-chartered banks and interstate banking. (Commerce)

SB 312, relative to fluoride. (Municipal and County Government)

SB 316, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts. (Commerce)

SB 349, relative to the sale of the marital residence or other real property in a domestic proceeding. (Children and Family Law)

SB 353, relative to sales of insurance by financial institutions. (Commerce)

SB 364, relative to benefits for permanent bodily losses under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 389-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Executive Departments and Administration)

SB 394-FN, relative to the sale of the marital residence or other real property in a domestic proceeding. (Commerce)

SB 408, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. (Environment and Agriculture)

SB 409-FN, relative to health insurance coverage of qualified clinical trials. (Commerce)

SB 415, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Executive Departments and Administration)

SB 419-FN-L, establishing the crime of negligent storage of a firearm. (Criminal Justice and Public Safety)

SB 420-FN, increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening. (Criminal Justice and Public Safety)

SB 425-FN, relative to the private activity bond limit. (Finance)

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury. (Criminal Justice and Public Safety)

SB 447-FN, relative to campaign contributions and expenditures. (Election Law)

SB 452, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses. (Criminal Justice and Public Safety)

SB 454, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. (Commerce)

RECESS

(Rep. Chandler in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 580, 730, 1136, 1141, 1186, 1223, 1386, 1397 and 1616 and Senate Bills 348, 356 and 362.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. John Flanders offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 302, 308 and 374 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 302, relative to certain employment requirements for liquor licensees. (Criminal Justice and Public Safety)

SB 308, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties. (Judiciary)

SB 374, relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl. (Environment and Agriculture)

RECESS

(Speaker Sytek in the Chair)

Rep. Chandler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Thursday, March 23, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gentle Creator of all that is seen and unseen, we thank You for the wonderful gift of life and citizenship in this beautiful state. We especially thank You for the many state employees who work diligently beyond the limelight for our comfort and safety. This morning we especially remember Don and Miriam Shumway, their family and their beloved son, Jake. As the warm days and cool nights of March encourage the sugar maples to awaken from their winter's rest to share the sweetness of Your creation, so awaken us that we may tap the deep resources of Your goodness as a blessing upon all that is done in this hallowed chamber today. Amen.

Rep. Phyllis Katsakiores led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Avery, Patricia Cote, Guest, LaMott, Lovejoy, MacNeil, Perkins and Searles, the day, illness.

Reps. Asplund, Bergin, Cox, Franks, Kelley, Konys, Lavoie, Lynott, Manning, William McCarthy, McRae, Musler, Robertson and Torressen, the day, important business.

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

INTRODUCTION OF GUESTS

Former NH Reps. Richard and Eleanor Amidon, guests of the House. Lois Spearman, guest of Rep. Virtue. Tim Sarette, guest of Rep. Sarette. Alex Ward, guests of Reps. Edwin Smith and Roberts. Peggy Gallus, wife of Rep. Gallus. Anne Maxwell, sister of Rep. Francis Davis. Sr. Louise Vaillancourt, guest of Rep. Leber.

special guests

Peter Petrigno, New Hampshire Teacher of the Year, guest of the House.

The Groveton High School Girls' and Boys' basketball teams, guests of the House.

communication

March 22, 2000

Karen Wadsworth, Clerk of the House.

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

Belknap, 5, David H. Russell, r, Gilmanton, (PO Box 60, Gilmanton IW) 03837

William M. Gardner, Secretary of State

vacate

Rep. Kurk moved that the House vacate the reference of ***SB 425-FN***, relative to the private activity bond limit, to the Committee on Finance.

Adopted and referred to the Committee on Commerce.

senate messages

accedes to request for committee of conference

HB 75, relative to changes in procedures effecting the state commission for human rights.

The President appointed Sens. Cohen, Larsen and Roberge.

requests concurrence with amendments

HB 449-FN, requiring boating safety education. (Amendment printed SJ 3/9/00)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

HB 1198, establishing a procedure for the 2001 voter checklist verification. (Amendment printed SJ 3/16/00)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Horton, Stritch and Buckley.

HB 1200-FN, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (Amendment printed SJ 3/9/00)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Major, Anderson, Nichols and Wallin.

HB 1287, relative to the membership of the water council. (Amendment printed SJ 3/16/00)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

HB 1378, establishing a task force to conduct an ongoing study of the feasibility of reestablishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (Amendment printed SJ 3/16/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 1409, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. (Amendment printed SJ 3/16/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 1455, relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags. (Amendment printed (SJ 3/9/00)

Rep. Ronald Nowe moved that the House concur and spoke in favor.

Adopted.

HCR 21, urging the federal government to increase the pay to military personnel. (Amendment printed SJ 2/16/00)

Rep. Tufts moved that the House concur and spoke in favor.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 1260-FN, relative to the cost of prescription medication, removed by Rep. Andrews.

HB 1540-FN, prohibiting certain transfers of information, removed by Rep. Quandt.

HB 1154-FN, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund, removed by Rep. Jacobson.

HB 1316-L, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue, removed by Rep. Jacobson.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied, removed by Rep. Betty Hall.

Consent Calendar adopted.

HB 1108, relative to waiver of attendance at child impact seminars. INEXPEDIENT TO LEGISLATE

Rep. Irene A. Pratt for Children and Family Law: The language of the bill appeared to create more problems than it attempted to solve. The Child Impact Seminar law allows for judicial discretion in granting waivers. Relevant issues will be addressed by the court administratively rather than by legislative action. Vote 15-1.

HB 1238, relative to the collection and disbursement of support orders by the department of health and human services. REFER FOR INTERIM STUDY

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to repeal RSA 458-B:3, III, a statute relating to enforcement of child support. The committee voted interim study to allow time to examine both state and federal laws regarding child support obligations and to define protocols and procedures agreeable to various parties affected. Vote 14-0.

HB 1333-L, relative to the establishment of parenting plans. REFER FOR INTERIM STUDY

Rep. Julie M. Brown for Children and Family Law: This is an important bill that will help parents and their children. It will need extensive time for research in order to implement "parenting programs" for families. Vote 14-0.

HB 1443-FN, requiring a hearing prior to issuance of statement of findings on the suspension, revocation, or denial of a daycare provider's license. REFER FOR INTERIM STUDY

Rep. Laura C. Pantelakos for Children and Family Law: This bill concerns administrative hearings, appeals, etc. in regard to daycare providers' licenses. The committee believes that, at the initial hearing, an impartial party should be involved. A bill will be introduced in the next biennium to identify and address this issue. Vote 16-0.

HB 1498, establishing a committee to study child support and parental involvement issues. INEXPEDIENT TO LEGISLATE

Rep. Pamela D. Coughlin for Children and Family Law: After much discussion the committee voted ITL due to the many issues involved and the time allotted. The Federal Family Support Act of 1988 requires states to review guidelines for child support at least every 4 years. This bill should be addressed in the next legislative session. Vote 12-1.

SB 357, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect.. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill simply extends the reporting date of the study committee to March 15, 2000. Vote 13-0.

Amendment (3692h)

Amend 1999, 29:5 as inserted by section 1 of the bill by replacing it with the following:

29:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before ~~[November 1, 1999]~~ **March 15, 2000**.

AMENDED ANALYSIS

This bill extends the reporting date of the study committee established in 1999, 29, relative to field activities conducted by the department of health and human services involving children, youth, and families from November 1, 1999 to March 15, 2000.

HB 1119, establishing a commission to investigate health care issues. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: This bill would have established a three-year commission to investigate health care issues. The committee agrees with the sponsors concerning the current status of the health care industry in the State of New Hampshire and has agreed to look into these issues in the extended and expanded chapter study requested in HB 1183. Vote 20-0.

HB 1135, establishing a committee to study whether the governor should mediate negotiations between health care providers and insurance companies. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: This bill was a response to a situation that developed in the Seacoast when APEX, a Physician Hospital Organization, refused to negotiate with Tufts Health Plan. The sponsors' intent to study whether the governor should mediate in broken down negotiations between health care providers and insurance companies is well intentioned, but the committee felt that such a study was unnecessary and believes the governor has the power of the office to intercede when needed for the health and safety of New Hampshire citizens. Vote 20-0.

HB 1174, establishing a committee to study the feasibility of creating an umbrella-type agency for health care. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: There is currently an interagency work group composed of the Department of Insurance, the Attorney General's Office, the Governor's Office and the Department of Health and Human Services, whose function is to establish systems for monitoring the health care market. The committee felt another study in this area would be redundant and will monitor the progress of this work group as part of the responsibilities of the extended and expanded chapter study requested under HB 1183. Vote 19-0.

HB 1240, establishing a prompt payment law for managed care organizations. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will ensure that health care providers receive payment from the health carriers in 15 days if the claim is submitted in electronic form or 45 days if the claim is submitted in written form. The bill defines a "clean claim" and an "electronic claim" and also outlines the process to be followed in case of noncompliance. Vote 19-0.

Amendment (3720h)

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

An act requiring insurers to make prompt payments.

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

1 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 8 the following new section:

415:8-a Prompt Payment Required.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or certificate holders within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and insurer contract. If the insurer is denying the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Notwithstanding any provision of law to the contrary, no penalties shall apply until the health care provider has notified the insurer in writing of the insurer's noncompliance with this section and the carrier fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the insurer fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim shall be recoverable by the provider from the insurer. The commissioner may assess a fine to any insurer after determining that the insurer has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to an internal or external review process.

2 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 18-b the following new section:

415:18-bb Prompt Payment Required.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or certificate holders within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and insurer contract. If the insurer is denying the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Notwithstanding any provision of law to the contrary, no penalties shall apply until the health care provider has notified the insurer in writing of the insurer's noncompliance with this section and the insurer fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the insurer fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim shall be recoverable by the provider from the insurer. The commissioner may assess a fine to any insurer after determining that the insurer has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to an internal or external review process.

3 New Section; Prompt Payment Required. Amend RSA 420-A by inserting after section 9 the following new section:

420-A:9-a Prompt Payment Required.

I. Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or subscribers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and corporation contract. If the health service corporation is denying the claim, the corporation shall have 15 calendar days upon receipt of the claim to notify the health care provider or subscriber of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health service corporation on the corporation's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the corporation's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the corporation.

III. Notwithstanding any provision of law to the contrary, no penalties shall apply until the health care provider has notified the health service corporation in writing of the corporation's noncompliance with this section and the corporation fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the health service corporation fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against a corporation for payment of the claim shall be recoverable by the provider from the corporation. The commissioner may assess a fine to any health service corporation after determining that the corporation has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the corporation's compliance is rendered impossible due to matters beyond the corporation's control which are not caused by such corporation.

(b) No health service corporation shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No corporation shall be in violation of this section while the claim is pending due to an internal or external review process.

4 New Section; Prompt Payment Required. Amend RSA 420-J by inserting after section 8 the following new section:

420-J:8-a Prompt Payment Required.

I. Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services rendered in New Hampshire to covered persons within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and health carrier contract. If the health carrier is denying the claim, the carrier shall have 15 calendar days upon receipt of the claim to notify the health care provider or covered person of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health carrier on the carrier's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the carrier's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the health carrier.

III. Notwithstanding RSA 420-J:14, no penalties shall apply until the health care provider has notified the health carrier in writing of the carrier's noncompliance with this section and the carrier fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the health carrier fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against a health carrier for payment of the claim shall be recoverable by the provider from the health carrier. The commissioner may assess a fine to any health carrier after determining that the carrier has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the carrier's compliance is rendered impossible due to matters beyond the carrier's control which are not caused by such carrier.

(b) No health carrier shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No health carrier shall be in violation of this section while the claim is pending due to an internal or external review determination pursuant to RSA 420-J:5, or RSA 420-J:5-a-e.

5 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill requires insurers offering health benefit plans to pay health care providers or the insured person in a timely manner.

HB 1255, establishing a government competition competitive neutrality study committee
INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: While the committee feels there is some merit to the sponsor's concerns that government competes with the private sector and sometimes creates inefficiencies, the committee doesn't believe a study committee is necessary. The sponsor should bring in specific legislation to deal with a specific problem. Vote 16-0.

HB 1278, establishing a committee to investigate bank foreclosures on homeowners' properties and bank overdraft fees. INEXPEDIENT TO LEGISLATE

Rep. Tara G. Reardon for Commerce: The committee heard no testimony with regard to any criminal behavior or actions that constitute robbery by any banks following the statutory power of sale under RSA 479, or charging bank fees. The committee felt that this legislation was not necessary at this time. Vote 17-1.

Rep. Dalianis declared a conflict of interest and did not participate.

HB 1280, relative to medical emergencies under managed care organizations. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would clarify requirements of managed care organizations regarding the coverage of emergency medical services. The committee considered this bill with respect to existing statutes that define emergency services along with recently passed language defining a life threatening emergency and guaranteeing coverage by insurance carriers. With the passage of HB 640, the HMO external grievance process, the committee felt that there is no need to modify existing language or address the binding arbitration suggested by this bill. Vote 19-0.

HB 1295, relative to prescription drug cards. REFER FOR INTERIM STUDY

Rep. Kathleen N. Taylor for Commerce: This bill requires that insurers providing coverage of prescription drugs issue to their enrollees a card or other similar item containing uniform prescription drug information. The purpose is to save time for the pharmacists thereby enabling them to fill prescriptions faster. The committee feels that this issue needs further study and will work with those concerned over the summer to refine this legislation. Vote 19-0.

HB 1314, relative to propane sales. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: The sponsor thought some purchasers of propane gas were over charged when dealers applied a flat rate to refill small propane tanks whether they were empty or half full. While there was not any evidence that this was a big problem, the NH Propane Coalition is sending a letter to all of their members to post informational signage as to their filling policies. The committee felt that the industry's cooperation should take care of the problem and legislation was not needed in this case. Vote 18-1.

HB 1315, relative to payout ratios of qualified charitable gift annuities. REFER FOR INTERIM STUDY

Rep. Tara G. Reardon for Commerce: This bill would allow retirement communities that currently fund long term care of their members with the sale of charitable annuities, payout ratios in excess of the American Council on Gift Annuities' standard. The subcommittee considered methods of licensing and exemption from RSA 403-E, which was enacted just last session to regulate these payout ratios. The retirement community that requested the bill will work with the New Hampshire Department of Insurance to attempt an agreement on this issue over the summer and, if needed, appropriate legislation will be drafted from those meetings. Vote 19-0.

HB 1373, relative to payments of first and second mortgage home loans. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill is the result of the study committee on first and second mortgage home loans established in 1999, 233, and requires that at the time a loan application is taken, the borrower will be provided a written disclosure explaining how the payments to the loan will be applied. This bill also specifies that there will be no penalty charged for the prepayment of a second mortgage home loan after the loan has been in existence for 5 years. Vote 14-1.

Amendment (3564h)

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

1 New Paragraph; Written Disclosure Required; First Mortgage Home Loans; Interest Computation. Amend RSA 397-A:14 by inserting after paragraph II the following new paragraph:

III. For loans where the payment is applied on the date received, the licensee shall provide to the borrower, at the time the loan application is taken, a separate written disclosure which explains how the payments will be applied.

2 New Paragraph; Written Disclosure Required; Second Mortgage Home Loans; Interest Computation. Amend RSA 398-A:2 by inserting after paragraph VI the following new paragraph:

VI-a. For loans where the payment is applied on the date received, the licensee shall provide to the borrower, at the time of application for the loan, a separate written disclosure which explains how the payments will be applied.

3 Second Mortgage Home Loans; Prepayment Penalties Prohibited. Amend RSA 398-A:2, III to read as follows:

III. The borrower shall have the right to anticipate his *or her* debt in whole or in part upon payment of any prepayment penalty agreed upon between borrower and licensee, provided, however, that any penalty shall be clearly set forth in the loan documents; ***except that there shall be no penalty charged for prepayment of a second mortgage home loan after the loan has been in existence for 5 years.*** When an open-end loan agreement providing for advances from time to time by the licensee exists between the borrower and the licensee, monthly loan payments shall be selected by the borrower as stated in the note or open-end agreement.

4 Effective Date. This act shall take effect July 1, 2000.

AMENDED ANALYSIS

This bill requires lenders of a first or second mortgage home loan where payments will be applied on the date received to provide to the borrower, at the time of application for the loan, a written disclosure which explains how payments will be applied.

This bill also prohibits a prepayment penalty on a second mortgage home loan which has been in existence for 5 years.

HB 1377, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will prevent any health carrier from excluding a licensed physician from its network solely on the basis that such physician is not certified by one of the American Board of Medical Specialties' approved boards, if the physician is a member of the health carrier's network prior to January 1, 2001. Vote 18-0.

Amendment (3717h)

Amend RSA 420-J:7-c as inserted by section 1 of the bill by replacing it with the following:

420-J:7-c Exclusion of Certain Providers Prohibited. A health carrier shall not exclude any licensed physician from its provider network solely on the basis that before January 1, 2001 such physician is not certified by one of the American Board of Medical Specialties' approved boards and such physician is at that time a member of the health carrier's provider network.

AMENDED ANALYSIS

This bill prohibits managed care organizations from excluding its provider-network physicians solely on the basis that such physicians are not certified by one of the American Board of Medical Specialties' approved boards before January 1, 2001.

This bill also establishes a committee to study the methods used by managed care organizations in contracting with health care providers.

HB 1398, requiring disclosure of policy limits by insurers. REFER FOR INTERIM STUDY

Rep. Tim S. McGough for Commerce: In cases of personal injury insurance claims and lawsuits, the dollar amount of coverage available to the claimant or the plaintiff is not normally disclosed unless the insurance carrier or an intervening court decides it should be for purposes of encouraging settlement. This bill would require disclosure of this information at the request of any involved party. The committee felt this might encourage lawsuits against defendants with deep pockets but also that this disclosure might prevent unnecessary lawsuits filed solely to reveal this information. Given the complexities of this issue and the compelling arguments on both sides the committee wishes to study the issue. Vote 16-2.

HB 1401, requiring manufactured housing sellers to provide a breakdown of purchasing costs. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: The sponsor had a constituent who had asked that this bill be introduced. In the meantime the particular problem was fixed and the sponsor withdrew support for the bill. The committee saw no support to proceed with this legislation. Vote 17-0.

HB 1411, requiring credit reporting agencies to notify consumers prior to changing certain information in their files. INEXPEDIENT TO LEGISLATE

Rep. Tim S McGough for Commerce: This bill would require credit reporting agencies to notify consumers before they make any changes to a consumer's credit file. Initially, the sponsor asked to withdraw this legislation, then during the public testimony some interesting anecdotes were presented causing the committee to investigate further. The committee is aware of legislation being prepared for the next session to deal with this type of problem. Imposing this requirement as introduced would be nearly impossible for credit bureaus to enact without significantly increasing the cost of obtaining credit or credit reports, and therefore the committee does not support this legislation as introduced at this time. Vote 17-1.

HB 1428, relative to the insurance consumer's bill of rights. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would require uniform boiler plate documents be imposed by the Department of Insurance on carriers to simplify the manner in which policies are presented to the consumer. This bill would also require disclosure of policy limits in cases of personal injury claims or lawsuits. That issue is contained in HB 1398 that is recommended for interim study. The committee would like to consider these issues during that process. The committee felt that no public outcry exists for the other provisions required by the bill and that current resources provided by the New Hampshire Department of Insurance are sufficient to serve consumers in that respect. Vote 17-0.

