

April 20, 1998

No. 26A

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR ADDENDUM

REPORTS, AMENDMENTS,

**THE SENATE WILL MEET IN SESSION ON THURSDAY, APRIL 23, 1998,
AT 10:00 A.M.**

LAI D ON TABLE

SB 359, providing immunity to the state and public employees for any harm resulting from certain computer errors in the millenium changeover.

SB 369, relative to the appeal of disciplinary actions of the New Hampshire real estate commission.

SCR 7, supporting economic security in retirement of all Americans.

HB 505, relative to smoking in indoor public places.

REPORTS

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 753-FN, relative to the board of auctioneers. Vote 7-0

Inexpedient to Legislate, Senator Podles for the committee.

HB 1233, relative to administrative attachment of regulatory boards and commissions. Vote 5-1

Ought to Pass, Senator Larsen for the committee.

HB 1334-FN, establishing the position of deputy adjutant general. Vote 6-0

Ought to Pass, Senator J. King for the committee.

HB 1653, relative to the composition of the board of barbering, cosmetology, and esthetics. Vote 6-0

Ought to Pass, Senator Podles for the committee.

INSURANCE

HB 749-FN, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. Vote 4-1

Ought to pass with amendment, Senator Blaisdell for the committee

HB 1148, relative to review of eligibility for a workers' compensation award where compensation was by lump sum agreement. Vote 7-0

Ought to Pass, Senator Danais for the committee.

HB 1402-FN, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. Vote 5-0

Ought to Pass, Senator Hollingworth for the committee.

HB 1422-FN, changing unemployment compensation benefits. Vote 4-0

Ought to Pass, Senator Danais for the committee.

HB 1423-FN, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. Vote 7-0

Ought to Pass, Senator Francoeur for the committee.

HB 1536, establishing a committee to study women's health care. Vote 5-0

Ought to pass with amendment, Senator Fraser for the committee.

HB 1538-FN-A, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor. Vote 6-0

Ought to Pass, Senator Danais for the committee.

HB 1551-FN, adding dental insurance to the continuing insurance coverage for certain employees. Vote 5-0

Ought to Pass, Senator K. Wheeler for the committee.

HB 1650-FN, relative to benefits under the unemployment compensation laws. Vote 4-0

Ought to Pass, Senator Danais for the committee.

PUBLIC AFFAIRS

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. Vote 6-0

Ought to pass with amendment, Senator Whipple for the committee.

TRANSPORTATION

HB 1328-FN, extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate. Vote 6-0

Ought to pass with amendment, Senator Whipple for the committee.

WAYS AND MEANS

HB 1189-FN, increasing the limits of direct off-premises sales from breweries and brew pubs. Vote 5-1

Ought to pass with amendment, Senator Danais for the committee.

HB 1469-L, establishing a committee to examine the valuation of public utility property. Vote 4-0

Inexpedient to Legislate, Senator F. King for the committee.

HB 1496, relative to energy facility evaluation. Vote 5-0

Ought to Pass, Senator Johnson for the committee.

WILDLIFE & RECREATION

HB 1123, relative to the control of wolf hybrids. Vote 4-0

Ought to pass with amendment, Senator Cohen for the committee.

HB 1211-FN-A, re-designating Governors state park in Laconia as Ahern state park. Vote 5-0

Ought to Pass, Senator K. Wheeler for the committee.

HB 1621, relative to the membership of the advisory committee on shore fisheries. Vote 4-0

Ought to Pass, Senator K. Wheeler for the committee.

AMENDMENTS

Insurance

April 8, 1998

1998-1355s

10/09

Amendment to HB 749-FN

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

1 Group I; Burden of Proof Before Board. RSA 100-A:6, I(c) is repealed and reenacted to read as follows:

(c)(1) Upon the application of a group I member in service or of the member's employer, any member may be retired by the board of trustees on an accidental disability retirement allowance where the member has been totally and permanently incapacitated for duty as the natural and proximate result of either:

(A) An accident occurring while in the actual performance of duty at some definite time and place; or

(B) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment; or

(C) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI, RSA 281-A:2, XIII, or RSA 281-A:17.

