

April 27, 1999

No. 26

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

THE SENATE WILL MEET IN SESSION ON APRIL 29, 1999, AT 10:00 A.M.

LAI D ON THE TABLE

CACR 20, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected.

HB 112, increasing the tobacco tax and imposing the tax on all types of tobacco products.

SB 20, limiting the price for resale of tickets to motor sports events at the New Hampshire International Speedway to the original purchase price.

SB 50, relative to the state's responsibility to provide an adequate education.

SB 72, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws.

SB 82, relative to the termination of employees.

REPORTS

ENVIRONMENT

HB 383, relative to the authority of the department of environmental services to assign air pollution allowances and credits. Vote 4-0

Ought to Pass, Senator Below for the committee.

HB 495-FN-A, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks. Vote 4-0

Ought to Pass, Senator Russman for the committee.

HB 558-FN, relative to solid waste management. Vote 5-0

Ought to Pass, Senator Russman for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 327-L, allowing municipal governing bodies to enter into lease agreements for equipment. Vote 2-0

Ought to Pass, Senator Roberge for the committee.

JUDICIARY

SB 163, establishing a commission to study methods for reducing violent incidents involving children and guns. Vote 7-0

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

SB 227-FN, establishing a gambling business felony. Vote 4-0

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

PUBLIC AFFAIRS

SB 94, relative to absentee voter affidavits. Vote 6-0

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

SB 188-L, allowing school districts to have a special vote on a bond issue in the same calendar year in which they voted on the bond issue. Vote 6-0

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

HB 78, relative to the counting of votes when the moderator is disqualified. Vote 5-0

Ought to Pass, Senator Trombly for the committee.

HB 268-L, relative to the adoption and rescission of the official ballot form of meeting. Vote 6-0

Ought to Pass, Senator Wheeler for the committee.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

HB 206, relative to restrooms in restaurants. Vote 5-0

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

HB 214, changing the membership of and extending the reporting date for the committee to study women's health care. Vote 5-0

Ought to Pass, Senator Squires for the committee.

HB 515, extending the indemnification of persons providing clinical services to the department of health and human services. Vote 4-0

Ought to Pass, Senator Fernald for the committee.

SB 69-L, relative to healthcare charitable trusts and community benefits. Vote 5-0

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

SB 120-FN, relative to the health services planning and review board. Vote 6-0

Inexpedient to Legislate, Senator Squires for the committee.

SB 149-FN, regulating the practice of hypnotherapy. Vote 5-1

Inexpedient to Legislate, Senator McCarley for the committee.

SB 183-FN-A, implementing recommendations developed through a statewide health care planning process and continually appropriating a special fund. Vote 4-0

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

SB 206-FN-A-L, establishing the tobacco use prevention fund and continually appropriating a special fund. Vote 6-0

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

TRANSPORTATION

HCR 4, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway. Vote 3-0

Ought to Pass, Senator Below for the committee.

HB 204-FN, relative to driving after license revocation or suspension. Vote 3-0

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

HB 365, establishing a committee to study the current practice of posting roads and its effect on the economy. Vote 4-0

Ought to Pass, Senator Gordon for the committee.

HB 403, relative to speed limits on Turtle Town Pond in Concord. Vote 4-0

Ought to Pass, Senator Gordon for the committee.

HB 447, repealing the laws prohibiting certain promotional games. Vote 3-0

Ought to Pass, Senator Trombly for the committee.

SB 179-FN, allowing for motor vehicle license suspension or revocation for certain minors. Vote 3-0

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

WILDLIFE & RECREATION

HJR 1, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire. Vote 3-2

Ought to Pass, Senator Krueger for the committee.

HB 203, making impaired boating laws consistent with driving while intoxicated laws. Vote 6-0

Ought to Pass, Senator Trombly for the committee.

HB 240, prohibiting the reintroduction of wolf populations to the state of New Hampshire. Vote 3-2

Ought to Pass, Senator Krueger for the committee.