HB 1457, establishing a committee to study all aspects of the condominium act established under RSA 356-B. OUGHT TO PASS

Rep. Joseph D. Kenney for Commerce: This bill establishes a study committee to review all aspects of the Condominium Act established under RSA 356-B. Also it would encourage the Attorney General's Office and the Community Associations Institute-New Hampshire (C.A.I.), to participate in this study to advise and recommend any amendments to the existing law. The Condominium Act has developed some growing pains over the past ten years; thus the committee felt it was worth studying and making any necessary amendments. Vote 15-2.

HB 1465, extending the reporting date of the committee to study the non-group health insurance market. OUGHT TO PASS

Rep. Sheila T. Francoeur for Commerce: This bill will extend the reporting date for this study committee until November 1, 2000. The committee believes that the problem of the uninsured and affordable insurance is a continuing one in the State of New Hampshire and merits further in-depth study. Vote 17-1.

HB 1496-FN, relative to joint negotiations by physicians with health benefit plans. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: The committee has several issues concerning health benefit plans that they will be studying over the summer. This subject will fit into the area of these other bills and the committee feels that this bill will get the attention that it needs by putting it into interim study. Vote 13-1.

HB 1534, relative to availability of funds on cash and checks deposited. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would only affect state-chartered banks, about half of the banks in New Hampshire. If enacted, it would impose more stringent requirements on these banks than currently mandated by Federal Reserve Bank Regulations in regards to funds availability. Testimony showed that banks most often make these funds available immediately upon customer request, but should have the flexibility given by federal law to place a short hold on these checks to verify validity of suspect documents. If passed, this bill would place state-chartered banks at a competitive disadvantage and risk requiring cashing of counterfeit instruments prior to verification or actual receipt of funds. Vote 15-0.

HB 1131-FN, relative to license revocations and suspensions. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1131 originally called for a suspension of a driving license for anyone under 21 years of age convicted of driving while intoxicated. The loss of license was to be until the individual attained 21 years of age. This would have resulted in sentences varying from a year or less to as much as a five-year loss of license. The statistics indicate an increasing number of young drivers under the legal age for obtaining alcoholic beverages are driving while intoxicated, transporting alcoholic beverages and/or in possession of alcohol. The committee wants to impress upon our newest and most inexperienced drivers that violating the highway safety statutes as well as the legal age for use of alcohol is no longer to be tolerated and voted to amend HB 1131 to provide for a suspension of driving privileges for not less than one year for persons under 21 years of age who are convicted of driving while intoxicated. Vote 12-1.

Amendment (3483h)

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

1 New Paragraph; Penalty for Offenders Under Age 21. Amend RSA 265:82-b by inserting after paragraph I-a the following new paragraph:

I-b. Any person under the age of 21 who is convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year.

2 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill provides that persons under the age of 21 who are convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II shall not be eligible to have their driving privileges reinstated for a period of at least one year.

HB 1250, allowing a psychiatric/mental health advanced registered nurse practitioner to declare a personal safety emergency, to transfer an inmate for a psychiatric inpatient emergency, and to authorize an involuntary emergency hospitalization. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The bill as amended removes a provision that would have authorized an advanced registered nurse practitioner (ARNP) to determine that a person is eligible for involuntary emergency hospital admission. This former provision would have involved a substantial deprivation of the person's liberty. Due to the liberty

interests involved, the committee felt that these issues concerning ARNP's future role in involuntary emergency admission could be best studied and addressed at the Department of Health and Human Services forum to be convened before the next session. The bill does add ARNP's to augment licensed physicians within the states correctional facilities. The ARNPs may also recommend, with the approval of the administrator of the institution where the inmate is detained, the removal of such inmate to a medical facility for treatment or medical examination. Vote 13-0.

Amendment (3584h)

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

AN ACT allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

Amend the introductory paragraph of RSA 627:6, VII as inserted by section 1 of the bill by replacing it with the following:

VII. A licensed physician, or a person acting under his *or her* direction, *or an advanced registered nurse practitioner (ARNP) working for the department of corrections* may use force for the purpose of administering a recognized form of treatment which he *or she* reasonably believes will tend to promote the physical or mental health of the patient, provided such treatment is administered:

Amend RSA 623:1, I as inserted by section 2 of the bill by replacing it with the following:

I. Any person confined in a county department of corrections facility, state prison or other place of detention may, under necessary precautions, be taken by some regular or specially authorized officer from such place of detention to a medical facility for the purpose of receiving medical examination or treatment upon recommendation of a physician *or an advanced registered nurse practitioner (ARNP)* and upon approval of the administrator of the institution in which the person is confined. In the case of a transfer for medical purposes for a period in excess of 24 hours, the justice of the court who originally ordered the prisoner's commitment shall be given written notice of the transfer within 5 days of said transfer, and shall be given notice upon the return of the prisoner within 5 days of the prisoner's return. The provisions of RSA 402:79 shall apply to payments for medical care provided pursuant to this section.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill allows an advanced registered nurse practitioner to evaluate an inmate or a patient at the secure psychiatric unit to declare a personal safety emergency and to transfer the person for inpatient psychiatric treatment.

HB 1346-FN, relative to certain acts of felonious sexual assault. REFER FOR INTERIM STUDY

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: The committee felt that although changes to this section of the sexual assault statutes may be warranted, questions regarding the age differential and assessment of penalties were not sufficiently addressed. The committee would like the opportunity to further study these issues. Vote 17-0.

HB 1424, relative to reevaluation of a person's competency to stand trial. OUGHT TO PASS WITH AMENDMENT

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill clarifies the process for evaluating a person's competency to stand trial. The amendment further clarifies that if there is clear and convincing evidence that the defendant cannot be restored to competency within twelve months, the case shall be dismissed without prejudice. Vote 16-0.

Amendment (3469h)

Amend the bill by replacing RSA 135:17-a, I as inserted by section 2 with the following:

I. If, after hearing, the district court or superior court determines that the defendant is not competent to stand trial, the court shall order treatment for the restoration of competency unless it determines, by clear and convincing evidence, that there is no reasonable likelihood that the defendant can be restored to competency through appropriate treatment within 12 months. If the court finds, by clear and convincing evidence, that the defendant cannot be restored to competency within 12 months, the case against the defendant shall be dismissed without prejudice and the court shall proceed as provided in paragraph V.

HB 1460, making the playing of an individual's car stereo in excess of 50 decibels disorderly conduct. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The sponsor indicated that he understood the Inexpedient to Legislate vote on this bill. Passage of HB 1460 would force communities to purchase decibel meters, resulting in new costs. Also, pursuant to NH RSA 644:2, III(a), the crime of disorderly conduct, it is already a violation to make loud or unreasonable noises in a public or a private place which causes annoyance or alarm. The Commissioner of the Department of Safety is very serious about enforcing this existing provision. Vote 12-0.

HB 1492-FN, relative to clarifying the state's stalking statute. OUGHT TO PASS WITH AMENDMENT

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill clarifies language in the current stalking bill defining a "course of conduct" to be considered when assessing whether or not stalking activity exists. The bill, as amended, affords increased protection for victims of stalking while assuring that all parties' constitutional rights are protected. The bill, in its final form, takes into consideration the concerns of those who testified before the committee and sub-committee regarding terminology that was vague and open to interpretation. Vote 14-0.

Amendment (3546h)

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

1 Criminal Code; Interference with Freedom; Stalking. RSA 633:3-a, I-III is repealed and reenacted to read as follows:

I. A person commits the offense of stalking if such person:

(a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal

safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear;

(b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family; or

(c) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibits contact with a specific individual, purposely, knowingly or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a).

II. As used in this section:

(a) "Course of conduct" means 2 or more acts over a period of time, however, short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct may include, but not be limited to, any of the following acts or a combination thereof:

(1) Threatening the safety of the targeted person or an immediate family member.

(2) Following, approaching, or confronting that person, or a member of that person's immediate family.

(3) Appearing in close proximity to, or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person's immediate family.

(4) Causing damage to the person's residence or property or that of a member of the person's immediate family.

(5) Placing an object on the person's property, either directly or through a third person, or that of an immediate family member.

(6) Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.

(7) Any act of communication, as defined in RSA 644:4, II.

(b) "Immediate family" means father, mother, stepparent, child, stepchild, sibling, spouse, or grandparent of the targeted person, any person residing in the household of the targeted person, or any person involved in an intimate relationship with the targeted person.

2 Criminal Code; Interference with Freedom; Civil Petitions in Stalking Cases. Amend RSA 633:3-a, III-a to read as follows:

III-a. A person who has been the victim of stalking as defined in this section may seek relief by filing a *civil* petition in the district court or the superior court in the county or district where the plaintiff or defendant resides. Upon a showing of stalking by a preponderance of the

evidence, the court shall grant such relief as is necessary to bring about a cessation of stalking. The types of relief that may be granted, the procedures and burdens of proof to be applied in such proceedings, the methods of notice, service, and enforcement of such orders, and the penalties for violation thereof shall be the same as those set forth in RSA 173-B.

3 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill clarifies the definition of stalking and provides a civil relief mechanism for victims.

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 1562-FN makes the penalty for violating a child protection order, which is based upon a preliminary disposition of abuse or neglect or a finding of abuse or neglect, a Class A misdemeanor. Under HB 1562-FN, the penalty for violating a child protection order is now the same as the penalty for violating a domestic violence protective order. HB 1562-FN also makes the enhanced penalties for subsequent offenses under the Child Protection Act identical to enhanced penalties for subsequent offenses under the Domestic Violence Laws. Vote 12-0.

SB 355, relative to name changes for criminal offenders. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Last year the House and Senate passed HB 215 (Chapter 160), which amended NH RSA 547:3-i. The changes became effective on June 28, 1999. A contradiction exists in the first two paragraphs of the new law. SB 355 removes this contradiction. The current law excludes certain persons from being granted name changes: those serving a prison sentence, those on probation or parole, or those required to register as sexual offenders, or offenders against children. However, the law also provides that the court may override the previous provision. This bill corrects the language by providing that the court may grant the petition for name change of any person, however, the persons mentioned above must make a compelling showing before they are granted a name change. Vote 12-0.

SB 382, relative to appeals of release or detention orders OUGHT TO PASS

Rep. Frank M. Schanda for Criminal Justice and Public Safety: SB 382 makes an addition to the bail review statute and is a victim safety measure. This bill requires that no action shall be taken on the motion for bail review until the reviewing judge has all of the information before him or her that the original judge had in setting bail. No opposition was presented to the committee. Vote 12-0.

HB 1285, establishing a committee to study the feasibility of assessing taxes for special education at the county level INEXPEDIENT TO LEGISLATE

Rep. Robert McKinley for Education: This bill would move the responsibility for assessing special education taxes from the local taxing district to the county government. This would create a new level of management among the state, the counties, the SAU's and the towns with little, if any, benefit to the towns and could result in increased costs without increased services. Vote 15-2.

HB 1388, establishing a commission to study the statewide delivery of special education programs and services. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: The Education committee has studied special education extensively. There have been a measurable number of special education studies done within the last few years. In addition, the Adequacy Commission is considering the issue. There is an on going Special Education Advisory Committee which looks at all aspects of special education and prepares an annual report. Therefore, the Education committee deems this bill to be unnecessary at this time. Vote 18-0.

HB 1253, establishing a 4-year term for the commissioner of the department of corrections. OUGHT TO PASS

Rep. Michael O'Neil for Executive Departments And Administration: This bill establishes a four-year appointed term for the commissioner of corrections. By establishing a specific term, this position will be treated in the same fashion as other commissioner appointments within state government and will be beneficial when seeking qualified individuals to fill the position. Vote 14-0.

SB 341, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists. OUGHT TO PASS

Rep. Michael O'Neil for Executive Departments and Administration: This bill amends RSA 96:1. The committee established to study the licensure of "radiographics". "Radiographics" is changed to "radiologic technologists", the standard terminology utilized in the industry. The report date is changed from November 1, 1999 to November 1, 2000. The House and Senate members appointed to this study committee requested additional time to study the issues that related to this bill. Vote 16-1.

HB 1202-L, making technical corrections to 1999, 17 as amended. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Finance: This bill makes technical corrections to 1999, 17 (HB 117) which were requested by the Department of Revenue and the Board of Land and Tax Appeals. Many of these changes concern the shortened timelines for reports and appeals that have been found inadequate for practical application. Section 3,V allows the DRA to assess a penalty to municipalities that willfully fail to timely file and sets up an appeal process. Section 7 brings the superior court and the BTLA into accord regarding the definition of timely filing under RSA 80:55. The remaining changes clarify existing law. All changes have been reviewed by and are supported by the NH Municipal Association. Vote 21-0.

Amendment (3849h)

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

AN ACT making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Equalization Procedure; Report Required. Amend RSA 21-J:9-a by inserting after paragraph IV the following new paragraph:

V. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the commissioner to conduct the annual sales-assessment ratio study required under paragraph I. This report shall be filed within 45

days after receipt from the commissioner. Municipalities which fail to timely file the report due to willful neglect or intentional disregard of laws or rules and not reasonable cause shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed. Within 30 days after the imposition of the penalty by the commissioner, officials of the city, town, or unincorporated place upon which the penalty was imposed may appeal by written application to the board of tax and land appeals or the superior court in the county in which the city, town, or unincorporated place is located. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's actions.

4 New Paragraph; Appeals to Department or Board. Amend RSA 21-J:28-b by inserting after paragraph VI the following new paragraph:

VII. Compliance with the filing deadlines in this section relative to the department or the board of tax and land appeals shall be in accordance with RSA 80:55.

5 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II.(a) To hear and determine appeals by municipalities relating to the equalized valuation of property determined by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any municipality aggrieved by its *own* equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within ~~[20]~~ **30** days of notice of its final equalized valuation by the commissioner. The board shall hear and make a final ruling on such appeal within ~~[45]~~ **60** days of its receipt by the board. The board's decision on such appeal shall be final pending a decision by the supreme court. Such appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is mailed by the board to the municipality. The supreme court shall give any appeal under this section priority in the court calendar.

(b) Decisions by the supreme court on appeals made under subparagraph (a) that are issued prior to September 1 shall be used by the commissioner of revenue administration in determining the taxes to be raised by each municipality *for that tax year*.

(c) Decisions by the supreme court on appeals made under subparagraph (a) that are issued after September 1 shall be used by the commissioner of revenue administration in determining the taxes to be raised in the tax year commencing April 1 of the ~~[second]~~ succeeding year. Any adjustments that need to be made to a municipality's tax rate based on a decision by the supreme court under this subparagraph shall be made by the commissioner of revenue administration in the tax year commencing April 1 of the succeeding year.

6 Commissioner's Warrant. Amend RSA 76:8, I-II to read as follows:

I. The commissioner of revenue administration shall annually calculate the proportion of education property tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized value of all property in the municipality as determined under RSA 21-J:3, XIII *for the preceding year*, except property taxable under RSA 82 or RSA 83-F.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality ~~[at the time of the setting of the tax rate]~~ *by December 15* directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount

of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

7 New Section; Timely Filing. Amend RSA 76 by inserting after section 16-d the following new section:

76:16-e Timely Filing. The timely filing and mailing of any document relative to the administration and appeal of any state or municipal tax, either by a municipality or the board of tax and land appeals, shall be determined in accordance with RSA 80:55.

8 Excess Property Tax Payments. Amend RSA 198:46, II-III to read as follows:

II. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the ~~[town treasurer]~~ **municipal treasurers** under RSA 41:29 **and RSA 48:16**. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for unrestricted use by the municipality.

III. The commissioner of the department of revenue administration shall collect from the ~~[selectmen]~~ **municipality** the excess tax and pay the excess tax over to the state treasurer for deposit in the education trust fund established by RSA 198:39.

9 Repeal. RSA 21-J:34, XV, relative to certain reports filed by assessing officials, is repealed.

10 Applicability. RSA 21-J:28-b, as inserted by section 4 of this act, and RSA 76:16-e, as inserted by section 7 of this act, shall apply to any tax bill mailed on or after April 1, 1998.

11 Effective Date.

I. Sections 4 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes technical corrections to 1999, 17 (HB 117) as amended. The bill also clarifies certain filing and mailing procedures to be used in the administration and appeal of state and local taxes.

HB 1251, relative to driver education training reimbursement. OUGHT TO PASS

Rep. Susan W. Almy for Finance: This bill requires the Department of Safety to reimburse students in private drivers' education at the same rate as public school programs are reimbursed, and public schools to explicitly credit or reimburse the \$150 per student they receive to the students. The former provision increases program costs by about \$600,000. The program is funded primarily by the vanity plate fee which the department estimates will cover the added cost at least through this biennium, and probably beyond, so the net effect would be to reduce lapses. Vote 25-0.

HB 1265-FN, relative to registration of certain antique OHRVs. OUGHT TO PASS

Rep. Susan W. Almy for Finance: This bill adds antique ATVs and trail bikes to the antique snowmobile program and increases the age qualification from 20 to 25 years. Fish and Game believes that the combination of these changes would be revenue-neutral; at most they would cost a total of \$4000 per annum to them and DRED combined. Vote 24-0.

HB 1344-FN, expanding the used oil program. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill expands a successful used oil collection program to allow for multiple grants to municipalities and to private facilities which, under current law, now do not receive grants. Grants will be available for collection containers, protective structures, filter crushers and used oil heaters. The effect will be to collect more used motor oil and prevent the oil from getting into the environment. The increase in used oil user fees is estimated at \$21,600 with the estimated cost of expanded grants at \$21,500. Vote 24-0.

Amendment (3785h)

Amend the bill by replacing section 1 with the following:

1 Public Health; Hazardous Waste Cleanup Fund; Used Oil Collection; Use of Money Collected; Eligibility for Grants. Amend RSA 147-B:13, I(a) to read as follows:

(a) Award grants ~~[of up to \$2,500 to a political subdivision of the state]~~ to pay for the ~~[cost of establishing or improving]~~ **costs associated with the establishment, improvement, or operation of** used oil collection centers at public facilities such as fire stations, police barracks, highway departments, county garages, solid waste facilities, or other suitable ~~[public]~~ locations; and provide technical assistance to persons who organize such programs. ***Political subdivisions and other government entities shall be eligible for grants not to exceed \$2,500 on an annual basis for the costs associated with the establishment or improvement of used oil collection facilities. In addition, political subdivisions and other government entities shall be eligible for grants on an annual basis for costs associated with the off-site transportation and recycling of used oil collected from individuals disposing of used oil. Non-profit organizations that focus on waste management and recycling issues, and private businesses that are registered state motor vehicle inspection stations, shall be eligible for grants not to exceed \$2,500 on an annual basis for the costs to establish a used oil collection facility.*** In providing funding under this subparagraph, priority shall be given to reimburse political subdivisions ~~[that have established a collection center under this program followed by political subdivisions]~~ without public collection centers, followed by political subdivisions that have ~~[inadequate]~~ ***established*** collection centers, ***followed by other government entities, state motor vehicle inspection stations, and non-profit organizations.*** Political subdivisions that use the same center may combine their awards, but in no case shall the amount awarded to a collection center exceed \$5,000.