(2) The provisions of subparagraph (c)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the commissioner of labor pursuant to RSA 281-A:43; and

(C) The injury was without willful negligence on the member's part.

(3) The member applying pursuant to this subparagraph shall have the burden of proving causation before the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.

2 Group II; Burden of Proof Before Board. RSA 100-A:6, II(c) is repealed and reenacted to read as follows:

(c)(1) Upon the application of a group II member in service or of the member's employer, any member may be retired by the board of trustees on an accidental disability retirement allowance where the member has been totally and permanently incapacitated for duty as the natural and proximate result of either:

(A) An accident occurring while in the actual performance of duty at some definite time and place; or

(B) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment; or

(C) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI, RSA 281-A:2, XIII, or RSA 281-A:17.

(2) The provisions of subparagraph (c)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the commissioner of labor pursuant to RSA 281-A:43; and

(C) The injury was without willful negligence on the member's part.

(3) The member applying pursuant to this subparagraph shall have the burden of proving causation before the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.

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

1998-1355s

AMENDED ANALYSIS

This bill requires group I or group II retirement system members to prove causation before the board of trustees in certain circumstances in order to receive disability benefits for total and permanent incapacity resulting from an injury in the course of employment.

Insurance

April 15, 1998

1998-1425s

01/09

Amendment to HB 1536

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review access and availability, including insurance benefits, of quality health care for all the women of New Hampshire. The committee's study shall include, but not be limited to: mammography for women under 50; gynecological services, including pap smear exams, chlamydia and other STD tests and treatment; family planning, fertility and contraceptive services;

pre-natal and neo-natal services, including pre-natal testing and counseling for HIV/AIDS infected women; menopause management; the diagnosis and treatment of heart disease, breast cancer, eating disorders, and the treatment of post traumatic stress syndrome and other physical and mental problems resulting from domestic violence.

Public Affairs

April 15, 1998

1998-1427s

10/01

Amendment to HB 529

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Wireless Communication Facilities. Amend RSA 672:14 by inserting after paragraph III the following new paragraph:

IV. The rent, lease, development, or grant of easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or other regulatory authority over wireless communications facilities.

Senate Transportation

April 7, 1998

1998-1333s

04/08

Amendment to HB 1328-FN

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

AN ACT extending the exemption period for motor vehicle titles and relative to penalties and bond requirements imposed on certain motor vehicle dealers, transporters, and repairers.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as section 10:

7 Bond Required by Auto Dealer. Amend RSA 216:100, I to read as follows:

I. Except as provided in RSA 261:101, each dealer shall be required to file annually ~~[bonds in the following amounts, dependent on the length of time said dealer has done business under the same name in the community:~~

~~(a) under one year \$20,000~~

~~(b) over one year, but less than 2 years \$15,000~~

~~(c) over 2 years \$10,000],~~ **a bond in accordance with RSA 261:98.**

8 Penalties; Misuse of Registration by Dealers. Amend RSA 261:177, I (b) to read as follows:

(b) Impose an administrative fine upon any dealer, utility dealer, automotive recycling dealer, transporter, or repairer. The maximum amounts of the fines which may be assessed shall be as follows:

(1) For the first violation, \$250.

(2) For the second violation, \$500.

(3) For the third violation, \$750.

(4) For the fourth violation, \$1,000.

(5) For 5 or more violations, \$2,000.

~~[No fine shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed.]~~

9 New Subparagraph; Dealers' Fines, Suspensions, and Revocations; Approval by Commissioner.
Amend RSA 261:177 by inserting after subparagraph (b) the following new subparagraph:

(c) No fine, or suspension or revocation of a dealer's, utility dealer's, automotive recycling dealer's, transporter's, or repairer's registration shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed or the suspension or revocation of registration imposed.