HB 302, relative to paint ball guns. Vote 5-0

Ought to Pass, Senator D'Allesandro for the committee.

HB 710-FN, relative to expanding the availability of lifetime licenses for hunting and fishing. Vote 7-0

Ought to Pass, Senator Trombly for the committee.

SB 29-L, relative to the proper sheltering of dogs. Vote 6-0

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

SB 46-FN, relative to the applicability of mooring permit requirements Vote 5-0

Rereferred to Committee, Senator Disnard for the committee.

SB 59-L, relative to bonding of animal owners convicted of animal cruelty. Vote 6-0

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

SB 154, relative to wildlife species under the endangered species conservation act. Vote 5-1

Inexpedient to Legislate, Senator D'Allesandro for the committee.

AMENDMENTS

Senate Judiciary

April 22, 1999

1999-0949s

05/10

Amendment to SB 163

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

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

(a) Two members of the senate, who shall be selected from the judiciary committee, appointed by the president of the senate.

(b) Two members of the house of representatives, who shall be selected from the criminal justice and public safety committee, appointed by the speaker of the house.

(c) The commissioner of the department of safety, or designee.

(d) The commissioner of the department of education, or designee.

(e) The attorney general, or designee.

(f) The president of the County Attorneys Association, or designee.

(g) A representative of a sportsman's club, appointed by the governor.

(h) The president of Gun Owners of New Hampshire, or designee.

(i) A representative of the Injury Prevention Center at Lahey-Hitchcock Medical Center.

(j) A representative of the New Hampshire School Boards Association.

(k) A representative from the New Hampshire School Administrators Association.

(l) A representative from the New Hampshire Association of School Principals.

(m) A representative from the New Hampshire Congress of Parents and Teachers, Inc.

(n) A pediatrician from the New Hampshire Medical Society.

(o) A representative from the New Hampshire Firearms Safety Coalition.

(p) A representative from New Hampshire Cease Fire.

Senate Judiciary

April 27, 1999

1999-1000s

08/10

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

1 New Paragraph; Business Conducting Illegal Gambling. Amend RSA 647:2 by inserting after paragraph I the following new paragraph:

I-a.(a) A person is guilty of a class B felony if such person conducts, finances, manages, supervises, directs, or owns all or part of a business and such person knowingly and unlawfully permits gambling on the premises of the business.

(b) A person is guilty of a class B felony if such person knowingly and unlawfully conducts, finances, manages, supervises, directs all or part of any gambling activity which:

(1) Has had gross revenue of \$2,000 in any single day; or

(2) Has been or remains in substantially continuous operation for a period in excess of 10 days; or

(3) Accepts wagers exceeding \$5,000 during any 30 day period on future contingent events.

2 Forfeiture. Amend RSA 647:2, III to read as follows:

III.(a) ***Any property including money, proceeds, [all]*** implements, equipment, and apparatus used ***or gained*** in violation of this section shall be forfeited.

(b) Any state, county, or local law enforcement agency shall have the authority to seize such property in the manner provided in RSA 617.

(c) The proceeds of any property forfeited pursuant to this section, which is seized pursuant to a petition filed by the department of safety, division of state police, shall be made available to the department of safety, division of state police, for the purpose of enforcing this section. Such funds shall be nonlapsing and continually appropriated to the department of safety, division of state police.

3 Effective Date. This act shall take effect January 1, 2000.

1999-1000s

AMENDED ANALYSIS

This bill:

I. Makes it a felony for a person to knowingly and unlawfully permit gambling on the premises of a business conducted, financed, managed, supervised, directed, or owned by such person.

II. Makes it a felony for a person to knowingly and unlawfully conduct, finance, manage, supervise, or direct any gambling activity of a certain magnitude or duration.

III. Requires persons convicted of illegal gambling operations to forfeit any property including money and proceeds used or gained by such gambling operations.