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. OUGHT TO PASS

Rep. Vivian R. Clark for Finance: Current regulations set the same fee per ton for all varieties of permitted pollutant emissions. This bill re-apportions the charges for various pollutants so that more noxious elements are charged at a higher rate than less noxious ones. The bill causes no net change in state or local revenues or expenditures. The change is therefore a policy issue, not a fiscal one. Vote 21-2.

HB 1434, relative to processing applications under the medicaid waiver. INEXPEDIENT TO LEGISLATE

Rep. Richard J. LaRose for Finance: The sponsor reported that the Department of Health and Human Services is following procedures specified in this bill; therefore there is no need for legislative action. Vote 23-0.

HB 1463, making technical corrections related to the mental health system and guardianship hearings. OUGHT TO PASS

Rep. Marjorie K. Smith for Finance: This bill puts into law current practices concerning the delivery of services to children and adolescents in one or more facilities on the New Hampshire hospital campus. The committee could identify no change in revenue or expenditures which would result from passage of the bill and therefore concurred with the policy committee and the House. Vote 23-1.

HB 1546-FN-A-L, establishing a New Hampshire education tax on consumption as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. INEXPEDIENT TO LEGISLATE

Rep. Norman L. Major for Finance: The original bill reformulates the current method of funding the educational trust fund with a one percent consumption tax and reduces tax rates on property, utilities, real estate and other revenue sources from the trust fund. The fiscal note indicates first year revenues from the consumption tax for the education trust fund would be \$156M-\$209M in FY 2002. There would be a corresponding combined reduction in revenues from the reduced taxes of \$151.4M in FY 2001 and \$242.1M in FY 2002. In addition general fund revenues would decrease \$9.3M in FY 2002.

The sponsor requested that, instead of passing the bill, a study committee be established to take an in-depth look at a consumption tax. The committee agrees that this tax needs to be studied, but believes the appropriate place for that to occur is under the auspices of the Tax Equity and Efficiency Commission already established and charged with considering methods of funding an adequate public education. Consequently, it found the original bill inexpedient to legislate. The committee recommends that, in considering a consumption tax, the Commission look at its implementation in different sectors of the economy and examine ways to accurately determine potential revenues . Vote .

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. OUGHT TO PASS

Rep. Joseph E. Stone for Finance: The NH Retirement System has indicated this bill will have no fiscal impact on state, county and local revenues and expenditures. There will be an increase of expenditures of \$5000 in FY 01 from the system's trust fund. Any county corrections officers opting to purchase prior service would be responsible for the costs of obtaining such services as determined by actuarial study. Vote 23-0.

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill, as amended by the House, requires DES to propose a voluntary testing program of public water supplies for MTBE, and to study the amount of MTBE in

gasoline in the state. As this is a purely voluntary program, there is no question of a 28-A issue on the local level and a minimal financial impact on the state level. Vote 22-1.

HB 1599-FN-A-L, establishing a prescription drug payment assistance program and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Finance: After extensive conversation with the sponsors of this and similar bills, as well as with the chair of the Health and Human Services Committee of the House, the committee concluded that this important and timely issue could best be addressed in SB 367, now pending before the Health and Human Services Committee. Vote 24-0.

HB 1426, establishing an appeals board to review decisions of the health services planning and review board INEXPEDIENT TO LEGISLATE

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: This bill would have established an appeals board over the decisions of the Health Services Planning and Review Board. This would appear to violate the separation of power between the legislative and executive branches of government. After discussion with the sponsor, the subcommittee recommended ITL and this was approved by the full committee. Vote 15-0.

SB 342, extending the reporting date of the committee studying the impact of federal welfare reform on the cities and towns of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: At the time the bill was filed, the study committee needed more time to finish its report. However, the report was finished before this bill was heard in the house committee. The sponsor indicated the bill was no longer needed. Vote 16-0.

HB 1438-FN, relative to transportation of children for involuntary emergency admissions. OUGHT TO PASS WITH AMENDMENT

Rep. Janet G. Wall for Judiciary: HB 1438 authorizes a physician to consult with the parent, guardian, or legal custodian of a child in need of involuntary emergency admission, and with consent, designate appropriate transportation to a receiving facility for care. Currently these children are handcuffed and shackled for their own protection, as well as the safety of those attending, then moved in a law enforcement vehicle. With this bill, a physician may authorize, depending on the amount of security needed, transporting the child by an ambulance or other medical vehicle. Testimony was given that transportation in an ambulance or other medical vehicle may be just as safe for some children, and may have a calming effect. Vote 15-0.

Amendment (3718h)

Amend RSA 135-C:29 as inserted by section 2 of the bill by replacing it with the following:

135-C:29 Delivery to Receiving Facility.

I. Upon completion of an involuntary emergency admission certificate under RSA 135-C:28, any law enforcement officer shall, ***except as provided in paragraph II***, take custody of the person to be admitted and immediately deliver him to the receiving facility identified in the certificate.

II. The physician shall consult with the parent, guardian, or legal custodian of a child subject to involuntary emergency admission regarding available transportation alternatives. If the physician determines that the child does not require the degree of security provided by a law enforcement vehicle, the physician may, with the consent of the parent, guardian, or legal custodian, authorize an ambulance service or other medical vehicle to deliver the child to the receiving facility.

AMENDED ANALYSIS

This bill authorizes transportation of a child who is the subject of an involuntary emergency admission by ambulance in place of law enforcement personnel.

SB 185, relative to the partition of real or personal property. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary: The sponsor of the bill requested that this bill be voted inexpedient to legislate. HB 1448, a similar bill, was passed by the house and is now in the senate. The sponsor of SB 185 will request an amendment to HB 1448 in the senate. This amendment will authorize the probate court to order a partition of real and personal property where legal or equitable rights or interest in such property is at issue. The committee agreed with this action. Vote 14-0.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services:

This bill changes benefit amounts in employment compensation weekly benefits, increases fines to employers not filing on a timely basis the required reports and removes the expiration date authorizing the Department of Employment Security to maintain its 1/10th of 1% administration fee. Vote 19-0.

Amendment (3165h)

Amend the bill by replacing section 6 with the following:

6 Repeal. The following are repealed:

I. RSA 1996, 49:7, III, relative to termination of the administrative contribution on July 1, 2002, is repealed.

II. RSA 282-A:112, III, relative to annual audits by private firms.

III. RSA 282-A:140, I(b), relative to annual audits by private firms.

AMENDED ANALYSIS

This bill:

I. Makes changes to the weekly and maximum benefits available to persons receiving unemployment compensation for the next 2 years.

II. Creates an exemption within a group of temporary, part-time employees not eligible to receive benefits.

III. Increases fines for employers failing to file required paperwork with the department of employment security.

IV. Removes a contingency date from a provision authorizing the department of employment security advisory council to review administrative funding provisions in the event the federal government were to devolve employment security programs to the state.

V. Repeals 1996, 49:7, II; RSA 282-A:112, III; and RSA 282-A:140, I(b).

This bill was requested by the department of employment security.

HB 1243, relative to permitting the practice of tip pooling by an employer. INEXPEDIENT TO LEGISLATE

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: The committee recommends that this bill be Inexpedient to Legislate for a couple of reasons. Some on the committee felt that tip pooling would take away from the waiter or waitress the money that was meant to reward the person for the service they had performed. Others understood the benefit of rewarding all people whose service efforts contributed to a customer's dining experience, but wanted to give the Lodging and Restaurant Association and the Department of Labor the opportunity to work things out together, as they had requested, thereby potentially eliminating the need for legislation. If no agreement can be reached between the two entities by the next legislative session, legislation could be submitted. Vote 14-2.

HB 1422-FN, relative to the composition of and procedures for the appellate board of the department of employment security. OUGHT TO PASS WITH AMENDMENT

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: This bill changes the composition and appointment procedure of the appellate board of employment security. It also changes the procedure for appeals to the board. Vote 17-0.

Amendment (3591h)

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

1 Employment Security; Appellate Board. Amend RSA 282-A:62 to read as follows:

282-A:62 Appellate Board.

I. There shall be an appellate board consisting of ~~[5]~~ **8** members, ~~[no 2 of whom shall be from the same executive council district,]~~ who are and continue to be residents of New Hampshire, appointed by the governor with the advice and consent of the executive council for ~~[3-year]~~ **4-year** terms and until their successors are appointed and qualified. Two of the members shall be attorneys-at-law admitted to the practice of law in the state of New Hampshire, one of whom shall be the chair, and one of whom shall be the vice chair and shall serve in the absence of the chair. These 2 members shall be the only members of the appellate board who are attorneys-at-law. ~~[Another member]~~ **Two members** shall be ~~[a representative]~~ **representatives** of business management familiar with unemployment compensation laws. ~~[A fourth member]~~ **Two members** shall be ~~[a representative]~~

representatives from organized labor familiar with unemployment compensation laws. ~~[The fifth member]~~ **Two members**, who shall also be familiar with unemployment compensation laws, shall ~~[be designated as the member representing and shall]~~ represent the public. The appointments shall be for ~~[3]~~ **4** years. **No person shall serve more than 8 consecutive years.** Any vacancy shall be filled for the unexpired term. The members shall be paid ~~[\$100]~~ **\$150** for each day or any part thereof during which they perform services, except that the chair and vice chair shall be paid ~~[\$150]~~ **\$200** for each day or any part thereof during which they perform services. All members shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties including mileage and board and room necessary for the conduct of hearings, except that no person who is a member of the appellate board and holds a part time, full time or per diem position with the executive, legislative or judicial branch shall receive the per diem allowance.

II. In the event of an increased workload the chair of the appellate board may request the governor with the advice and consent of the executive council to appoint up to 4 additional ~~[at-large]~~ members to the board, with equal representation for business management and organized labor. These new members shall serve for ~~[3 years or until notified by the chair that the workload has been reduced to a level so that their services are no longer required]~~ **one year from the date of appointment.**

2 Support of Board. Amend RSA 282-A:63 to read as follows:

282-A:63 Organization and Support. The appellate board shall be part of the department of employment security for organizational purposes but shall operate independently of that department. ~~[The commissioner, after consultation with the appellate board chair, shall develop a cooperative working agreement outlining the annual funding for the appellate board which shall be provided for and administered by the commissioner. The agreement shall also describe]~~ All clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate board ~~[which]~~ shall be determined by, provided for, and administered by, the commissioner.

3 Jurisdiction. Amend RSA 282-A:64, I to read as follows:

I. The appellate board shall hear appeals from decisions of the appeal tribunal **or final decisions of the commissioner under RSA 282-A:95.** An appeal must be filed with the appellate board or, if filed by mail, postmarked within 14 calendar days of the date of mailing of:

(a) The commissioner's decision on a request for reopening **or the final decision of the commissioner;** or

(b) The appeal tribunal's decision on an appeal which had been remanded by the appellate board, in which case a request for reopening is not required.

4 Board Sessions. Amend the introductory paragraph of RSA 282-A:66, I to read as follows:

I. The appellate board, while in session, shall consist of 3 members designated by the chair. **No 2 members shall be from the same category of representation. In addition for appeals of final decisions of the commissioner under RSA 282-A:95, the members shall consist of the chair or vice-chair, one business management representative, and one labor representative.** Any party aggrieved by a decision of the appeal tribunal may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate board shall adopt rules of procedure pursuant to RSA 541-A. It shall not require written briefs. The appellate board shall:

5 Formal Hearing. Amend RSA 282-A:96 to read as follows:

282-A:96 Formal Hearing.

I. A formal hearing on each such appeal shall be conducted according to the rules adopted by the commissioner, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure; and a complete record of such hearings shall be made and kept by the commissioner except that such record may be destroyed as provided in RSA 282-A:107-135. The record shall include the evidence, the commissioner's findings of fact and ~~his~~ decision. A copy of the decision of the commissioner shall be sent by certified mail, return receipt requested, to the last address according to the records of the department, of each employing unit or employer affected thereby.

II. An employer or employing unit who is aggrieved by the decision of the commissioner may, within 20 days of the date of mailing of the commissioner's decision request that the commissioner reconsider the decision or that the commissioner order a new hearing specifying in the request the grounds therefor. Notice of the commissioner's decision on such request shall be sent as provided in paragraph I.

6 Appeals; Appellate Board. Amend RSA 282-A:97 to read as follows:

282-A:97 Appeal to ~~Court~~ **Appellate Board**. The commissioner's decision on said appeal shall be final and conclusive as to the liability of the employing unit or employer or both unless an appeal therefrom is filed in accordance with the provisions of ~~[RSA 282-A:67]~~ **RSA 282-A:64**.

7 Application; Appointment of New Board Members; Initial Appointments. Members of the appellate board serving on the effective date of this act shall serve out the remainder of their terms. Board members on the effective date of this act shall be eligible for recommendation and appointment pursuant to the provisions of RSA 282-A:62 as inserted by section 1 of this act, provided that no person shall be appointed who has served 8 consecutive years, or if the term of an appointment would result in the person exceeding 8 consecutive years on the board. In order to provide for staggered terms for each representative category, and upon a vacancy, the terms of initial appointments shall be made as follows:

I. In 2000, a business management representative for 2 years, a business management representative for 4 years, a labor representative for 4 years, and a public representative for 4 years.

II. In 2001, an attorney representative for one year, an attorney representative for 3 years, and a public representative for one year.

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

AMENDED ANALYSIS

This bill changes the composition and appointment procedure of the appellate board of the department of employment security. The bill also changes the procedure for appeals to the board.

HB 1519, relative to diversity training for law enforcement and educational personnel.
INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: At the request of the sponsor the committee voted ITL. After filing the legislation the sponsor met with parties involved and resolved the main issues without legislation. Vote 17-0.

HB 1146-L, relative to tax increment financing. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill was requested by the Department of Revenue Administration to amend RSA 162-K:10, II. It makes technical corrections to the tax increment financing statute and clarifies that the handful of existing tax increment finance districts are grandfathered and exempt from the statewide uniform education property tax enacted last year. Vote 17-0.

Amendment (3603h)

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

1 Municipal Economic Development and Revitalization Districts; Computation of Tax Increments; Taxable Property. Amend RSA 162-K:10, II to read as follows:

II. Any amount by which the current assessed value of a development district exceeds the original assessed value is referred to as the captured assessed value. The assessors shall determine the amount of the captured assessed value each year.

(a) The tax increment financing plan shall designate the portion of captured assessed value which will be dedicated for retirement of bonds and notes ***and the portion of captured assessed value which will be dedicated to the operation and further development of the tax increment financing district.***

(b) ~~The municipality shall annually allocate the captured assessed value in excess of that necessary for dedicated tax increments for purposes of tax increment financing, according to one of the 2 following options:~~

~~(1) The excess captured assessed value may be fully used to finance the development program; or~~

~~(2) A portion of the excess captured assessed value may be used to finance the development program of the district and only that portion shall be set aside and the remainder shall be included with the other general tax revenues.]~~ ***The portion of captured assessed value which is not used either for the purpose of retirement of bonds and notes or for the purpose of the operation and development of the tax increment financing district shall be deemed excess captured assessed value. Excess captured assessed value shall be returned to the tax lists.***

2 Computation of Tax Increments; Determination of Rates. Amend RSA 162-K:10, III(a)(2) to read as follows:

(2) If the municipality retains only a portion of the ~~[excess]~~ captured assessed value for the development district and returns the remaining portion to the tax lists, the assessors shall include the current assessed value, to be used as a basis to equalize annually the valuation of property throughout the state, and that portion of the ~~[excess]~~ captured assessed value which the municipality does ~~[not]~~ retain, to be deducted from the current assessed valuation for the

calculation of the property tax **rate**. The assessors shall extend all rates against the total current assessed value [~~including that portion of the captured assessed value which the municipality is retaining for the development district only~~]. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes [paid] **billed** on real property in the district that the retained captured assessed value bears to the total current assessed value in the district. The amount so remitted each year is referred to as the tax increment.

3 Towns Adopting Tax Increment Financing Districts Before April 29, 1999; Method of Calculation. Amend RSA 162-K:10, III(b) to read as follows:

(b) The general court finds that municipalities that have adopted a tax increment financing plan and issued tax increment financing plan bonds under this chapter before April 29, 1999, or which have adopted a tax increment financing plan and entered into contracts and incurred liabilities in reliance upon the tax increment plans under this chapter before April 29, 1999, have incurred obligations which must be honored. The general court recognizes also that in accordance with the intent of this chapter, such obligations were entered into in order to accomplish a public purpose and for the improvement of development in municipalities. Accordingly, the provisions of subparagraph III(a) shall not apply to tax increment financing plan districts which authorized and issued tax increment bonds under this chapter before April 29, 1999 or which adopted a tax increment financing plan under this chapter and entered into contracts and incurred financial liabilities in reliance upon such tax increment plan before April 29, 1999. This subparagraph shall only apply to tax development districts as they existed as of April 29, 1999. To the extent such tax increment financing plan is amended to increase the amount of bonded indebtedness, to increase the cost of the development program, or to extend the duration of the program's existence, this subparagraph shall not apply. ***The assessors shall determine assessed valuation and tax increments according to the following method:***

(1) If the municipality retains the full captured assessed value for the development district, the assessors shall certify to the commissioner of revenue administration for the purposes of the report required by RSA 21-J:34, no more than the original assessed value of the real property in the development district. The assessors shall extend all rates as established by the commissioner of revenue administration under the provisions of RSA 21-J:35 against the current assessed value, including all captured assessed value. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes billed that year on real property in the district which the captured assessed value bears to the total current assessed value. That amount is referred to in this section as the tax increment for that year.

(2) If the municipality retains only a portion of the captured assessed value for the development district and returns the excess to the tax lists, the assessors shall certify to the commissioner of revenue administration for the purposes of the report required by RSA 21-J:34 the original assessed value and that portion of the captured assessed value which is shared with all the affected taxing district for the purposes of determining the assessed value for computing property tax rates. The commissioner of revenue administration shall compute the rates of all taxes levied by the state, county, municipality, school district and every other taxing district in which the district is located on this aforementioned assessed value. The assessors shall extend all rates against the total current assessed value, including that portion of the captured assessed value which the municipality is retaining for the development district only. In each year for which the current assessed value exceeds that original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes paid on

real property in the district that the retained captured value bears to the total current assessed value in the district. That amount is referred to as the tax increment for that year.

4 Effective Date. This act shall take effect April 1, 2000.

HB 1163, relative to the date of decision for appeals of zoning matters. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill establishes a uniform 30-day time period for an affected person to file for a rehearing or appeal regarding any zoning decision or order of a zoning board of adjustment, local legislative body, board of appeals, or planning board. This bill also provides that all such boards shall make their written minutes and decisions available for public inspection within 144 hours of any vote, consistent with the Right-To-Know law. Finally, this bill provides that if the minutes of the meeting were not filed within 144 hours of the date of the vote, the person applying for rehearing and/or appealing the decision shall have the right to amend the motion for rehearing or the appeal for up to 30 days after the date on which the written decision was actually filed. Vote 12-2.