1998-1333s

AMENDED ANALYSIS

This bill changes the maximum age for a motor vehicle for which a person is required to obtain a certificate of title. Current law requires such certificates for vehicles less than 10 years of age. This bill increases such age by one year for each of the next 5 years. Moreover, when a certificate of title is lost, stolen or destroyed, this bill permits a motor vehicle dealer to apply for and receive a duplicate certificate of title.

This bill also unifies dealer bond procedures, and requires that no fine assessed, or suspension or revocation of certain dealers registrations imposed, shall take effect unless approved by the commissioner.

Ways and Means

April 1, 1998

1998-1416s

08/01

Amendment to HB 1189-FN

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

AN ACT increasing the limits of direct off-premises sales from breweries.

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

1 Beverage Manufacturer; Off-Premises Sales. Amend RSA 178:10, V to read as follows:

V. The holder of a beverage manufacturer license may sell beverages to the general public for off-premises consumption, in quantities not to exceed ~~[72 fluid ounces]~~ **a single 15.5 gallon keg or the equivalent of one case of 12 ounce containers per person per day.** Package sizes shall be approved, pursuant to RSA 179:33, I and II. Such beverages shall not be sold to retail licensees for

resale. Each beverage manufacturer shall pay a fee as required by RSA 178:30, I for each gallon of beverage sold under this paragraph.

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

1998-1416h

AMENDED ANALYSIS

This bill increases the limits of direct off-premises sales from breweries.

Wildlife and Recreation

April 10, 1998

1998-1385s

01/09

Amendment to HB 1123

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

1 Prohibitions. Amend RSA 466-A:3 to read as follows:

466-A:3 Prohibitions.

I. No person shall [~~sell, offer for sale, trade, give away, acquire, import, export~~] ***offer for sale or resale***, release or cause to be released a wolf hybrid in the state of New Hampshire~~[-except as provided in paragraphs II, II a, or II b.~~

~~II. No person shall possess a wolf hybrid, except for:~~

~~(a) Those wolf hybrids that the person owns while residing in New Hampshire on June 6, 1994;~~

~~(b) Those wolf hybrids born in New Hampshire to a canine that was both pregnant with such wolf hybrids and owned in New Hampshire on June 6, 1994; or~~

~~(c) Those wolf hybrids used as sled dogs which are temporarily brought into the state for competitive events.~~

~~II a.]~~ ***II.*** A person may import a wolf hybrid provided the wolf hybrid is spayed or neutered and has proper documentation of the spaying or neutering.

~~[II b. The transfer of ownership and possession of a wolf hybrid from a person to an animal shelter facility is permitted.]~~

III. Any person possessing a wolf hybrid shall keep accurate licensing and vaccination records, as required by RSA 466-A:2 and neutering records, as provided in RSA 466-A:3, ~~[H-a]~~ **II**, which shall be available for inspection by an animal control officer or law enforcement officer.

2 New Section; Rulemaking. Amend RSA 466-A by inserting after section 5 the following new section:

466-A:5-a Rulemaking Authority. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to standards for confinement and control under RSA 466-A:5 and any other matter necessary for the administration of this chapter.

3 Administrative Fine Added. Amend RSA 466-A:6 to read as follows:

466-A:6 Penalty; ***Administrative Fines.***

I. Any person ~~[failing to meet the requirements]~~ ***in violation*** of this chapter ***or any rule adopted under this chapter*** shall be guilty of a class A misdemeanor.

II. Any person who violates any provision of this chapter, or any rule or order of the commissioner of agriculture, markets, and food, shall be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

4 Repeal. RSA 466-A:1, I, relative to a definition of animal shelter facility, is repealed.

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

1998-1385s

AMENDED ANALYSIS

This bill prohibits persons from selling or reselling wolf hybrids in New Hampshire.

This bill also requires the commissioner of agriculture, markets, and food to adopt rules under RSA 541-A relative to the control of wolf hybrids and adds administrative fines for violations of the wolf hybrid law.