Public Affairs

April 23, 1999

1999-0969s

03/01

Amendment to SB 94

Amend the bill by replacing section 2 with the following:

2 Elections; Absentee Voting; Absentee Ballots and Related Materials; Absence, Religious Observance, and Disability; Envelopes; Affidavit Removed. Amend RSA 657:7, II-III to read as follows:

II. ~~[Affidavit]~~ Envelopes of sufficient size to contain the ballots ~~[on which shall be printed the following:]~~

~~(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he is entitled to vote shall fill out and sign the following certificate:~~

~~I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of _____, New Hampshire, in ward _____; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).~~

Signature)

~~(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:~~

~~I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of _____, New Hampshire, in ward _____; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am~~

blind) the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature)].

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots. On the envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, [4] **5** blank spaces with the words "Name, Voting Address, Ward, Town or City, **Signature**" appropriately printed thereon.

Amend the bill by replacing all after section 4 with the following:

5 Elections; Absentee Voting; Procedure for Absence, Religious Observance, and Disability and Overseas Voting; Procedure by Voter; Affidavit Removed. Amend RSA 657:17 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in the [affidavit] envelope. [~~The voter shall execute the affidavit on it.~~] The voter or the person assisting the blind voter shall enclose and seal said envelope in the return envelope. The voter shall then sign the envelope and endorse thereon his **or her** name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it to the city or town clerk from whom it was sent.

6 Elections; Absentee Voting; Procedure for Absence, Religious Observance, and Disability and Overseas Voting; Procedure by Clerk; Examination for Signature. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of a return envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall **examine the return envelope and may notify the voter if the return envelope is not signed. The clerk shall** attach [thereto] the application for an absentee ballot submitted by said voter **to the return envelope**. All such envelopes shall be preserved unopened until election day.

7 Elections; Absentee Voting; Procedure for Armed Services and Federal Overseas Citizen Voting; Procedure by Voter; Affidavit Removed. Amend RSA 657:20 to read as follows:

657:20 Procedure by Voter. After marking [his] **the** ballot, an armed services voter or a federal overseas citizen voter shall seal the same in the [affidavit] envelope. [~~If he is a registered voter, he shall execute the appropriate affidavit and return the ballot as hereinafter provided. If the voter is not registered in the town in which he desires to vote, he shall execute the appropriate affidavit.~~] If the armed services voter or federal overseas citizen voter, because of blindness or other physical disability, is unable to mark [his] **the** ballot, an official empowered to administer oaths may assist [him] **the voter** to mark [his] **the** ballot as directed by the voter. The official shall then certify on the outside thereof that it was marked with [his] **the official's** assistance and shall thereafter give no information regarding the same. [~~Having executed the affidavit,~~] The voter shall enclose and seal said envelope in the return envelope. [He] **The voter** shall then **sign the envelope and** endorse thereon his **or her** name, address, and voting place and shall mail the envelope or personally deliver it to the city or town clerk from whom it was sent.

8 Elections; Absentee Voting; Procedure for Armed Services and Federal Overseas Voting; Registration of Voters; Affidavit Removed. Amend RSA 657:21 to read as follows:

657:21 ~~[Registration of Voters]~~ **Receipt of Envelope.** Upon receipt of a return envelope containing an armed services or overseas citizen federal election absentee ballot, the clerk of the city or town shall ~~[open and retain said envelope and deliver the affidavit envelope to the supervisors of the checklist of the voting place indicated thereon. If the voter is not registered, the appropriate affidavit appearing on said envelope, if properly executed, shall be prima facie evidence of the voter's qualifications to become a voter and his name shall be added to the checklist. The supervisors of the checklist shall then return the affidavit envelopes unopened to the city or town clerk who shall see that they agree in number with the mailing envelopes. Said clerk shall attach the application for an armed services or overseas citizen federal election absentee ballot submitted by said voter to the 2 corresponding envelopes and]~~ **examine the return envelope and may notify the voter if the return envelope is not signed. The clerk shall** retain ~~[them]~~ **the return envelopes** until election day.