Amendment (3802h)

Amend RSA 676:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Whenever a local land use board ~~[issues a decision]~~ ***votes to approve or disapprove an application or deny a motion for rehearing***, the ***minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefor***, shall be placed on file in the board's office and shall be made available for public inspection within ~~[72]~~ ***144*** hours ~~[after the decision is made]~~ ***of such vote***. Boards in towns that do not have an office of the board that has regular business hours shall file copies of their decisions with the town clerk.

Amend RSA 677:2 as inserted by section 2 of the bill by replacing it with the following:

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. Within ~~[20]~~ ***30*** days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning ~~[has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary]~~, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This ~~[20]~~ ***30***-day time period shall be counted in calendar days beginning with the ~~[next working day during which the office of the board is open to the public following the day on which the decision is rendered]~~ ***date upon which the board voted to approve or disapprove the application; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed.*** If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

Amend RSA 677:4 as inserted by section 3 of the bill by replacing it with the following:

677:4 Appeal from Decision on Motion for Rehearing. Any person aggrieved by any order or decision of the zoning board of adjustment or any decision of the local legislative body may apply, by petition, to the superior court within 30 days after the ~~[action complained of has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary, setting]~~ ***date upon which the board voted to deny the motion for rehearing; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. The petition shall set*** forth that such decision or order is illegal or unreasonable, in whole or in part, and ~~[specifying]~~ ***shall specify*** the grounds upon which the decision or order is claimed to be illegal or unreasonable. ~~[The date of filing shall be considered to be the next working day during which the office of the board is open to the public following the day on which the order or decision is rendered.]~~ For purposes of this section, "person aggrieved" includes any party entitled to request a rehearing under RSA 677:2.

Amend RSA 677:15, I as inserted by section 4 of the bill by replacing it with the following:

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the ~~[decision of the planning board has been filed and first becomes available for public inspection in the office of the planning board or of its clerk or secretary]~~ ***date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed.*** This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III.

AMENDED ANALYSIS

This bill provides that there is a 30-day time period for an affected person to file for a rehearing regarding any zoning decision or order of a zoning board of adjustment, local legislative body, board of appeals, or planning board. This bill also provides that this period begins with the date of the decision, and that if the minutes of the meeting were not filed within 144 hours of the vote, the person applying for rehearing may amend the motion for rehearing within 30 days after the date on which the written decision was actually filed.

This bill is a request of the study committee established under 1999, 292.

HB 1210-L, relative to capital reserve funds. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill allows cities, municipalities, counties, districts and water departments to raise and appropriate into capital reserve funds money from any source other than money given to those political subdivisions for charitable purposes. Vote 15-0.

Amendment (3656h)

Amend the bill by replacing sections 1-4 with the following:

1 Purpose. The general court recognizes the importance of capital reserve funds as financial planning tools for political subdivisions. It is the purpose of this legislation to make sure that political subdivisions are able to place funds into capital reserve funds, which are essentially municipal savings accounts, no matter what the source of those funds. The capital reserve fund laws have been interpreted by the department of revenue administration as allowing capital reserve funds to contain only funds raised through taxation and unencumbered surplus. In order that municipalities have the flexibility to maximize the benefits of capital reserve financial planning, funds from any source, other than money given for charitable purposes, should be allowed into a capital reserve fund.

2 Capital Reserve Funds for Cities; Establishment of Reserves Authorized. Amend the introductory paragraph of RSA 34:1 to read as follows:

34:1 Establishment of Reserves Authorized. Any city may raise and appropriate money as provided by RSA 34:2, ***from any source other than money given to the city for charitable purposes***, for the establishment of a capital reserve fund for the financing of all or part of the cost of:

3 Capital Reserve Funds for Cities; Payments Into Fund. Amend RSA 34:3, I to read as follows:

I. There may be paid into any such capital reserve fund such amounts as may from time to time be raised and appropriated therefor, ***from any source other than money given to the city for charitable sources***, within the limits as provided in RSA 34:4.

4 Capital Reserve Funds of Counties, Towns, Districts, and Water Departments; Payments Into Fund. Amend RSA 35:5 to read as follows:

35:5 Payments into Fund. There may be paid into any such capital reserve fund, except as provided in RSA 35:7, such amounts as may from time to time be raised and appropriated therefor, ***from any source other than money given to the town, district, or county for charitable purposes. Such amounts shall be*** within the limits as provided in RSA 35:8, and any such town, district or county may also vote to transfer to said fund, under a proper article in the warrant in the case of a town or district, any of its unencumbered surplus funds remaining on hand at the end of any fiscal year.

AMENDED ANALYSIS

This bill allows municipalities and counties to raise and appropriate money from any source for capital reserve funds, other than money given for charitable purposes.

HB 1216, relative to petitions for warrant articles. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill requires school boards to insert properly petitioned warrant articles on the warrant for a school district meeting with only such minor textural changes as may be required. This wording is identical to that contained in RSA 39:3 pertaining to town meetings. Vote 18-0.

HB 1232, relative to the investment options for county funds. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have permitted county treasurers to invest excess county funds in units of pooled money market mutual funds, which are invested solely in the United States Treasury. Counties already have the authority to invest in short term obligations of the United States as well as in the New Hampshire Public Deposit Investment Pool. The committee heard testimony that permitting an expansion into money market mutual funds would place public money at increased risk. In the past four or five years one county lost money, that had to be made up by county taxpayers, in a similar type of investment. Vote 12-2.

HB 1482, relative to funding of municipal projects. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have authorized a warrant article in SB-2 towns setting both annual and total project limits for capital improvement projects. After discussions with the Department of Revenue Administration, the committee determined that such authority already exists in the law. Vote 14-0.

HB 1581, making optional the laws relative to energy conservation in new building construction. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government: The Municipal & County Government Committee is not persuaded that there is a problem represented here which needs to be solved. The unanimous vote reflects testimony from the Governor's Energy Office that if there is a problem, the office would welcome the opportunity to work with communities. Energy conservation continues to be very important and cost effective; the Committee would not recommend that the House vote otherwise. Vote 18-0.

HB 1590, relative to prohibiting a zoning ordinance from a residential preexisting nonconforming property owner's ability to rebuild after a fire loss. REFER FOR INTERIM STUDY

Rep. Anthony F. Simon for Municipal and County Government: The intent of this bill was to prohibit a local zoning ordinance from preventing the rebuilding of a preexisting nonconforming property after a complete fire loss, if that prohibition has the effect of preventing the owner from obtaining a mortgage. The bill was introduced as the result of one situation in Manchester, which has since been resolved. However, research disclosed that zoning ordinances throughout the state treat the rebuilding of preexisting nonconforming uses in widely different ways. The committee believes that this underlying policy issue is a subject that requires further study. Vote 18-0.

HCR 30, urging the United States Environmental Protection Agency to adopt recently proposed new automobile emission standards and fuel regulations, known as the Tier2/Gasoline Sulfur Rule, at least as stringent as originally proposed. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: The United States Environmental Protection Agency (EPA) recently adopted rules referred to as the Tier 2/Gasoline Sulfur Rule that would significantly and cost effectively reduce emissions from light duty vehicles. In addition, the EPA has proposed a strategy to reduce emissions from heavy-duty vehicles. HCR 30, as amended, commends the EPA for adopting the Tier 2/Gasoline Sulfur Rule and encourages the EPA to move forward with its proposed new emissions standards for heavy-duty vehicles. Lastly, it encourages the EPA to adopt a second phase of heavy-duty vehicle standards and reduce the sulfur content of diesel fuel. Vote 15-0.

Amendment (3695h)

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

A RESOLUTION urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire has made significant efforts to improve the state's air quality and reduce air pollutant emissions from many source categories in accordance with the Clean Air Act Amendments of 1990; and

Whereas, emissions from mobile sources now contribute a majority of anthropogenic air pollutant emissions within the state and nationwide; and

Whereas, the United States Environmental Protection Agency has recently adopted the so-called Tier 2/Gasoline Sulfur Rule which will require significantly reduced emissions from light-duty vehicles such as common passenger vehicles and from sport utility vehicles, will require sport utility vehicle emissions to be reduced to not more than those allowed for common passenger vehicles, and will require significantly decreased levels of sulfur in gasoline during the next few years; and

Whereas, the United States Environmental Protection Agency has shown the reductions to be achieved by this adopted Tier 2/Gasoline Sulfur Rule to be cost-effective; and

Whereas, the United States Environmental Protection Agency in October, 1999 proposed a strategy to significantly reduce emissions from on-highway heavy-duty vehicles (vehicles of gross vehicle weight over 8,500 pounds), including diesel and gasoline engines used in large commercial trucks, large full-size pickup trucks, passenger vans, and the largest sport utility vehicles; and

Whereas, this proposed strategy includes both a first phase of new emission standards for heavy-duty vehicles, and a second phase to be proposed soon which will treat vehicles and fuels as a combined system and introduce both significant additional emission reduction requirements for heavy-duty vehicles and, in order to enable new emissions-control technology on heavy trucks, requirements that the sulfur content of highway diesel fuel be reduced by approximately 90 percent from its current level of 500 parts per million (ppm); and

Whereas, diesel vehicle emissions control technology has advanced sufficiently that diesel vehicles can cost-effectively achieve similar emission reductions to requirements recently adopted for gasoline vehicles; and

Whereas, non-highway gasoline and diesel vehicles, including construction and farm vehicles and off-road recreational vehicles, as well as other diesel engines, can often achieve emission controls at a similar cost and with similar cost-effectiveness as highway vehicles; and

Whereas, reductions in the sulfur content of highway diesel fuel are cost-effective and necessary to enable the use of new diesel vehicle emissions-control technology; and

Whereas, changes in fuel formulation are most efficiently and equitably implemented on a nationwide or regionwide basis; and

Whereas, in the absence of appropriately stringent nationally applicable standards for heavy-duty vehicle emissions and diesel fuel sulfur, many states may adopt their own standards,

resulting in a complex and inefficient regulatory system for vehicles and fuels, with negative financial effects on consumers, manufacturers, and refiners; and

Whereas, the estimated cost per ton of emissions reduced in the first phase of the United States Environmental Protection Agency's proposed strategy is less than 1/2 of the cost per ton of the recent Tier 2/Gasoline Sulfur Rule, and less than the cost of many emission reductions currently being required for electricity generation plants; and

Whereas, additional financial incentives for vehicle users and fuel suppliers to provide emission reductions beyond those mandated by these rules are likely to produce additional cost-effective emission reductions at minimal cost; and

Whereas, Governor Shaheen has written a letter dated February 2, 2000 supporting this concurrent resolution; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the United States Environmental Protection Agency is hereby commended for adopting its so-called Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should adopt the new emissions standards for on-highway heavy-duty vehicles proposed in the first phase of its proposed heavy-duty vehicle strategy, without any significant amendment that would weaken the proposed standards; and

That the United States Environmental Protection Agency should propose and adopt a second phase of integrated vehicle standards and diesel fuel sulfur rules similar to those outlined in its descriptions to date of its heavy-duty vehicle strategy, provided that they are at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar additional integrated vehicle standards and diesel fuel sulfur rules for non-highway gasoline and diesel vehicles, in addition to those for highway vehicles, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar standards for other diesel engines, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur rule; and

That the United States Environmental Protection Agency should investigate options for providing financial incentives for vehicle users and fuel suppliers that produce additional emission reductions beyond those mandated by these rules in order to obtain additional cost-effective emission reductions at minimal cost; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house concurrent resolution urges the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology.
OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This resolution asks the US Congress to amend "best available control technology" and "lowest achievable emission rate" provisions of the federal Clean Air Act. Current provisions do not sufficiently examine cost-effectiveness, reliability and availability before requiring that all new plants use a particular emission control technology. The resulting legal actions over which emission control technology should be required have delayed at least one low-polluting electric power plant in New England. The suggested changes would increase the likelihood that cost-effective emission reductions could be adopted more promptly. Vote 15-0.

Amendment (3697h)

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

A RESOLUTION calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

Amend the resolution by replacing all after the title with the following:

Whereas, the federal Clean Air Act provisions for best available control technology (BACT), lowest achievable emission rate (LAER), and other similar requirements have been applied such that the availability of alternative technology with slightly superior emissions reduction than a base technology could require the use of the alternative technology by all new sources; and

Whereas, the federal Clean Air Act could require this even if the alternative technology provides only slightly more emissions reduction than the base technology, or the alternative is significantly less reliable, less tested, less used, or less available than the base technology, or if the alternative technology is significantly less cost-effective than the base technology; and

Whereas, these requirements have sometimes had the effect of delaying the implementation of more cost-effective, more proven technologies with only slightly less emissions reduction, so as to increase the total amount of pollution emitted; and

Whereas, legal actions regarding the application of these BACT provisions have delayed the construction of at least one low-polluting combined cycle natural gas electric generating facility in New England; and

Whereas, these undesirable side effects should not be allowed to impede desirable cost-effective emissions reductions that lead to air quality improvements; and

Whereas, when the United States Environmental Protection Agency issued its proposal for nitrogen oxide emissions reductions in 22 states and the District of Columbia in July, 1997, its proposal was accompanied by a message from President Clinton urging that an upper bound be placed on the cost of implementing these emission reductions; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the United States Congress should amend the federal Clean Air Act requirements for best available control technology, lowest achievable emission rate, and other similar requirements, so that cost-effective emissions reductions can be promptly implemented without these undesirable side effects; and

That the federal Clean Air Act specifically be amended so that the availability of alternative technology with slightly superior emissions reduction than a base technology does not necessarily require the complete replacement of the base technology by the alternative technology, especially if the additional emissions reduction is small compared with the base technology; if the alternative technology is significantly less reliable, less tested, less used, or less available than the base technology; or if the alternative technology is significantly less cost-effective than the base technology; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house joint resolution urges the United States Congress to implement changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline. OUGHT TO PASS WITH AMENDMENT

Rep. Roy D. Maxfield for Science, Technology and Energy: The issues surrounding methyl tertiary-butyl ether (MtBE) are complex and have diverse and often conflicting health implications. The committee worked diligently to study this difficult issue and craft an effective legislative response during the 1999 session. The greatest obstacle to reducing the concentration of MtBE in gasoline is found in the Federal Clean Air Act, which requires that reformulated gasoline include 2% oxygen, by weight. Reformulated gasoline is required and used successfully in southern NH to reduce air pollution. Although other oxygenates can be used in reformulated gasoline, MtBE has been used by most refineries serving the Northeast due to its cost effectiveness and desirable blending characteristics. In 1999 the legislature passed SB 70 which established initial state guidelines for MtBE. Since our 1999 session ended, two comprehensive studies on the use of MtBE have been released. Chief among the recommendations by a blue ribbon EPA panel based on these studies, was that the oxygenate mandate for reformulated gasoline should be eliminated. This joint resolution urges the United States Congress to eliminate the oxygenate mandate in the Clean Air Act. Vote 15-0.

Amendment (3671h)

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

A RESOLUTION urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

Amend the resolution by replacing all after the title with the following:

Whereas, the United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate requirement for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out; and

Whereas, state by state standards for gasoline composition would result in a complex and inefficient regulatory system for fuels, with negative financial effects on refiners and consumers; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the United States Congress should promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Environmental Protection Agency should encourage the United States Congress to promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Congress and the United States Environmental Protection Agency should work with the northeastern states and with gasoline refiners to promptly develop and approve a consistent, effective specification for gasoline containing significantly less or no MTBE additive; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house joint resolution urges the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive, and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

This house joint resolution is a request of the study committee established by 1999, 55.

HCR 33, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river. OUGHT TO PASS

Rep. David A. Young for State-Federal Relations and Veterans Affairs: The Connecticut River is a vital waterway for New Hampshire. HCR 33 urges the congressional delegations of New Hampshire and Vermont to seek continued support from the New England Federal Partners for Natural

Resources to the Connecticut River Joint Commission in order to carry out the recommendations of the Connecticut River Corridor Management Plan. Vote 13-0.

SB 314, establishing a committee to study the feasibility of driver education programs by correspondence schools. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The intent of this bill is to allow students who are not in the traditional school system to be able to take a drivers education course through correspondence schools with the parents providing the hands on road experience. This is well intended, however, this brings up several problems. First, it would not conform to current state law in regards to the requirements of the teenage driver education law. There was considerable concern from the committee regarding the demonstration of driving skills. The committee is going to be looking at teenage driving laws this summer to see what is working and what is not, and plans to introduce legislation next session in this regard. Vote 15-0.

SB 354, relative to an exemption from the seat belt law for passengers in motor vehicles in parades. OUGHT TO PASS

Rep. George A. LaPorte for Transportation: This bill would allow those persons under 18 years of age to ride in parades without seatbelts, as common sense should prevail concerning this law. Vote 14-0.

SB 328, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill, as amended, makes technical changes regarding holders of lifetime and servicemen's licenses. Additionally, it grants rulemaking authority to the Executive Director relative to Lobster Helper Licenses under RSA 211:20. Vote 11-0.

Amendment (3626h)

Amend the bill by replacing section 5 with the following:

5 Regulating Marine Species; Rules. Amend 211:62, I to read as follows:

I. Rules relating to the taking, inspection and processing of marine species may be made by the executive director of the fish and game department ~~[with the approval of the fish and game commission, and]~~ upon the advice and cooperation of the advisory committee on shore fisheries **and the fish and game commission.**

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

AMENDED ANALYSIS

This bill corrects certain references to licensing provisions in the fish and game laws. The bill also changes the procedure for the adoption of rules relating to the regulation of marine species.

Referred to Executive Departments and Administration.

suspension of rules

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades.

Adopted by the necessary two-thirds.

motion on senate bill 354

Rep. Chandler moved that **SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades, be read a third time and passed.

Adopted.

Third reading and final passage

SB 354, relative to an exemption from the seat belt law for passengers in motor vehicles in parades.

REGULAR CALENDAR

HB 1102, relative to accessibility of veterans' disability payments in divorce cases. OUGHT TO PASS WITH AMENDMENT

Rep. Anne C. Grassie for Children and Family Law: This bill provides that veterans disability payments paid to either spouse may be considered, to the extent permitted by federal law, in an action to modify an existing alimony order. This subject has been studied four times previously. The insertion of the federal laws in concert with the NH law might prevent future committees from restudying the same material. Vote 13-1.

Amendment (3724h)

Amend the bill by replacing sections 1-3 with the following:

1 Property Settlements; Veterans' Disability Payments. Amend RSA 458:16-a, I to read as follows:

I. Property shall include all tangible and intangible property and assets, real or personal, belonging to either or both parties, whether title to the property is held in the name of either or both parties. Intangible property includes, but is not limited to, employment benefits, vested and non-vested pension or other retirement benefits, or savings plans. ***To the extent permitted by federal law, property shall include military retirement and veterans' disability benefits.***

2 Alimony; Veterans' Disability Payments. Amend RSA 458:19, IV(c) to read as follows:

(c) In determining amount and sources of income, the court shall not consider a minor child's social security benefit payments or a second or subsequent spouse's income. ***The***

court may consider veterans' disability benefits collected by either or both parties to the extent permitted by federal law.

3 Modification of Alimony Order; Veterans' Disability Payments. Amend RSA 458:19, IV(e) to read as follows:

(e) In any proceeding for modification of an existing alimony order, the earned or unearned income ~~and~~, social security disability payments of a spouse of the obligor party shall not be considered a source of income to that obligor party for the purpose of modification, unless the obligor party resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of a subsequent spouse may be imputed to the obligor party only to the extent that such obligor party could have earned income in his or her usual employment. ***In such actions, the court may consider the veteran's disability benefits of a spouse of the obligor party to the extent permitted by federal law.***

AMENDED ANALYSIS

This bill provides that veterans' disability payments paid to either spouse may be considered, to the extent permitted by federal law, in an action to modify an existing alimony order.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

HB 1271, relative to participation by minors in certain athletic activities. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: The committee felt that the sponsors of this bill had the children's best interest at heart. But the committee felt it should be the parents right to say whether their child should be a boxer or not. Testimony was given that amateur boxing is very well controlled just like soccer, football, etc. Vote 10-3.

Rep. Mary Stuart Gile for the Minority of Children and Family Law: Boxing is the only contact sport that promotes purposeful striking and punching of the opponent's head. Unlike football, hockey and lacrosse, where hitting a player's head incurs penalties, young boxers are awarded points for blows to the head and upper torso. Testimony presented by physicians, including the past president of the New Hampshire Pediatric Society and two specialists in neurology from Dartmouth Medical School, described consequences of repeated trauma to the brain and the eyes, including the possibility of diminished intellectual capacity and lost vision. Testimony also was that no scouting program, public school, town recreation center or Boys and Girls Club offer boxing programs. Given recent research on brain development in children and adolescents, it makes sense to prohibit boxing programs for children until rules can be changed to eliminate and/or penalize purposeful blows directed to the neck and head.

Reps. Gile, Rose and Pilliod spoke against.

Rep. Beaulieu spoke in favor and yielded to questions.

Reps. Pantelakos, Kennedy and Dowling spoke in favor.

Rep. Gile request a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 238 NAYS 123

YEAS 238

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Russell, David	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

CHESHIRE

Blaisdell, Michael	McGuirk, Paul	Meador, David	Pratt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

COOS

Gallus, John	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Brundige, Robert
Bruno, Pierre	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul Sr
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Foster, Linda	Gagnon, Eugene	Goley, Jeffrey
Haley, Robert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaPorte, George	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
Withee, Dennis			

MERRIMACK

Brewster, Richard	Daneault, Gabriel	Fortnam, Janet	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Nichols, Avis	Poulin, Dave
Reardon, Tara	Rosenfield, Jay	Soltani, Tony	Virtue, Carolyn
Whalley, Michael			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Case, Margaret	Christie, Andrew Jr

Clark, Vivian	Cooney, Richard	Corbin, C David	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Rubin, George	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Kaen, Naida
Keans, Sandra	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Rollo, Michael	Torr, Franklin	Vincent, Francis	

SULLIVAN

Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Young, David	

NAYS 123

BELKNAP

Holbrook, Robert	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Wood, Jane		

CARROLL

None

CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Rose, William	Russell, Ronald
Zerba, Roger			

COOS

Davis, Perley	Guay, Lawrence	Pratt, Leighton
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GRAFTON

Copenhaver, Marion	Densmore, Jessica	Ham, Bonnie	Johnson, Gary
Nordgren, Sharon	Solow, Martha		

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Batula, Peter	Buckley, Raymond
Chabot, Robert	Clemons, Jane	Cote, David	Curran, James
Drabinowicz, A Theresa	Durham, Susan	Flora, Kathleen	Ford, Nancy
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Herman, Richard
Jean, Claudette	LaRose, Richard	Lasky, Bette	Lynde, Harold
Martin, Mary Ellen	Melcher, Harold	Moriarty, Mary	Murphy, Robert
Reidy, Frank	Rowe, Robert	Simon, Anthony	White, John
Williams, Carol			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni
Davis, Francis	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha	Dalrymple, Janeen	Gleason, John
Grant, Kenneth	Kane, Cecelia	Kelley, Jane	Norelli, Terie
O'Keefe, Patricia	Ruffner, Walter	Sabella, Norma	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Vaughn, Charles	Weatherspoon, Jackie

STRAFFORD

Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Knowles, William	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	Woods, Phyllis

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Wiggins, Celestine		

and the majority report was adopted.

regular calendar (cont'd.)

HB 1369-FN-L, clarifying authority to regulate asbestos. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: When recommitted, this bill was rewritten to eliminate the objection raised on the floor against its provision for inspection of suspected asbestos pollution on private property. As amended, this bill will provide a careful rewriting of the asbestos regulations in line with federal requirements as well as providing against serious local problems with asbestos dumps. Vote 13-3.

Amendment (3648h)

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

1 Asbestos Management and Control. RSA 141-E is repealed and reenacted to read as follows:

CHAPTER 141-E

ASBESTOS MANAGEMENT AND CONTROL

141-E:1 Statement of Policy.

I. The general court finds that exposure to asbestos fibers over time has been linked by medical and scientific authorities to a significant increase in the incidence of diseases, such as asbestosis, bronchogenic carcinoma, mesothelioma, and other malignancies, and that such diseases place unnecessary and preventable burdens on society while depriving the victims of livelihood, well-being, and life.

II. The general court also finds that:

(a) Abatement of asbestos from workplaces, schools, public facilities, and dwellings, which is carried out to reduce the exposure of the public to this health threat, further jeopardizes public health when the abatement is done without adequate safeguards and by unqualified individuals; and

(b) Asbestos disposal sites pose a potential threat to human health if improperly managed.

III. Therefore, in order to protect the health of the public from this threat, it shall be the policy of the state to establish and enforce asbestos exposure standards and to control the exposure of the public to asbestos by regulation of asbestos abatement and asbestos disposal site activities. The intent of this chapter is not to overburden the unknowing homeowner, but rather to assure commercial and industrial compliance with asbestos disposal site regulation and asbestos abatement efforts.

IV. Relative to asbestos abatement activities, it shall be the responsibility of the department of health and human services, in consultation with the commissioner of environmental services, to carry out this policy in accordance with RSA 141-E:3, I and RSA 141-E:6-11, and in such a manner as to avoid direct conflict with other state and federal requirements.

V. Relative to management of asbestos disposal sites, it shall be the responsibility of the department of environmental services, in consultation with the department of health and human services, to carry out this policy in accordance with RSA 141-E:3, II and RSA 141-E:21-25, in lieu of RSA 149-M as previously carried out, and in such a manner as to avoid direct conflict with other state and federal requirements.

141-E:2 Definitions. In this chapter:

I. "Asbestos" means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.

II. "Asbestos abatement" means any of the following activities:

(a) The wrecking or removal of any load-supporting structural member containing or covered by RACM, as defined in paragraph VII;

(b) The encapsulation, coating, binding, or resurfacing of structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels containing RACM for the purpose of minimizing the potential for fiber release;

(c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing RACM;

(d) The removal or stripping of RACM from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels; and

(e) The repair of RACM to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, RACM with non-asbestos substitutes; and re-encapsulation or repair of enclosures around RACM.

III. "Asbestos disposal site" means land where asbestos waste exists, either in or on the ground, due to dumping activities which ceased by July 10, 1981. The term includes inactive disposal sites as defined by 40 CFR 61.141. The term does not include any disposal site which is subject to the permitting requirements of RSA 149-M.

IV. "Contractor" means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities and/or activities involving the disturbance of asbestos at asbestos disposal sites.

V. "Department" means the department of health and human services.

VI. "Friable asbestos material" means any material that contains more than one percent of asbestos by weight, area, or volume and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure.

VII. "Regulated asbestos-containing material" or "RACM" means:

(a) Friable asbestos-containing material;

(b) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that has become friable;

(c) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will be or has been subjected to sanding, grinding, sawing, or abrading; or

(d) Category II non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will likely become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

VIII. "School asbestos abatement planning" means any of the following activities:

(a) The inspection of school buildings for asbestos-containing materials;

(b) The preparation of plans for asbestos abatement in schools, pursuant to P.L. 99-519; or

(c) The design of asbestos abatement projects for school buildings.

IX. "Structural member" means any beam, ceiling, floor, or wall.

141-E:3 Duties.

I. The commissioner of health and human services shall:

(a) License contractors.

(b) Test persons and provide certificates to those who are found competent to engage in either asbestos abatement activities, school asbestos abatement planning activities, or activities involving the disturbance of asbestos at asbestos disposal sites, or any combination thereof.

(c) Collect fees for the issuance of licenses and certificates.

(d) Provide asbestos health risk information to workers who are at risk of exposure to asbestos material and to the general public on the health risks posed by asbestos.

(e) Conduct such medical and scientific studies of workers presently or previously exposed to asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces. The commissioner of health and human services shall strive to determine before undertaking such studies that similar research has not already been performed or is not currently under review by other agencies.

(f) Identify and order the abatement of RACM found in public buildings and facilities, schools, or rental dwellings which exceeds the exposure standards established by this chapter.

(g) Establish safe worker practices to protect the health of asbestos abatement workers where not preempted by the Occupational Safety and Health Act.

II. The commissioner of environmental services shall:

(a) Establish practices and standards necessary to control the release of asbestos fibers during asbestos abatement activities.

(b) Establish practices and standards necessary to control the release of asbestos fibers to the ambient air during processing, transport, and disposal activities.

(c) Develop and implement an inspection and enforcement program specific to asbestos abatement activities.

(d) Establish a notification program for all asbestos abatement activities.

(e) Collect fees for asbestos abatement notification.

(f) Establish, in consultation with the department pursuant to RSA 125-H:3:

(1) Measures for remediating asbestos disposal sites to prevent human exposure to asbestos at or from such sites; and

(2) Best management practices for monitoring and maintaining covered asbestos disposal sites, for the purpose of assisting property owners and local health officers to minimize the risk of human exposure to asbestos at or from such sites.

(g) Administer a program for owners to remediate asbestos disposal sites in accordance with the measures established under paragraph (f)(1) above. The program shall include, but not be limited to, provisions for:

- (1) Initiating and completing site investigations;
- (2) Developing and implementing remedial action plans;
- (3) Developing and implementing activity and property use restrictions as appropriate; and
- (4) Documenting and certifying completion of the approved remedial action plan.

(h) In cooperation with local health officials, monitor the condition of asbestos disposal sites to assure conditions are protective of human health and comply with the requirements of this chapter.

(i) Investigate reports by local health officials of newly discovered asbestos disposal sites.

(j) Maintain a registry of asbestos disposal sites, including, but not limited to:

- (1) Owner name and mailing address;
- (2) Information and maps locating the disposal area;
- (3) Type, depth, and areal extent of cover materials;
- (4) Site inspection data; and
- (5) Status of site remediation.

(k) In cooperation with local health officials, respond to urgent conditions involving the disturbance of asbestos at asbestos disposal sites.

(l) In cooperation with local health officials, establish measures for assuring compliance with activity and property use restrictions relevant to asbestos disposal sites.

(m) Consult with local health officials within the affected communities for the purpose of determining appropriate and effective means for implementing the best management practices established pursuant to RSA 141-E:3, II(f)(2), and provide technical assistance related thereto, including adoption of local ordinances pursuant to RSA 147:1.

(n) Establish recommended training, licensure and certification requirements for contractors and persons engaging in activities involving the disturbance of asbestos at asbestos

disposal sites, for implementation by the commissioner of health and human services, pursuant to RSA 141-E:4, I(o).

(o) Have authority to apply for and accept federal funds or other assistance for the purpose of remediating and otherwise managing asbestos disposal sites.

III. In conducting their duties, the commissioner of health and human services and the commissioner of environmental services shall give due consideration to EPA document 560/5-85-024 June 1985 or later revision, "Guidance for Controlling Asbestos Containing Materials in Buildings."

141-E:4 Rulemaking.

I. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The definition of major and minor asbestos abatement projects.

(b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects. Such training, licensure, and certification requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(c) Safe worker practices under RSA 141-E:3, I(g).

(d) Closure of places contaminated with RACM under RSA 141-E:7. The use of the word "contaminated" when related to airborne asbestos shall be consistent with asbestos exposure standards under RSA 141-E:6.

(e) Notice and appeal procedures under RSA 141-E:7.

(f) Procedures for the inspection of buildings, including visual assessment criteria for surfacing materials and pipe and boiler insulation, and air monitoring standards consistent with RSA 141-E:7 and the issuance of orders to take corrective actions to mitigate exposure to RACM under RSA 141-E:8.

(g) The licensure of contractors, employers or other individuals undertaking asbestos abatement under RSA 141-E:10. Such licensure requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(h) The certification and training of employees or other individuals engaged in asbestos abatement and school asbestos abatement planning under RSA 141-E:11. Such certification and training requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(i) The schedule and collection of fees under RSA 141-E:12, I.

(j) The issuance of notices of violation and orders of abatement under RSA 141-E:14.

(k) The fee structure to defray the cost of compliance monitoring under RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:10; 141-E:11; and 141-E:13.

(l) Procedures for exemption from the requirements of RSA 141-E:10 and RSA 141-E:11.

(m) A schedule of administrative fines which may be imposed under RSA 141-E:16 for violation of this chapter or the rules adopted pursuant to it.

(n) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 141-E:16.

(o) The necessary training, licensure, and certification requirements applicable to contractors and persons engaged in activities involving the disturbance of asbestos at asbestos disposal sites, such requirements to be determined based on the recommendations provided by the commissioner of environmental services pursuant to RSA 141-E:3, II(n).

II. The commissioner of environmental services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Establishing work practices and engineering control standards for asbestos abatement activities, including the following:

(1) Establishing standards and practices for minimizing the release of asbestos fibers during building maintenance, construction, renovation, demolition, or other similar activities.

(2) Developing an inspection program of buildings, facilities, and property for the purpose of determining compliance with the rules adopted under this paragraph.

(3) Adopting, in whole or in relevant part, the federal national emission standards for hazardous air pollutants (40 CFR sec. 61, m).

(4) Establishing the schedule and collection of fees under RSA 141-E:12, II.

(5) Establishing a fee structure to defray the cost of compliance monitoring under RSA 141-E:9 and RSA 141-E:13;

(b) Establishing work practices, engineering control standards, and emission standards necessary to control the release of asbestos to the ambient air during processing, transport, and disposal activities; and

(c) Administering a program for the management of asbestos disposal sites, pursuant to RSA 141-E:3, II(f) – (o) and 40 CFR 61.151, as formerly administered under RSA 149-M.

141-E:5 Asbestos Abatement Advisory Committee Established. There is hereby established an asbestos abatement advisory committee for the purpose of coordinating the activities of state agencies responsible for the health, safety, and protection of the public and the environment which are or may be affected by the presence of asbestos. The commissioner of health and human services

or designee shall serve as chairperson of the committee. At a minimum the asbestos abatement advisory committee shall consist of:

I. The governor or designee;

II. The attorney general or designee;

III. The commissioners, directors, or their designees, of:

(a) The department of education;

(b) The department of labor;

(c) The department of environmental services; and

(d) The department of health and human services;

IV. An asbestos abatement contractor or school asbestos abatement planner appointed by the governor;

V. A business or industrial representative appointed by the Business and Industry Association of New Hampshire; and

VI. A representative appointed by the Better Home Heat Council of New Hampshire, Inc.

141-E:6 Indoor Asbestos Exposure Standards.

I. The indoor non-occupational exposure standard shall be 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, calculated as an 8 hour time weighted average.

II. The indoor occupational exposure standard shall be as provided for by the federal Occupational Safety and Health Administration in 29 CFR 1910, and the federal Environmental Protection Agency in 40 CFR 763, except that, where such standards exceed 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, then the occupational standards shall be 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

141-E:7 Limitation of Exposure; Closure of Contaminated Areas.

I. Except as provided for under RSA 141-E:6, II, no person, whether natural or not natural, owning, controlling, or managing any workplace, public building, facility, school, or rental dwelling containing asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods shall permit unnecessary exposure of any person to such conditions which are a violation of a provision of this chapter, or of a rule adopted or order issued pursuant to the authority of this chapter.

II. The department may, in the absence of other effective measures, close access to any building or facility or any portion thereof to other than those engaged in asbestos abatement and school asbestos abatement planning activities in which there have been found asbestos levels

exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

III. Closure of access shall not occur until written notice has been provided to the owner or manager of the building or facility. The owner or manager shall be given the opportunity to appeal such action in accordance with RSA 541-A.

141-E:8 Inspection of Building; Orders.

I. Whenever the commissioner of health and human services has reason to suspect the presence of RACM in any public building, facility, school, or rental dwelling, he or she may cause inspections to be carried out. If RACM is found in damaged or deteriorated condition or if conditions exist which could result in significant human exposure or if asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods are found, the commissioner of health and human services may order corrective action to abate the risk to the health of the public. The order may, at the discretion of the commissioner of health and human services, include notice of closure of access under RSA 141-E:7.

II. In the event that asbestos levels exceed the standards set in RSA 141-E:6, I or II, there may be a second test of samples collected over an 8-hour period or as otherwise approved by the department, analyzed by scanning or transmission electron microscopy analysis before any order of abatement is issued. The results of the scanning or transmission electron microscopy analysis, which shall be recorded in terms of the number of asbestos fibers longer than 5 micrometers per cubic centimeter of air in accordance with OSHA standard definitions for asbestos monitoring, shall prevail in the determination of whether the standard is exceeded. Such tests shall be paid for by the owner of the building or facility being analyzed.

III. The commissioner of health and human services may, upon request of the owner, inspect private dwellings for the presence of RACM. If RACM is found, the commissioner of health and human services shall make recommendations to the owner for its abatement. The commissioner of health and human services shall charge a fee for such inspections under RSA 141-E:12.

141-E:9 Control of Asbestos Emissions. No person, whether natural or not natural, owning, controlling or managing any workplace, public building, facility, school, or rental dwelling involved in asbestos abatement shall permit such abatement of asbestos in a dry state or in violation of any rules adopted by the commissioner of environmental services under this chapter unless specifically exempted by rule.

141-E:10 Licensure.

I. Any contractor, employer, or individual which engages in asbestos abatement activities or activities involving the disturbance of asbestos at asbestos disposal sites shall first obtain a license from the department, unless exempt pursuant to paragraph II below or rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(l).

II. Individuals certified pursuant to RSA 141-E:11 shall not be required to obtain a license for the performance of asbestos abatement or disturbance of asbestos at asbestos disposal sites when carried out under the authority of a contractor or employer holding a valid license issued by the department pursuant to this section.

III. A license to engage in asbestos abatement, disturbance of asbestos at any asbestos disposal site, or both, shall be issued in writing by the department and shall be valid for a

period of 12 months from the date of issuance, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner of health and human services or designee. The license shall also include the name and address of the applicant.

IV. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the department, the commissioner of environmental services, or the local government.

V. The department may grant a license to an applicant if the applicant is licensed by another state whose standards for licensure are substantially equivalent to the provisions of this section and the rules adopted by the department.

141-E:11 Certification of Employees; Reciprocity.

I. Employees and other individuals who engage in asbestos abatement, school asbestos abatement planning, or disturbance of asbestos at any asbestos disposal site shall first obtain a certificate of training from the department, unless exempt pursuant to rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(l).

II. The certificate shall be in writing, be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the commissioner of health and human services or designee. It shall also include the name and address of the employee to whom it is issued.

III. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the department, the commissioner of environmental services, or the local government.