9 Elections; Election Procedure; Processing Absentee Ballots; Affidavit and Signature Examinations Removed. Amend RSA 659:50-54 to read as follows:

659:50 Announcement by Moderator. The moderator shall begin processing absentee ballots by clearly announcing that he **or she** is about to open the envelopes which were delivered to him **or her**. The moderator shall then remove the ~~[affidavit]~~ envelope containing the ballots of each absentee voter ~~[and shall compare the signature on the affidavit envelope with the signature on the application for the ballot]~~. If[:

~~I.] the name of the voter is on the checklist[;]~~ and

~~II. The affidavit on the envelope appears to be properly executed; and~~

~~III. The signature on the affidavit appears to be executed by the same person who signed the application; and~~

~~IV. The signatures appear]~~ **the signature appears** to be the ~~[signatures]~~ **signature** of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the ~~[affidavit]~~ envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, ~~[he]~~ **the moderator** shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101. If the moderator decides that the challenge is not well grounded, ~~[he]~~ **the moderator** shall open the ~~[affidavit]~~ envelope ~~[so the affidavit thereon is not destroyed]~~ and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. ~~[He]~~ **The moderator** shall then proceed to deposit the ballot as provided in RSA 659:52.

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the ~~[affidavit]~~ envelope containing the ballot ~~[so the affidavit on the envelope is not destroyed]~~. ~~[He]~~ **The moderator** shall then take the

ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and [he] shall preserve the [affidavit] envelope with the ballots cast at the election as provided in RSA 659:101. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

659:53 Forms Not in Order. If the moderator finds that the absentee voter is not entitled to vote, [he] **the moderator** shall not open the envelope and shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter", "voted in person", ["~~affidavit improperly executed~~"], "not signed by proper person", or whatever the reason is. The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

659:54 Immaterial Defects. No absentee ballot shall be rejected by the moderator for any immaterial addition, omission, or irregularity in the preparation or execution of any writing [~~or affidavit~~] required herein.

10 Elections; Election Procedure; Preservation of Ballots and other Election Materials; Preservation of Absentee Voting Materials; Affidavit Removed. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials. The [affidavit] envelopes and application forms processed by the moderator as provided in RSA 659:50 shall be preserved in the same manner as provided in RSA 659:95-100 for the preservation of official state election ballots.

11 Elections; Town Elections; By Official Ballot; Forms; Affidavit. Amend RSA 669:27, III-IV to read as follows:

III. ~~[Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed]~~ The following affidavit **to be included with the application**:

Absence. A person voting by absentee ballot because of absence from the place in which [he] **or she** is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of, New Hampshire, **and** that I will be absent on election day from said town (city, village district, school district) and will be unable to vote in person[; ~~that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within ballot and enclosed and sealed it in this envelope~~].

(Signature).....

Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of, New Hampshire, **and** that I will be observing a religious commitment which prevents me from voting in person, or that on account of physical disability I am unable to vote in person[; ~~that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope~~].

(Signature)

IV. Return envelopes of size sufficient to contain the ~~[affidavit envelopes]~~ **ballot**, addressed to the clerk upon which shall be printed, "Enclosed is the ballot of an absentee voter", and at the top thereof blank spaces for the name, address, and voting place of the sender, with the words "name," and "address" appropriately printed thereon.

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

Public Affairs

April 22, 1999

1999-0958s

08/09

Amendment to SB 188-LOCAL

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

AN ACT allowing school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue.