IV. The department may grant certification if the employee is certified by another state whose certification is substantially equivalent to the provisions of this section and the rules adopted by the commissioner of health and human services.

141-E:12 Fees.

I. The commissioner of health and human services shall, by rule, set a schedule of fees for the granting of licenses under RSA 141-E:10, the granting of certificates under RSA 141-E:11, and the inspection of private dwellings under RSA 141-E:8, III. All fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the department's responsibilities under this chapter, and are hereby continually appropriated for said purposes.

II. The commissioner of environmental services shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees and the fines levied under RSA 141-E:16, II shall be deposited in a nonlapsing account, shall be used solely for the administration of the commissioner of environmental services' responsibilities under this chapter, and are hereby continually appropriated for said purposes.

141-E:13 Compliance Monitoring.

I. For the purposes of assuring compliance with RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:9; 141-E:10; and 141-E:11, or with any rule adopted by the commissioner of health and human services or the commissioner of environmental services, an authorized representative of the

department of health and human services or commissioner of environmental services may, upon presentation of appropriate credentials and at any reasonable time:

- (a) Enter any asbestos abatement worksite and any asbestos disposal site;
- (b) Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter;
- (c) Procure and examine licenses issued under RSA 141-E:10 and certificates issued under RSA 141-E:11; or
- (d) Request, inspect, and record information, or test results relating to asbestos abatement activity, school asbestos abatement planning activity, or asbestos disposal site activity.

II. Any information, other than asbestos contamination or exposure data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection shall not be disclosed by any representative of the department of health and human services or commissioner of environmental services without permission of the person whose worksite is inspected.

141-E:14 Enforcement.

I. Whenever the commissioner of health and human services has reason to believe that the provisions of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by the commissioner of health and human services under this chapter has been violated, he or she shall issue a notice of violation and an order of abatement. The commissioner of health and human services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

II. Whenever the commissioner of environmental services has reason to believe that any provision of RSA 141-E:3 or any rule adopted by the commissioner of environmental services under this chapter has been violated, the commissioner of environmental services shall issue a notice of violation and an order of abatement. The commissioner of environmental services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:9 or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

III. The notices of violation issued pursuant to paragraphs I and II of this section shall set forth the facts constituting the violation. The orders of abatement shall require elimination of the violation and shall set forth the time frame within which abatement shall be completed.

141-E:15 Criminal Penalty; Fine.

I. A person shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person, if he or she knowingly and willfully:

- (a) Violates any provisions of RSA 141-E or any rule adopted under it;

(b) Violates any term or condition of a license, certificate, or order issued under RSA 141-E; or

(c) Makes or certifies a material false statement relative to any document or information required under RSA 141-E.

II. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$25,000 if found guilty of any violation of this chapter or any rule adopted under this chapter. Each day of violation shall constitute a separate offense.

141-E:16 Administrative Fines.

I. The commissioner of health and human services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner of health and human services shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner of health and human services shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this paragraph shall be forwarded to the state treasurer to be deposited into the general fund.

II.(a) The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of RSA 141-E:3, II or any rule adopted by the commissioner of environmental services under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department of environmental services pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner of environmental services under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner of environmental services in the fund established by RSA 141-E:12, II.

(b) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner of environmental services pursuant to RSA 541-A:16.

(c) The commissioner of environmental services shall determine fines in accordance with RSA 125-C:15, I-b(b).

(d) The commissioner of environmental services may assess an additional fine for repeat violations.

III. Whenever a person licensed pursuant to RSA 141-E:10 or certified pursuant to RSA 141-E:11 fails to pay an administrative fine as required by this section, the commissioner of health and human services, after notice and hearing pursuant to rules adopted under RSA 541-A, may deny, suspend, or revoke the license or certificate or may issue an appropriate order.

141-E:17 Civil Forfeiture. Any person who violates any provision of RSA 141-E or any rule adopted under it, or any term or condition of a license, certificate, or order issued under RSA 141-E, shall be subject to a civil forfeiture of up to \$25,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

141-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

141-E:19 Discharge of or Discrimination Against Employees. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

141-E:20 Federal Preemption. Nothing in this chapter shall be construed to allow the department of health and human services or the commissioner of environmental services to enforce such occupational safety and health standards which have been preempted by the Occupational Safety and Health Act of 1970, 29 U.S.C. sec. 651 et seq.

141-E:21 Release Prohibited; Asbestos Waste Sites. No person shall cause or allow asbestos fibers to be released to the environment from an asbestos disposal site.

141-E:22 Management of Asbestos Disposal Sites. The owner of an asbestos disposal site shall maintain and manage the site in accordance with this chapter and rules adopted by the commissioner of environmental services under RSA 141-E:4, II.

141-E:23 Disclosure.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes an asbestos disposal site, the seller shall disclose the following information to the buyer:

(a) The nature and extent of the asbestos waste disposed of on the property, to the extent known at the time of transfer;

(b) The existence of any outstanding obligations pertaining to compliance with the requirements of this chapter;

(c) The existence of any activity and property use restrictions;

(d) The existence and location of all known records pertaining to asbestos disposal conditions at the site.

II. Within 10 days following title transfer of an asbestos disposal site, the former property owner shall notify the commissioner of environmental services of such transfer in writing.

III. The following information shall be disclosed by the owner to any person who uses, occupies, or will likely disturb asbestos at an asbestos disposal site, such as a tenant or contractor:

(a) The presence of asbestos waste, including the location and depth of cover, to the extent known; and

(b) The need to comply with the requirements of this chapter, including activity and property use restrictions as applicable.

IV. Pursuant to 40 CFR 61.151(e), any owner of an asbestos disposal site shall record in the property chain of title at the registry of deeds for the county in which the property is located, notice of the following:

(a) That the property has been used for the disposal of asbestos waste;

(b) That the survey plot and record of the location and quantity of asbestos waste disposed of within the disposal site required in 40 CFR 61.154(f) have been filed with the commissioner of environmental services; and

(c) That the site is subject to 40 CFR part 61, subpart M.

141-E:24 Right of Entry. The commissioner of environmental services or authorized representative shall be authorized to enter, at reasonable times and in performance of his or her duties, upon any private or public property, to inspect asbestos disposal site conditions and investigate reports by local health officials of newly discovered asbestos disposal sites. If the property owner refuses to consent to the inspection, the commissioner of environmental services may obtain an administrative inspection warrant pursuant to RSA 595-B.

141-E:25 Third Party Liability. There shall be no implied cause of action for third party damages against any person under this chapter to the extent that the person's liability under this chapter is based solely on the person's ownership of an asbestos disposal site.

2 Effective Date. This act shall take effect July 1, 2000.

Adopted.

Rep. Melcher spoke in favor.

Report adopted and referred to Executive Departments and Administration.

HB 1483, permitting owners to choose certain health care providers for their animals. OUGHT TO PASS WITH AMENDMENT

Rep. James Phinizy for Environment and Agriculture: After many hearings and quite a lot of input from animal owners, the veterinary field and "alternative practitioners", it was felt that a study committee will address and resolve the complex issue of alternative applications and procedures on domestic, companion animals. Vote 15-0.

Amendment (3192h)

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

AN ACT establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

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

1 Committee Established. There is established a committee to study the application of non-conventional veterinary procedures for domestic animals.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, 2 of whom shall be from the environment and agriculture committee, appointed by the speaker of the house.

(b) Five 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 application of non-conventional veterinary procedures for domestic animals.

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, 2000.

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

AMENDED ANALYSIS

This bill creates a committee to study the application of non-conventional veterinary procedures for domestic animals.

Adopted.

Report adopted and ordered to third reading.

CACR 31, relating to the constitutional duty of the legislature concerning the interest of literature and the sciences. Providing that the legislature shall no longer have the constitutional duty to promote the interest of literature and the sciences. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Finance: This CACR proposes that the legislature shall no longer have the constitutional duty to promote the interest of literature and sciences by removing this language, and the balance of the NH constitution's Article 83 of the second part, which includes the duty to cherish this interest. The committee felt this abrogation of any state responsibility for elementary and secondary public education was unwarranted. Additionally the form of the question to be put to the state's voters did not reflect the CACR's intent and would likely be ruled unconstitutional in the

event that the question ever reached the state's voters. Consequently the committee recommends inexpedient to legislate. Vote 22-1.

Adopted.

HB 1244, establishing a committee to study requiring health care workers to use retractable needles. OUGHT TO PASS WITH AMENDMENT

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: HB 1244 promotes methods of protection for all healthcare workers in all healthcare settings against exposure to blood borne pathogens. The committee considered and unanimously accepted an amendment jointly created with the Departments of Health and Human Services and Labor to share the promotion of safer needles and devices for employees exposed to patients with potentially infectious blood borne pathogens. After extensive discussions with all those affected, this landmark legislation will give the thousands working in the healthcare field, a much greater piece of mind and help to prevent needle stick injuries. Vote 17-0.

Amendment (3690h)

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

AN ACT relative to the use of certain needle technology.

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

1 Statement of Purpose. The general court finds and declares that:

I. Each year in the United States, 150-200 health care workers die and many more suffer chronic and debilitating diseases due to injuries from needlesticks and sharps;

II. The use of conventional needles results in increased risk of HIV infection and hepatitis B and C for health care workers;

III. Equipment exists to prevent most injuries from needlesticks and sharps but concern with health care costs has impeded the widespread use of safer technologies; and

IV. It is of critical importance to the health care industry that safer needle technology be adopted to protect health care workers from needlesticks and other sharps injuries and that health care workers receive ongoing training on safe work practices.

2 New Subdivision; Protection of Health Care Workers From Injuries From Needlesticks and Sharps. Amend RSA 275 by inserting after section 56 the following new subdivision:

Protection of Health Care Workers From Injuries From Needlesticks and Sharps

275:57 Definitions. In this subdivision:

I. "Blood" means human blood, human blood components, and products made from human blood.

II. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

III. "Commissioner" means the commissioner of the department of labor.

IV. "Health care worker" means a person whose scope of employment or practice includes an activity which puts the worker at risk for occupational exposure to bloodborne pathogens or other potentially infectious materials.

V. "Needle or needle device" means a needle of any type, including but not limited to, solid and hollow-bone needles.

VI. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of the health care worker's duties.

VII. "Other potentially infectious materials" means:

(a) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as emergency response;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) Any of the following, if known or reasonably likely to contain or be infected with HIB, HBV, or HCV:

(1) Cell, tissue, or organ cultures from humans or experimental animals.

(2) Blood, organs, or other tissues from experimental animals.

(3) Culture medium or other solutions.

VIII. "Sharp" means any object used or encountered by a health care worker that can be reasonably anticipated to penetrate the skin or any other part of the body and result in an exposure incident, including but not limited to, needles, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.

275:58 Advisory Council.

I. The commissioner shall appoint an advisory council which shall consist of the following members who shall serve 2-year terms:

(a) A registered nurse.

(b) A licensed practical nurse.

- (c) A physician assistant.
- (d) A physician.
- (e) A phlebotomist.
- (f) Two representatives of health care facilities.
- (g) A dentist.
- (h) An emergency medical technician.
- (i) An infection control person.

II. The commissioner of health and human services, or designee, shall be an ex officio member of the advisory council.

III. The council shall advise the commissioner on the content of the rules to be adopted pursuant to this subdivision and shall, upon request by the commissioner, provide technical assistance to the commissioner on issues related to the occupational exposure of health care workers to blood or other potentially infectious materials.

IV. The initial meeting of the advisory council shall be called by the commissioner within 60 days of the effective date of this subdivision. At its initial meeting the council shall select a chairperson from among its members. The council shall meet as necessary to accomplish its duties, provided that the council shall meet at least annually or at the request of the chairperson or the commissioner.

275:59 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, to protect health care workers from occupational exposure to blood or other potentially infectious materials. These rules shall not be inconsistent with the bloodborne pathogen regulations adopted by the Occupational Safety and Health Administration within the United States Department of Labor.

3 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill requires the commissioner of labor to adopt rules to protect health care workers from occupational exposure to blood or other potentially infectious materials. The bill establishes a 10-member advisory council to advise the commissioner of labor on such rules.

Rep. Emerton spoke against.

The amendment failed.

Rep. Emerton offered a floor amendment.

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

AN ACT relative to the use of certain needle technology.

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

1 Statement of Purpose.

I. The general court finds and declares that:

(a) Each year in the United States, 150-200 health care workers die and many more suffer chronic and debilitating diseases due to injuries from needlesticks and sharps;

(b) The use of conventional needles results in increased risk of HIV infection and hepatitis B and C for health care workers;

(c) Equipment exists to prevent most injuries from needlesticks and sharps but concern with health care costs has impeded the widespread use of safer technologies; and

(d) It is of critical importance to the health care industry that safer needle technology be adopted to protect health care workers from needlesticks and other sharps injuries and that health care workers receive ongoing training on safe work practices.

II. Therefore, the general court hereby establishes an advisory council on issues related to the occupational exposure of health care workers to blood or other potentially infectious materials.

2 New Subdivision; Protection of Health Care Workers From Injuries From Needlesticks and Sharps. Amend RSA 275 by inserting after section 56 the following new subdivision:

Protection of Health Care Workers From Injuries From Needlesticks and Sharps

275:57 Definition. In this subdivision, "sharp" means any object used or encountered by a health care worker that can be reasonably anticipated to penetrate the skin or any other part of the body and result in an exposure incident, including but not limited to, needles, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.

275:58 Advisory Council.

I. The labor commissioner shall appoint an advisory council which shall consist of the following members who shall serve 2-year terms:

(a) A registered nurse.

(b) A licensed practical nurse.

(c) A physician assistant.

(d) A physician.

(e) A phlebotomist.

(f) Two representatives of health care facilities.

(g) A dentist.

(h) An emergency medical technician.

(i) An infection control person.

II. The commissioner of health and human services, or designee, shall be an ex officio member of the advisory council.

III. The council shall advise the commissioner, in consultation with the commissioner of health and human services, on the content of the rules to be adopted pursuant to this subdivision and shall, upon request by the labor commissioner, provide technical assistance to the labor commissioner on issues related to the occupational exposure of health care workers to blood or other potentially infectious materials.

IV. The initial meeting of the advisory council shall be called by the commissioner within 60 days of the effective date of this subdivision. At its initial meeting the council shall select a chairperson from among its members. The council shall meet as necessary to accomplish its duties, provided that the council shall meet at least annually or at the request of the chairperson or the labor commissioner.

275:59 Rulemaking. The commissioner, in consultation with the commissioner of health and human services, shall adopt rules, pursuant to RSA 541-A, to protect health care workers in the public sector from occupational exposure to blood or other potentially infectious materials. These rules shall not be inconsistent with the bloodborne pathogen regulations adopted for the private sector by the Occupational Safety and Health Administration within the United States Department of Labor.

3 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill requires the commissioner of labor, in consultation with the commissioner of health and human services, to adopt rules to protect health care workers from occupational exposure to blood or other potentially infectious materials. The bill establishes a 10-member advisory council to advise the commissioner of labor and the commissioner of health and human services on such rules.

Rep. Emerton spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

CACR 30, relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term. OUGHT TO PASS

Rep. Martha S. Solow for Judiciary: A majority of the committee agreed that chronological age is not necessarily a determinant of a judge's ability to serve. This change in the constitution, if approved by voters, will increase the pool of experienced candidates for judgeships. Although there is reluctance to change the constitution, when that document impedes good policy, the voters deserve an opportunity to change it. Vote 10-6.

Rep. Jacobson spoke against.

Rep. Soltani spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 162 NAYS 196

YEAS 162

BELKNAP

Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Wendelboe, Francine	Wood, Jane		

CARROLL

Dickinson, Howard

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandean, Alfred	Lynch, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Royce, H Charles	Smith, Edwin	

COOS

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Pratt, Leighton
Woodward, David			

GRAFTON

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
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Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Johnson, Gary
Nordgren, Sharon	Scanlan, David	Solow, Martha	

HILLSBOROUGH

Alukonis, David	Arthur, Rose	Bruno, Pierre	Buckley, Raymond
Burkush, James	Carlson, Donald	Clegg, Robert Jr	Clemons, Jane
Cote, David	Coughlin, Pamela	Desrosiers, William	Durham, Susan
Emerton, Lawrence	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Hansen, Herbert	Herman, Keith	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Lynde, Harold	McCarty, Winston
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Nolan-Piteri, Dawn	Ouellette, Dean	Pepino, Leo
Reidy, Frank	Sarette, John	Sargent, Maxwell	Turgeon, Roland
Williams, Carol	Withee, Dennis		

MERRIMACK

Anderson, Eric	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Feuerstein, Martin	French, Barbara	Gile, Mary	Hoadley, Elizabeth
Langer, Ray	Larrabee, David Sr	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Soltani, Tony
Virtue, Carolyn	Wallin, Jean	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Dalrymple, Janeen	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Fesh, Robert	Gleason, John
Griffin, Mary	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	Moore, Benjamin	Nowe, Mary Lou	Noyes, Richard
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne

Quandt, Marshall
Shultis, Elizabeth
Whittier, John

Rabideau, Marie
Splaine, James

Reardon, Neil
Vaughn, Charles

Sapareto, Frank
Weatherspoon, Jackie

STRAFFORD

Bickford, David
DeChane, Marlene
Johnson, Nancy
Spang, Judith

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Vincent, Francis

Callaghan, Frank
Gilmore, Gary
Knowles, William
Wall, Janet

Cossette, Larry
Grassie, Anne
Rogers, Rose Marie

SULLIVAN

Donovan, Thomas Jr
Wiggins, Celestine

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

NAYS 196

BELKNAP

Boyce, Robert
Rosen, Ralph
Turner, Robert

Czech, Stanley
Russell, David

Holbrook, Robert
Salatiello, Thomas

Rice, Thomas
Thomas, John

CARROLL

Babson, David Jr
Kenney, Joseph
Philbrick, Donald

Bradley, Jeb
Lyman, L Randy
Sullivan, P Judith

Chandler, Gene
Mock, Henry

Howard, Godfrey
Patten, Betsey

CHESHIRE

Riley, William
Zerba, Roger

Roberts, William

Rose, William

Russell, Ronald

COOS

Davis, Perley
Tholl, John Jr

Gallus, John

Merrill, Gerald

Rodrigue, Robert

GRAFTON

Akins, Ralph	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Ward, Brien
Weber, Phil			

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Brundige, Robert	Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa
Dwyer, Paul Sr	Dyer, Merton	Fenton, James	Fletcher, Richard
Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Kurk, Neal	LaPorte, George	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary Ellen	McColgan, Philip Jr	McDonald, James Sr
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Simon, Anthony	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve
Wall, Nancy	White, Donald	White, John	

MERRIMACK

Bouchard, Candace	Chase, George	Davis, Francis	Fortnam, Janet
Fraser, Marilyn	Hager, Elizabeth	Hess, David	Jacobson, Alf
Kennedy, Richard	Leber, William	Marple, Richard	Nichols, Avis
Owen, Derek	Seldin, Gloria	St Cyr, Gerard	

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
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Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Corbin, C David	DiFruscia, Anthony
Dunham, Vivian	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Kelley, Jane
Letourneau, Robert	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Norelli, Terie	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Raynowska, Bernard	Rubin, George	Ruffner, Walter	Sabella, Norma
Schanda, Frank	Shelton, Richard	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Dunlap, Patricia
Estabrook, Iris	Heon, Richard	Keans, Sandra	Lent, Donald
Lundborn, Raymond	McKinley, Robert	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Tsiros, William	Twardus, Joseph	Vachon, Dennis
Woods, Phyllis			

SULLIVAN

Allison, David	Cloutier, John	Flint, Gordon Sr	Jones, Constance
Kibbey, David	Leone, Richard	Young, David	

and the report failed.