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

1 Official Ballot Meetings; Special School District Meetings to Raise and Appropriate Money.
Amend RSA 40:13, XV and XVI to read as follows:

XV. Votes taken at the second session shall not be reconsidered; ***except that a school district may reconsider by special warrant article at a subsequent special meeting votes regarding raising and appropriating money.***

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money for the same question or issue in any one calendar year or fiscal year, whichever applies, ***except that a school district may hold any additional special district meeting to raise and appropriate money for the same question or issue pursuant to RSA 197:3 if an emergency arises,*** and further provided that any special meeting held pursuant to paragraphs X and XI shall not be subject to RSA 31:5 and RSA 197:3 and

shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

2 Application to Annual School Meetings Held in 1999. Notwithstanding any other provision of law, this act shall apply to any annual school meetings held in 1999.

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

1999-0958s

AMENDED ANALYSIS

This bill allows school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue. This act shall apply to any annual school meetings held in 1999.

Public Institutions, Health and Human Services

April 27, 1999

1999-1010s

03/09

Amendment to HB 206

Amend RSA 155:40, I as inserted by section 1 of the bill by replacing it with the following:

I. All places where the business of serving food to the public is conducted shall be equipped with toilet and lavatory facilities convenient of access for the use of patrons. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. The commissioner of the department of health and human services shall have the authority to waive the requirements of this section for such businesses having 5 or fewer seats, for good cause shown, provided the business is unable to comply with this section because it does not have toilet or lavatory facilities on the effective date of this section as amended, and can show that the requirements of this section would cause substantial hardship.

Public Institutions, Health and Human Services

April 27, 1999

1999-1008s

08/09

Amendment to SB 69-LOCAL

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

1 New Subdivision; Community Benefits. Amend RSA 7 by inserting after section 32-b the following new subdivision:

Community Benefits

7:32-c Purpose. The purpose of this subdivision is to ensure that health care charitable trusts provide the communities they serve with benefits in keeping with the charitable purposes for which the trusts were established and in recognition of the advantages the trusts enjoy. It acknowledges that each community is unique and its particular health care problems and needs should be examined and the community benefits provided by health care charitable trusts which serve it should be directed toward addressing the issues and concerns of that community. Community involvement in the development of community benefits plans is necessary to make the health care charitable trusts more responsive to the true needs of the community. State oversight of the planning process and public access to the community benefits plans will assure appropriate use of the resources of health care charitable trusts.

7:32-d Definitions. In this subdivision:

I. "Charity care" means health care services provided by a health care charitable trust for which the trust does not expect and has not expected payment and which health care services are not recognized as either a receivable or as revenue in the trust's financial statements.

II. "Community" means the service area or patient population for which a health care charitable trust provides services.

III. "Community benefits" means a health care charitable trust's activities that are intended to address community health care needs including, but not limited to, any of the following:

(a) Charity care.

(b) Financial or in-kind support of public health programs even if the programs extend beyond the trust's service area, including support of recommendations in any state health plan developed by the department of health and human services.

(c) Allocation of funds, property, services or other resources that contribute to community health care needs identified in a community benefits plan.

(d) Donation of funds, property, services, or other resources which promote or support a healthier community, enhanced access to health care or related services, health education and prevention activities, or services to a vulnerable population.

(e) Support of medical research and education and training of health care practitioners.

IV. "Community benefits plan" means a written document prepared by a health care charitable trust which identifies health care needs in the area served by the trust and describes the activities the trust has undertaken and will undertake to address the identified needs.

V. "Health care charitable trust" means a charitable trust organized to provide health care services, including, but not limited to, hospitals, nursing homes, community health services, and medical-surgical or other diagnostic or therapeutic facilities or services. "Health care charitable trust" shall not include any testamentary or inter vivos trust which is not organized to provide health care services.

VI. "Vulnerable population" means any population that is at risk of not receiving health services due to medical, financial or other barriers.

7:32-e Community Benefits Plans. Within 90 days of the start of its fiscal year every health care charitable trust shall develop a community benefits plan. The plan shall be developed in accordance with the following criteria:

I. The trust shall adopt a mission statement which shall be included in its plan and which shall be reaffirmed by the trust on an annual basis.

II. The plan shall take into consideration a community needs assessment conducted in accordance with RSA 7:32-f and shall identify the health care needs that were considered in development of the plan.

III. The plan shall identify the activities the trust expects to undertake or support which address the needs determined through the community needs assessment process or which otherwise qualify as community benefits and shall include all charity care in a discrete category.

IV. The plan shall include a report on the community benefit activities undertaken by the trust in the preceding year and information describing the results or outcomes of the trust's community benefit activities. The report shall also include the means used to solicit the views of the community served by the trust; identification of community groups, members of the public, and local government officials consulted on the development of the plan; and an evaluation of the plan's effectiveness.

V.(a) To the extent practicable, the plan shall include:

(1) An estimate of the cost of each activity expected to be undertaken or supported in the ensuing year; and

(2) A report on the unreimbursed cost of each activity undertaken in the preceeding year.

(b) For reporting purposes, the cost of contributed services shall be determined in accordance with the rates, costs, units of service or other statistical measures used for general accounting purposes by the health care charitable trust. In addition, each charitable trust shall include in its report the ratio of its gross receipts from operations to its net operating costs, as shown in its final statement of accounts for the preceeding fiscal year.

VI. The process for development of the plan shall include an opportunity for members of the public in the trust's service area to provide input into development of the plan and comment upon the trust's proposed plan.

7:32-f Community Needs Assessment. Every health care charitable trust shall, either alone or in conjunction with other health care charitable trusts in its community, conduct a community needs assessment to assist in determining the activities to be included in its community benefits plan. The needs assessment process shall include consultation with members of the public, community organizations, service providers, and local government officials in the trust's service area, in the identification and prioritization of community needs that the health care charitable trust can address directly, or in collaboration with others. The community needs assessment shall be updated at least every 3 years.

7:32-g Notice to Director of Charitable Trusts and Public; Administrative Fine.

I. Every health care charitable trust shall submit its community benefits plan to the director of charitable trusts on an annual basis no later than 90 days after the start of the trust's fiscal year. The trust and the director of charitable trusts shall make all community benefits plans available to the public and, where practicable, shall place the reports on an internet site or web page. Every health care charitable trust shall at least annually provide notice to the public of the availability and process for obtaining a copy of its community benefits plan and shall prominently display such notice in its lobby, waiting rooms, or other area of public access.

II. An extension of time for filing the community benefits plan may be granted by the director.

III. The director may impose an administrative fine upon a charitable organization that violates any provision of RSA 7:32-g, I, in an amount not to exceed \$1,000 plus attorneys fees and costs for each such violation.

7:32-h Charity Care. The provision of charity care may be included in a community benefits plan by a health care charitable trust only to the extent that it:

I. Does not include any sums identified as bad debt, a receivable or revenue by the trust in accordance with generally accepted accounting principles.

II. Is provided in accordance with a written policy which is available to the public, which allows any individual to make application and receive a prompt decision on eligibility for and the amount of charity care, and notice of which is prominently displayed in the trust's lobby, waiting

rooms, or other area of public access or otherwise is provided to service applicants and recipients who are served in their own homes or in locations other than a facility of the trust.

7:32-i Enforcement. Nothing in this subdivision shall derogate from authority of the attorney general, or the rights of others, provided by common law or other statute.

7:32-j Exemption. If the total equalized assessed value of the real estate assets of a health care charitable trust do not exceed \$1,000,000, the trust shall have no obligation to comply with the provisions of this subdivision.

2 Legislative Review. The provisions of this act shall be subject to further legislative review and amendment based on the results of the statewide health plan process to be implemented during the fiscal year ending June 30, 2000 and the initial reports by the health care charitable trusts in compliance with this act.

3 Effective Date. This act shall take effect January 1, 2000.

1999-1008s

AMENDED ANALYSIS

This bill requires that health care charitable trusts develop community benefits plans each fiscal year which shall be submitted to the director of charitable trusts; and provides what shall be included in such plans. Health care charitable trusts shall also conduct community needs assessments in order to help determine the activities to be included in the community benefits plans. Health care charitable trusts with total equalized assessed value of real estate assets not exceeding \$1,000,000 are exempt from this bill's provisions. The bill also authorizes the director of charitable trusts to assess an administrative fine upon charitable trusts for failure to comply with certain requirements.