Rep. Mock moved Inexpedient to Legislate.

Adopted.

Reps. Burling and Dalianis declared conflicts of interest and did not participate.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 354.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

(Speaker Sytek in the Chair)

regular calendar (cont'd.)

HB 1116-FN, prohibiting partial-birth abortions. MAJORITY: INEXPEDIENT TO LEGISLATE.
MINORITY: OUGHT TO PASS.

Rep. Sandra B. Keans for Majority of Judiciary: The committee heard complex medical and legal testimony regarding abortion procedures and the potential health consequences of the proposed restrictions for pregnant women. The majority concluded that legislators should not regulate medicine in a way that undermines the safety of women's health or interferes with the privacy of the decision-making between a woman, her family and her doctor. In addition, several provisions of the bill are clearly unconstitutional and directly interfere with a woman's right to privacy as established in *Roe v. Wade*. Efforts were made to address the constitutional flaws in the bill with a proposed amendment, however, the sponsors were not in favor of the amended version. HB 1116-FN is legally flawed and detrimental to women's health. Vote 13-8.

Rep. Phyllis L. Woods for the Minority of Judiciary: The minority of the committee believed that the people of New Hampshire do not want to allow this barbaric procedure, partial-birth abortions, to be performed in this state. Partial-birth abortion kills a baby in the process of being born, is never necessary to preserve the life, health, or future fertility of the woman, and is in fact an unrecognized medical procedure which is dangerous to women.

Reps. Martin, Jane Wood, Vaillancourt and Phyllis Woods spoke against.

Reps. Keans, Millham, Jacobson and Craig spoke in favor.

Rep. John Pratt spoke in favor and yielded to questions.

Rep. Phyllis Woods requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 185 NAYS 176

YEAS 185

BELKNAP

Millham, Alida

Pilliod, James

Russell, David

Salatiello, Thomas

Turner, Robert

CARROLL

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Philbrick, Donald

Sullivan, P Judith

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Russell, Ronald	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Glines, Sara	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Rodrigue, Robert

GRAFTON

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Johnson, Gary	Marshall, Gene	Nordgren, Sharon
Solow, Martha			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Arthur, Rose	Belvin, William
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Desmarais, Vivian	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Fields, Dennis	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Johnson, Lionel
Keye, Harvey	Kurk, Neal	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	McCarty, Winston
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Turgeon, Roland
Williams, Carol	Withee, Dennis		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Clark, Vivian	Dearborn, Bruce	Francoeur, Sheila
Gleason, John	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Rubin, George
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Tufts, J Arthur	Vaughn, Charles
Verani, Giovanni	Weatherspoon, Jackie	Whittier, John	

STRAFFORD

Brennan, William	Brown, Julie	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Vachon, Dennis	Vincent, Francis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Kibbey, David
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Wendelboe, Francine	Wood, Jane		

CARROLL

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey		

CHESHIRE

Doucette, Richard	Roberts, William	Rose, William	Royce, H Charles
Zerba, Roger			

COOS

Guay, Lawrence	Pratt, Leighton	Tholl, John Jr	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Dudley, Terri
Gilman, G Michael	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Mirski, Paul	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien	Weber, Phil	

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin	Batula, Peter
Beaupre, Roland	Brundige, Robert	Bruno, Pierre	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Drabinowicz, A Theresa	Dwyer, Paul Sr
Emerton, Lawrence	Fenton, James	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Gagnon, Eugene	Goulet, Maurice	Haley, Robert
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary Ellen	McColgan, Philip Jr	McDonald, James Sr

McGough, Tim	Mercer, Robert	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Reidy, Frank	Sarette, John	Tate, Joan	Vaillancourt, Steve
Wall, Nancy	White, Donald	White, John	

MERRIMACK

Daneault, Gabriel	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Leber, William	Nichols, Avis	Poulin, Dave	Soltani, Tony
St Cyr, Gerard	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Bishop, Franklin	Case, Margaret
Christie, Andrew Jr	Cooney, Richard	Corbin, C David	DiFruscia, Anthony
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Gibbons, Paul	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Stickney, Nancy	Stritch, C Donald
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brown, George	Callaghan, Frank
Cossette, Larry	Heon, Richard	Knowles, William	McKinley, Robert
Spear, Barbara	Torr, Franklin	Tsiros, William	Twardus, Joseph
Woods, Phyllis			

SULLIVAN

Donovan, Thomas Jr

Jones, Constance

Leone, Richard

Young, David

and the majority report was adopted.

Rep. Turgeon voted Yea and intended to vote Nay.

HB 1511-FN, requiring parental notification before abortions may be performed on unemancipated minors. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Cynthia J. Dokmo for the Majority of Judiciary: This bill would require medical providers to provide written notification to the parent(s) of all young women under the age of 18 seeking to obtain an abortion. The bill would establish a judicial review process in the New Hampshire district courts for minor women who feel that they cannot involve their parents due to abuse or other threatening family circumstances. While the committee was very supporting of encouraging parent-daughter communication and adult involvement at the time of a crisis pregnancy, the majority did not believe mandating such communication would result in improved relationships between parents and their teen-age daughters. Compelling evidence from other states suggests that this measure will not result in improved familial communication, nor will it reduce the number of teens who are sexually active, who get, pregnant, who seek abortions or who give birth. This bill will, however, place a significant financial and scheduling burden on the court system with an undeterminable fiscal impact. It may also endanger the lives of young women who delay or forego medical care due to fear of forced parental involvement. Vote 13-8.

Rep. Tony F. Soltani for Minority of Judiciary: Currently minor children cannot obtain a driver's license, enter into a contract or receive any care without the consent of their parents. However, a minor under the age of eighteen (18) can obtain an abortion on demand without any notice to or consent from either parent. The family bond is too sacred and parental guidance is an essential element of growth and human development. The policy of excluding the parents from such an important decision is inconsistent with New Hampshire public policy, history and tradition. The legislature should seek to preserve the family and not aid in its disintegration.

Rep. Brothers spoke against.

Rep. Withee spoke against and yielded to questions.

Reps. Lasky and Leishman spoke in favor.

Rep. Brothers requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 209 NAYS 145

YEAS 209

BELKNAP

Bartlett, Gordon

Czech, Stanley

Millham, Alida

Pilliod, James

Rice, Thomas

Russell, David

Salatiello, Thomas

Turner, Robert

CARROLL

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Philbrick, Donald

CHESHIRE

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Lerandeau, Alfred

Lynch, Margaret

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Royce, H Charles

Russell, Ronald

Smith, Edwin

COOS

Davis, Perley

Gallus, John

Glines, Sara

Horton, Lynn

Mears, Edgar

Merrill, Gerald

Pratt, Leighton

Rodrigue, Robert

GRAFTON

Akins, Ralph

Alger, John

Almy, Susan

Cobb, John

Copenhaver, Marion

Densmore, Jessica

Eaton, Stephanie

Johnson, Gary

Marshall, Gene

Nordgren, Sharon

Scanlan, David

Solow, Martha

HILLSBOROUGH

Ahern, Richard

Arthur, Rose

Belvin, William

Buckley, Raymond

Burkush, James

Calawa, Leon Jr

Carlson, Donald

Cote, David

Cote, Peter

Coughlin, Pamela

Craig, James

Curran, James

Daigle, Robert

Dokmo, Cynthia

Durham, Susan

Dyer, Merton

Emerton, Lawrence

Fenton, James

Fields, Dennis

Ford, Nancy

Foster, Linda

Garrish, Linda

Ginsburg, Ruth

Gorman, Mary

Haettenschwiller,
Alphonse

Haley, Robert

Hall, Betty

Hansen, Herbert

Herman, Keith

Herman, Richard

Johnson, Lionel

Keye, Harvey

Kurk, Neal

Lasky, Bette

Leishman, Peter

Leonard, Peter

Lozeau, Donnalee

Lynde, Harold

McCarty, Winston

McDonough-Wallace,
Alice

Melcher, Harold

Mendenhall, Leslie

Mercer, Robert

Messier, Irene

Nolan-Piteri, Dawn

O'Connell, Timothy

O'Hearn, Jane

Peterson, Andrew

Rowe, Robert	Sargent, Maxwell	Simon, Anthony	Thulander, O Alan
Turgeon, Roland	White, Donald	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Christie, Andrew Jr	Clark, Martha
Clark, Vivian	Dearborn, Bruce	Dowling, Patricia	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langley, Jane	McKinney, Betsy	Norelli, Terie	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Rubin, George
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Vaughn, Charles	Weatherspoon, Jackie	Whittier, John

STRAFFORD

Bickford, David	Brennan, William	Brown, Julie	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vincent, Francis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Jones, Constance
Kibbey, David	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

NAYS 145

BELKNAP

Boyce, Robert	Holbrook, Robert	Johnson, James	Lawton, David
Rosen, Ralph	Wendelboe, Francine	Wood, Jane	

CARROLL

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Sullivan, P Judith	

CHESHIRE

Doucette, Richard	Roberts, William	Rose, William	Zerba, Roger
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COOS

Guay, Lawrence	Landers, Dana	Tholl, John Jr	Woodward, David
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GRAFTON

Brothers, Richard	Dudley, Terri	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Mirski, Paul
Phinney, William	Picconi, Al	Ward, Brien	Weber, Phil

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Brundige, Robert	Bruno, Pierre	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Fletcher, Richard	Flora, Kathleen
Gagnon, Eugene	Goulet, Maurice	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	L'Heureux, Robert	LaPorte, George

LaRose, Richard	Lefebvre, Roland	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary Ellen	McColgan, Philip Jr	McDonald, James Sr	McGough, Tim
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Reidy, Frank	Sarette, John	Tate, Joan
Vaillancourt, Steve	Wall, Nancy	Withee, Dennis	

MERRIMACK

Brewster, Richard	Daneault, Gabriel	Hess, David	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Leber, William	Nichols, Avis
Poulin, Dave	Soltani, Tony	St Cyr, Gerard	Whittemore, James

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Cooney, Richard	Corbin, C David
DiFruscia, Anthony	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanders, David	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Langone, John	Letourneau, Robert	Major, Norman
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
Heon, Richard	McKinley, Robert	Spear, Barbara	Tsiros, William
Woods, Phyllis			

SULLIVAN

Donovan, Thomas Jr	Young, David
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and the majority report was adopted.

HB 1241, relative to third person liability under the workers' compensation law. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill as amended clarifies third person liability in workers compensation statute. A recent court decision had determined a need to clarify employers immunity from third party liability suits under their uninsured motorists coverage. This bill as amended maintains legislative intent for workers to receive benefits for injury and employers to be immune from additional claims outside of workers compensation except claims made for gross negligence or intentional acts of harm. Vote 15-3.

Amendment (3576h)

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

1 New Paragraph; Term Clarified. Amend RSA 281-A:13 by inserting after paragraph II the following new paragraph:

II-a. For the purposes of paragraph I and II of this section, the term "another person" shall not include the employee's employer, or any officer, agent, servant, or employee acting on behalf of the employer. Nothing in this chapter shall be deemed to create a duty or obligation on the part of any uninsured or underinsured motor vehicle carrier if the injured party has made a claim or is eligible to make a claim for worker's compensation benefits under this chapter and the injury is the result of an action by the employee, the employee's employer, or any officer, agent, servant, or employee acting on behalf of the employer.

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

AMENDED ANALYSIS

This bill clarifies the definition of a third person for purposes of the workers' compensation law.

Adopted.

Rep. Craig spoke against and yielded to questions.

Rep. Clegg spoke in favor.

Rep. Keith Herman spoke in favor and yielded to questions.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 216 NAYS 131

YEAS 216

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

CHESHIRE

Pratt, Irene	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Scanlan, David	Ward, Brien
Weber, Phil			

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Fields, Dennis

Fletcher, Richard	Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary Ellen	McCarty, Winston	McDonald, James Sr	McGough, Tim
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, Donald	Withee, Dennis

MERRIMACK

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hoadley, Elizabeth	Kennedy, Richard	Larrabee, David Sr
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Poulin, Dave	Rosenfield, Jay
Soltani, Tony	Virtue, Carolyn	Whalley, Michael	Whittemore, James

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Corbin, C David	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Rubin, George	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David

Weyler, Kenneth

Whittier, John

Zolla, William

STRAFFORD

Brown, Julie

Callaghan, Frank

Cossette, Larry

Domingo, Baldwin

Dunlap, Patricia

Kaen, Naida

McKinley, Robert

Spear, Barbara

Torr, Franklin

Tsiros, William

Vincent, Francis

Wall, Janet

Woods, Phyllis

SULLIVAN

Jones, Constance

Kibbey, David

Leone, Richard

NAYS 131

BELKNAP

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Lerandean, Alfred

Lynch, Margaret

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Riley, William

Russell, Ronald

Zerba, Roger

COOS

Glines, Sara

Rodrigue, Robert

GRAFTON

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Johnson, Gary

Nordgren, Sharon

Picconi, Al

Solow, Martha

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Drabinowicz, A Theresa	Dwyer, Paul Sr
Fenton, James	Ford, Nancy	Foster, Linda	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Keye, Harvey
Lasky, Bette	Lynde, Harold	McColgan, Philip Jr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary	Murphy, Robert
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Sarette, John
Simon, Anthony	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Jacobson, Alf	Langer, Ray	Moore, Carol	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Seldin, Gloria
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Hutchinson, Karen	Kane, Cecelia	Kelley, Jane	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Reardon, Neil
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith

Taylor, Kathleen

Twardus, Joseph

Vachon, Dennis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

Wiggins, Celestine

and the report was adopted.

Ordered to third reading.

Reps. Hess and Young declared conflicts of interest and did not participate.

HB 1313-L, relative to amending official ballot warrant articles. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: Petitioned warrant articles have and should be subject to the will of the legislative body. The process of achieving a desired result is the responsibility of those submitting the petition. The majority of the Municipal and County Government Committee voted to continue the time honored traditions of open debate, full and free power to amend, and ultimate disposition of any warrant article. A large majority of the committee believes that tradition is good and should continue. As a recent court decision acknowledged, warrant articles in SB-2 towns may be amended in the same way and to the same extent as warrant articles have traditionally been amended in all New Hampshire towns and school meetings. The Committee felt there was no reason why petitioned warrant articles in SB-2 towns should be singled out for unique treatment Vote 14-4.

Rep. MacGillivray spoke against.

Rep. Brundige spoke in favor.

Adopted.

HB 1305-L, exempting water withdrawals for normal agricultural operations from certain restrictions on water withdrawals. INEXPEDIENT TO LEGISLATE

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The committee was sympathetic to the concerns of the agriculture community as they anticipate the impact of the proposed instream flow rules developed by the Rivers Management Advisory Committee (RMAC). These rules are to be phased-in over a five year period to allow for adjustment. It is important to note that these rules apply to only drought conditions and only river segments whose towns elected to be part of the state Rivers Management Protection Program to "Food Producing Farms". The RMAC consists of members representing diverse interest, including the Commissioner of Agriculture and a representative from the agricultural community. The rules proposed represent a laboriously reached balance of water needs of all in times of low flow. The committee feels that the concerns of the agriculture community are also shared by businesses, snowmakers, and other hydro uses. To exempt these would create a race of similar exemptions from other interests, undermining the balance created through a seven year process. It is premature to preempt this process by exempting a single user group at this time. Vote 7-6.

Adopted.

HB 1406, relative to transition service. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This amendment adopts a finding that the proposed price of electric power under the transition service portion of the settlement with PSNH may be underpriced given current wholesale electricity prices. Transition service is an option for customers who do not choose a competitive supplier in the first three years of electric restructuring. The committee is concerned that potential underpricing of transition service could create significant deferrals of costs to be repaid by customers with interest in the future. The committee is also concerned that potential underpricing could reduce competitive forces in the early years of electric restructuring. The committee is examining ways to achieve the 18% proposed rate reduction to the greatest extent possible while eliminating potential deferrals. The consultants hired by the legislature have warned against transition service underpricing. This amended bill in no way approves either securitization or the proposed settlement. The bill is intended to send a strong signal to the Public Utilities Commission that significant deferrals of costs are undesirable and should be frowned upon. Vote 15-0.

Amendment (3678h)

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

1 Findings. The general court finds that:

I. Transition service procured through competitive means continues to be necessary in order to establish customer choice and a restructured electricity industry.

II. Transition service as proposed in the filed settlement with Public Service Company of New Hampshire (PSNH) is likely to be priced significantly below current market prices based upon other recent competitive bids in the northeast. Underpricing of transition service would create significant deferrals of costs. These deferrals could come as a result of current market prices for electricity that are significantly higher than the proposed transition service pricing of 3.7, 3.8, and 3.9 cents per kilowatt hour for the 3-year duration of transition service. Under the settlement these costs are to be paid back with a return to PSNH in the future.

III. Deferrals of costs attributed to transition service underpricing could exceed \$100 million for PSNH customers to be repaid with a return. Deferral repayment could occur at a time when the New Hampshire economy may not be robust, at a time when declining costs in other states could create a future rate gap for New Hampshire, and at a time when technological innovation may allow self generation to be more viable than it is today.

IV. Transition service underpricing would undermine the ability of competitive electricity markets to be established over time in New Hampshire.

V. Therefore the general court finds that deferrals of costs attributed to transition service underpricing are not acceptable and that transition service shall be established at prices that are realistic market prices given current market conditions.

VI. These provisions are not intended to apply to any utility which is implementing its transition service through a settlement approved by the public utilities commission prior to March 1, 2000.

2 Electric Utility Restructuring; Restructuring Policy Principles; Universal Service; Transition Service; Required Purchases. Amend RSA 374-F:3, V(b) to read as follows:

(b) As competitive markets emerge, customers should have the option of stable and predictable ceiling electricity prices through a reasonable transition period, consistent with the near term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition service should be available for at least 2 but not more than 4 years after the start of competition, for customers who have not yet chosen a competitive electricity supplier. Transition service should be procured through competitive means and may be administered by independent third parties. ***The commission may utilize a utility's required purchases from qualifying facilities to meet a portion of transition service if it finds such utilization is in the public interest.*** The price of transition service should increase over time to encourage customers to choose a competitive electricity supplier during the transition period. Such transition service should be separate and distinct from default service.

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

Adopted.

Report adopted and ordered to third reading.

HR 20, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. J. Arthur Tufts for the Majority of State-Federal Relations and Veterans Affairs: This bill only sends a message to Congress to support Senate Joint Resolution (SJR) 1, which does not mandate or enact any laws. The bill and federal article do not mandate any school prayer or meditation in public buildings. Congress is urged to adopt this federal resolution. "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds each House concurring therein). That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress". The federal article for insertion into the Constitution is: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools" Vote 8-5.

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The minority felt that to request to amend the Constitution of the United States required additional study by the committee.

Reps. Gary Johnson and Jacobson spoke against.

Reps. Richard Herman and Potter spoke against and yielded to questions.

Reps. Buckley and Ronald Nowe spoke in favor.

Rep. Burling spoke to the bill.

Rep. Ronald Nowe requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

motion to lay on the table

Rep. Eugene Gagnon moved that ***HR 20***, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer, be laid on the table.

On a division vote, 156 members having voted in the affirmative and 185 in the negative, the motion failed.

The question now being the adoption of the majority report.

YEAS 162 NAYS 179

YEAS 162

BELKNAP

Bartlett, Gordon	Boyce, Robert	Johnson, James	Lawton, David
Rice, Thomas	Rosen, Ralph	Russell, David	Turner, Robert
Wendelboe, Francine	Wood, Jane		

CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

CHESHIRE

Meador, David	Roberts, William	Rose, William
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COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr	Woodward, David	

GRAFTON

Alger, John	Brothers, Richard	Cobb, John	Dudley, Terri
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Gilman, G Michael
Mirski, Paul
Weber, Phil

Hall, David
Phinney, William

Harmon, Hobart
Picconi, Al

Hinman, Harry
Ward, Brien

HILLSBOROUGH

Andrews, Frederick
Beaupre, Roland
Chabot, Robert
Daniels, Gary
Dyer, Merton
Gagnon, Eugene
Hunter, Bruce
LaPorte, George
Martel, Andre
McDonough-Wallace,
Alice
Milligan, Robert
Pepino, Leo
Sarette, John
Wall, Nancy

Arnold, Thomas Jr
Brundige, Robert
Christiansen, Lars
Desmarais, Vivian
Emerton, Lawrence
Goulet, Maurice
Jean, Loren
LaRose, Richard
Martin, Mary Ellen
McGough, Tim
Mosher, William
Reeves, Sandra
Sargent, Maxwell
White, Donald

Baroody, Benjamin
Bruno, Pierre
Clegg, Robert Jr
Desrosiers, William
Fenton, James
Herman, Keith
Johnson, Lionel
Lefebvre, Roland
McColgan, Philip Jr
Mendenhall, Leslie
Nolan-Piteri, Dawn
Reidy, Frank
Tate, Joan
Withee, Dennis

Batula, Peter
Buckley, Raymond
Dalianis, Griffin
Drabinowicz, A Theresa
Fletcher, Richard
Holley, Sylvia
L'Heureux, Robert
Lozeau, Donnalee
McDonald, James Sr
Mercer, Robert
Pappas, Marc
Rowe, Robert
Turgeon, Roland

MERRIMACK

Hess, David
Larrabee, David Sr
Poulin, Dave

Hoadley, Elizabeth
Leber, William
Soltani, Tony

Kennedy, Richard
Marshall, Kenneth
Whalley, Michael

Langer, Ray
Nichols, Avis
Whittemore, James

ROCKINGHAM

Arndt, Janet
Cooney, Richard
Downing, Michael
Flanders, John Sr
Hamel, Albert
Langone, John
Nowe, Mary Lou

Beaulieu, Jon
Corbin, C David
Fesh, Robert
Gleason, John
Katsakiores, George
Letourneau, Robert
Nowe, Ronald

Belanger, Ronald
Dearborn, Bruce
Flanagan, Natalie
Grant, Kenneth
Katsakiores, Phyllis
McKinney, Betsy
Noyes, Richard

Bridle, Russell
DiFruscia, Anthony
Flanders, David
Griffin, Mary
Langley, Jane
Mikowski, Walter
O'Neil, Michael

Packard, Sherman
Rabideau, Marie
Varrell, Thomas
Whittier, John

Priestley, Anne
Raynowska, Bernard
Weare, Everett
Zolla, William

Putnam, Ed II
Ruffner, Walter
Welch, David

Quandt, Marshall
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Berube, Roger
Torr, Franklin

Brown, George
Tsiros, William

Cossette, Larry
Vincent, Francis

McKinley, Robert
Woods, Phyllis

SULLIVAN

Leone, Richard

Young, David

NAYS 179

BELKNAP

Czech, Stanley
Salatiello, Thomas

Holbrook, Robert

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

Batchelder, Robert
Lerandeau, Alfred
Pratt, Irene
Royce, H Charles

Blaisdell, Michael
Lynch, Margaret
Pratt, John
Russell, Ronald

Burnham, Daniel
McGuirk, Paul
Richardson, Barbara
Smith, Edwin

DePecol, Benjamin
Mitchell, McKim
Riley, William
Zerba, Roger

COOS

Davis, Perley
Rodrigue, Robert

Glines, Sara

Landers, Dana

Mears, Edgar

GRAFTON

Akins, Ralph

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Ham, Bonnie
Scanlan, David

Johnson, Gary
Solow, Martha

Marshall, Gene

Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Calawa, Leon Jr
Craig, James
Durham, Susan
Ford, Nancy
Goley, Jeffrey

Arthur, Rose
Carlson, Donald
Curran, James
Dwyer, Paul Sr
Foster, Linda
Gorman, Mary

Belvin, William
Cote, David
Daigle, Robert
Fields, Dennis
Garrish, Linda
Haettenschwiller,
Alphonse

Burkush, James
Cote, Peter
Dokmo, Cynthia
Flora, Kathleen
Ginsburg, Ruth
Haley, Robert

Hall, Betty
Keye, Harvey
Leonard, Peter
Melcher, Harold
Murphy, Robert
Simon, Anthony
Williams, Carol

Hansen, Herbert
Kurk, Neal
Lynde, Harold
Messier, Irene
O'Connell, Timothy
Thulander, O Alan

Herman, Richard
Lasky, Bette
MacGillivray, Jeffrey
Moran, Edward
O'Hearn, Jane
Vaillancourt, Steve

Jean, Claudette
Leishman, Peter
McCarty, Winston
Moriarty, Mary
Peterson, Andrew
White, John

MERRIMACK

Anderson, Eric
Crosby, Toni
Fortnam, Janet
Jacobson, Alf
Moore, Carol
Rosenfield, Jay
Wallner, Mary Jane

Bouchard, Candace
Daneault, Gabriel
French, Barbara
Lockwood, Priscilla
Owen, Derek
Seldin, Gloria
Yeaton, Charles

Brewster, Richard
Davis, Francis
Gile, Mary
Marple, Richard
Potter, Frances
Virtue, Carolyn

Chase, George
Feuerstein, Martin
Hager, Elizabeth
Maxfield, Roy
Rodd, Beth
Wallin, Jean

ROCKINGHAM

Abbott, Dennis
Clark, Martha
Gibbons, Paul
Johnson, Robert
Major, Norman

Blanchard, MaryAnn
Clark, Vivian
Henderson, Warren
Kane, Cecelia
Norelli, Terie

Case, Margaret
Dowling, Patricia
Hutchinson, Karen
Kelley, Jane
Pantelakos, Laura

Christie, Andrew Jr
Francoeur, Sheila
Hutchinson, Rebecca
Kobel, Rudolph
Pitts, Jacqueline

Reardon, Neil	Rubin, George	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stritch, C Donald	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Kibbey, David	Phinizy, James	Tuthill, John	Wiggins, Celestine

and the majority report failed.

Rep. Gary Johnson moved Inexpedient to Legislate.

Rep. L'Heureux requested a roll call; not sufficiently seconded.

On a division vote, 199 members having voted in the affirmative and 141 in the negative, the motion was adopted.

reconsideration

Having voted on the prevailing side, Rep. Gary Johnson moved that the House reconsider its action whereby it voted **HR 20**, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer, Inexpedient to Legislate.

Reconsideration failed.

regular calendar (cont'd.)

HB 1260-FN, relative to the cost of prescription medication. REFER FOR INTERIM STUDY

Rep. Linda L. Garrish for Commerce: The intent of this bill was to eliminate the "cost shifting" of prescription drugs to uninsured persons who are usually the most economically vulnerable. Testimony, which was in support of the bill, revealed a complex issue. Insurance companies and Medicaid insurers contract with pharmacies at below the "average wholesale price" of drugs. Even with the additional markup and dispensing fees, some pharmacies end up charging more to uninsured persons than to the insured. It was clear to the committee that the bill as written would be difficult to implement and enforce. Nonetheless, we felt that further study would provide an appropriate vehicle to address these and other prescription drug issues. Vote 16-3.

Reps. Andrews and Scanlan spoke against.

Reps. Garrish and Emerton spoke in favor.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 209 NAYS 104

YEAS 209

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Millham, Alida	Pilliod, James	Rosen, Ralph	Wendelboe, Francine
Wood, Jane			

CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Sullivan, P Judith	

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

COOS

Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Copenhaver, Marion
Dudley, Terri	Gilman, G Michael	Hinman, Harry	Marshall, Gene
Mirski, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Solow, Martha	Ward, Brien	Weber, Phil	

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Belvin, William	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Clegg, Robert Jr	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Drabinowicz, A Theresa	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Goulet, Maurice
Herman, Keith	Herman, Richard	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McDonald, James Sr	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Milligan, Robert	Moriarty, Mary
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol	Withee, Dennis		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Larrabee, David Sr	Leber, William
Lockwood, Priscilla	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Priestley, Anne
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Sabella, Norma
Shultis, Elizabeth	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Weatherspoon, Jackie	Whittier, John	

STRAFFORD

Brennan, William	Brown, Julie	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Estabrook, Iris	Johnson, Nancy	McKinley, Robert
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vincent, Francis	Wall, Janet	Woods, Phyllis	

SULLIVAN

Allison, David	Burling, Peter	Donovan, Thomas Jr	Kibbey, David
Wiggins, Celestine			

NAYS 104

BELKNAP

Johnson, James	Rice, Thomas	Russell, David	Turner, Robert
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CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Philbrick, Donald
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CHESHIRE

McGuirk, Paul

Meador, David

Pratt, John

Rose, William

COOS

Gallus, John

Landers, Dana

Pratt, Leighton

Rodrigue, Robert

GRAFTON

Cobb, John

Densmore, Jessica

Hall, David

Johnson, Gary

Scanlan, David

HILLSBOROUGH

Andrews, Frederick

Baroody, Benjamin

Beaupre, Roland

Burkush, James

Carlson, Donald

Cote, David

Cote, Peter

Dokmo, Cynthia

Fenton, James

Fields, Dennis

Fletcher, Richard

Flora, Kathleen

Gorman, Mary

Haley, Robert

Hall, Betty

Hansen, Herbert

Holley, Sylvia

Hunter, Bruce

L'Heureux, Robert

LaPorte, George

Lasky, Bette

Leishman, Peter

Martin, Mary Ellen

McCarty, Winston

McColgan, Philip Jr

McDonough-Wallace,
Alice

Mercer, Robert

Moran, Edward

Mosher, William

Murphy, Robert

Peterson, Andrew

Reidy, Frank

Wall, Nancy

MERRIMACK

Jacobson, Alf

Kennedy, Richard

Langer, Ray

Marple, Richard

Marshall, Kenneth

Nichols, Avis

Poulin, Dave

Soltani, Tony

Virtue, Carolyn

ROCKINGHAM

Christie, Andrew Jr

Clark, Vivian

Cooney, Richard

Fesh, Robert

Flanders, David

Gibbons, Paul

Gleason, John

Katsakiores, George

Katsakiores, Phyllis

Kelley, Jane

Langone, John

Mikowski, Walter

Packard, Sherman

Pantelakos, Laura

Pitts, Jacqueline

Putnam, Ed II

Reardon, Neil

Ruffner, Walter

Schanda, Frank

Shelton, Richard

Splaine, James

Stritch, C Donald

Vaughn, Charles

Welch, David

Weyler, Kenneth

Zolla, William

STRAFFORD

Berube, Roger	Dunlap, Patricia	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Vachon, Dennis		

SULLIVAN

Cloutier, John	Leone, Richard	Phinizy, James	Tuthill, John
Young, David			

and the report was adopted.

HB 1540-FN, prohibiting certain transfers of information. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would require an individual to gain prior consent from an individual before transferring the name and address of the individual to another party if the individual has reason to believe the transferee is likely to use the information for commercial or solicitation purposes. This legislation would bring many types of commerce to a screeching halt and would prevent such simple personal referrals that many consumers and businesses alike find useful and desirable. Further, the penalty of a class B misdemeanor was deemed excessive. The committee unanimously felt this legislation would be harmful to commerce in the state, although the goal of the sponsor to protect the privacy of consumers not desiring unsolicited contact was admirable. Vote 18-0.

Reps. Quandt and Kurk spoke against.

Rep. Francoeur spoke in favor.

Adopted.

HB 1154-FN, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Finance: This bill is an effort to force the legislature to enact additional Claremont taxes at this time. By preventing the transfer of general funds to the education trust fund, the bill would block implementation of our current education finance plan. There is no agreement at present on how to fund the anticipated deficit in the education trust fund, let alone a larger one. Because the duty to pay the \$825 million would still exist, the state might find it necessary to borrow money to pay the school districts. The state treasurer warned that borrowing for current operating expense is bad monetary policy and would negatively affect the state's bond rating. The committee agrees. This bill doesn't help solve our problems. Rather, it exacerbates them. Vote 22-0.

Rep. Jacobson spoke against.

Rep. Vaughn spoke in favor.

Adopted.

HB 1316-L, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: This proposal reaffirms current law and makes the policy permanent for future years. It affects only the education trust fund and assures that (1) no payments from the fund can be spent by school boards as unanticipated revenue, and (2) state education grants can be spent only for education purposes. Vote 21-0.

Rep. Thulander yielded to questions.

Adopted and ordered to third reading.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Finance: This bill provides funding for fiscal year ending June 30, 2000 to support research by the University of New Hampshire office of sponsored research on groundwater at reclamation sites that have had sludge applied. The remainder of available funds, up to \$20,000 that were appropriated for state aid grants by 1999, PAU 03-04-02-01-03, shall be transferred on June 30, 2000 to the non-lapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all state approved aid grant payments have been made to eligible municipalities in fiscal year 2000. Vote 22-1.

Amendment (3785h)

Amend the bill by replacing section 1 with the following:

1 Public Health; Hazardous Waste Cleanup Fund; Used Oil Collection; Use of Money Collected; Eligibility for Grants. Amend RSA 147-B:13, I(a) to read as follows:

(a) Award grants ~~[of up to \$2,500 to a political subdivision of the state]~~ to pay for the ~~[cost of establishing or improving]~~ **costs associated with the establishment, improvement, or operation of** used oil collection centers at public facilities such as fire stations, police barracks, highway departments, county garages, solid waste facilities, or other suitable ~~[public]~~ locations; and provide technical assistance to persons who organize such programs. **Political subdivisions and other government entities shall be eligible for grants not to exceed \$2,500 on an annual basis for the costs associated with the establishment or improvement of used oil collection facilities. In addition, political subdivisions and other government entities shall be eligible for grants on an annual basis for costs associated with the off-site transportation and recycling of used oil collected from individuals disposing of used oil. Non-profit organizations that focus on waste management and recycling issues, and private businesses that are registered state motor vehicle inspection stations, shall be eligible for grants not to exceed \$2,500 on an annual basis for the costs to establish a used oil collection facility.** In providing funding under this subparagraph, priority shall be given to reimburse political subdivisions ~~[that have established a collection center under this program followed by political subdivisions]~~ without public collection centers, followed by political subdivisions that have ~~[inadequate]~~ **established** collection centers, **followed by other government entities, state motor vehicle inspection stations, and non-profit organizations.** Political

subdivisions that use the same center may combine their awards, but in no case shall the amount awarded to a collection center exceed \$5,000.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Chandler 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 Wednesday, March 29, 2000 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 357, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect.

HB 1240, requiring insurers to make prompt payments.

HB 1373, relative to payments of first and second mortgage home loans.

HB 1377, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods.

HB 1457, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

HB 1465, extending the reporting date of the committee to study the non-group health insurance market.

HB 1131-FN, relative to license revocations and suspensions.

HB 1250, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

HB 1424, relative to reevaluation of a person's competency to stand trial.

HB 1492-FN, relative to clarifying the state's stalking statute.

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act.

SB 355, relative to name changes for criminal offenders.

SB 382, relative to appeals of release or detention orders.

HB 1253, establishing a 4-year term for the commissioner of the department of corrections.

SB 341, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists.

HB 1202-L, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

HB 1251, relative to driver education training reimbursement.

HB 1265-FN, relative to registration of certain antique OHRVs.

HB 1344-FN, expanding the used oil program.

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

HB 1463, making technical corrections related to the mental health system and guardianship hearings.

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

HB 1438-FN, relative to transportation of children for involuntary emergency admissions.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

HB 1422-FN, relative to the composition of and procedures for the appellate board of the department of employment security

HB 1146-L, relative to tax increment financing.

HB 1163, relative to the date of decision for appeals of zoning matters.

HB 1210-L, relative to capital reserve funds.

HB 1216, relative to petitions for warrant articles.

HCR 30, urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean air Act requirements for oxygenates in gasoline.

HCR 33, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river.

HB 1102, relative to accessibility of veterans' disability payments in divorce cases.

HB 1483, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

HB 1244, relative to the use of certain needle technology.

HB 1241, relative to third person liability under the workers' compensation law.

HB 1406, relative to transition service

HB 1316-L, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

personal privilege

Reps. Ronald Nowe and Burling addressed the House.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate Messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

RECESS

(Rep. Leber in the Chair)

RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1625, 1626 and 1627 and House Concurrent Resolution numbered 35 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 and HCR

First, second reading and referral

HB 1625, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Bishop, Rock 12; W. Kelley, Rock 12; Patten, Carr 9: Municipal and County Government)

HB 1626-FN, establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock. 13; Bradley, Carr 8; Torr, Straf 12; Chandler, Carr 1; Klemm, Dist 22; Johnson, Dist. 3; Russman, Dist 19: Finance)

HB 1627, relative to the exchange of certain land in the town of Rindge. (Hunt, Ches 10; **HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. (L. Pratt, Coos 4; K. Marshall, Merr 4; Melcher, Hills 11; P. Davis, Coos 1; P. Dowling, Rock 13; F. King, Dist 1: Environment and Agriculture)

senate messages

concurrence

HB 246, relative to personnel transfers at the department of safety.

HB 569, relative to the tax credit for service-connected total disability.

HB 1114-FN, relative to creditable service in the retirement system for teachers in a job-sharing position.

HB 1126, relative to repealing the prohibition on rewards for procuring employment.

HB 1134, establishing a committee to study mental health care treatment under managed care plans.

HB 1196-L, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore.

HB 1206, extending the reporting date of the committee studying alcohol and drug abuse prevention.

HB 1283, establishing a commission on the education of the deaf and hard of hearing in New Hampshire.

HB 1523, relative to landlord-tenant obligations.

HB 1594-FN, relative to the allocation of moneys in the tobacco use prevention fund.

nonconcurrence

HB 1168, establishing a committee to study the merits of limiting the use of social security numbers as identifiers.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 86, 387, 1150 and 1566.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

(Speaker Sytek in the Chair)

committee assignments

Rep. Robert M. Lawton off Resources, Recreation and Development; on Rules.

Rep. David H. Russell on Resources, Recreation and Development.

RECESS

bill signed by the governor

Chap. 19, **SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades. (eff. 3/23/00)