Public Institutions, Health and Human Services

April 27, 1999

1999-1009s

01/09

Amendment to SB 183-FN-A

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

AN ACT establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire

residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services.

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

1 Statement of Purpose.

I. The purpose of sections 1-5 of this bill is to implement recommendations developed through a statewide health care planning process that involved over 1,000 New Hampshire citizens, health and social service professionals and elected officials. The process was undertaken to assist the department of health and human services in meeting its responsibilities under RSA 126-A:4, I "to provide a comprehensive and coordinated system of health and human services as needed to promote and protect the health, safety, and well-being of the citizens of New Hampshire."

II. The 1998 preliminary report entitled New Hampshire Health Care System: Guidelines for Change sets forth goals to guide long-term efforts to improve the health status of New Hampshire citizens. This bill is the initial legislative effort toward implementation of the recommendations and objectives of the Guidelines for Change.

2 New Chapter; New Hampshire Health Access Corporation. Amend RSA by inserting after chapter 126-L the following new chapter:

CHAPTER 126-M

NEW HAMPSHIRE HEALTH ACCESS CORPORATION

126-M:1 Purpose. Many New Hampshire citizens lack adequate access to health care services and experience diminished health outcomes because they cannot obtain affordable health insurance coverage. The purpose of this chapter is to address this problem by promoting the availability of affordable health insurance for persons who would otherwise be without coverage. Under this market-oriented approach, the New Hampshire health access corporation contracts with health insurers to provide the needed coverage. Eligibility is designed to include persons who can demonstrate that they are uninsured because they are without access to affordable coverage and to exclude persons who have access to other health insurance coverage that is within their means.

126-M:2 Definitions. In this chapter:

I. "Board" means the health access board established in RSA 126-M:4.

II. "Corporation" means the New Hampshire health access corporation established in this chapter.

III. "Health insurer" means any entity licensed to provide health insurance pursuant to title 37 or any other provider of health care services approved by the commissioner of the insurance department.

126-M:3 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire health access corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the

performance of public and essential governmental functions of the state. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

126-M:4 Health Access Board.

I. The powers of the corporation shall be vested in 16 members who shall hold 3-year terms of office as follows:

- (a) A public member, appointed by the governor.
- (b) A member of the house of representatives, appointed by the speaker of the house.
- (c) A member of the senate, appointed by the president of the senate.
- (d) The commissioner of the insurance department, or designee.
- (e) The commissioner of the department of health and human services, or designee.
- (f) Two representatives of the business community, appointed by the governor.
- (g) One member appointed by the New Hampshire Hospital Association.
- (h) One member appointed by the New Hampshire Academy of Family Practice.
- (i) One member appointed by the New Hampshire Nurses Association.
- (j) One member appointed by the Business and Industry Association of New Hampshire.
- (k) One member appointed by the New Hampshire Medical Society.
- (l) Four members-at-large, appointed by the health access board of directors.

II. The initial terms of office shall be as follows: the members in subparagraphs I(a) and (g) and one member in subparagraph I(f) shall serve for one year; one member in subparagraph I(f) and the members in subparagraphs I(h) and (k) shall serve for 2 years; and the members in subparagraphs I(i), and (j) shall serve for 3 years. The other members in subparagraphs I(b), (c), (d) and (e) shall serve terms which are coterminous with their terms in office. Two of the 4 members in subparagraph I(l) shall serve for one year, one shall serve for 2 years, and one shall serve for 3 years.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this

chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 7 members of the board of directors before reimbursement. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board of directors, or its employees or agents, for any action they take in the performance of their powers and duties under this chapter.

V. The corporation shall not be deemed an insurer. The officers, directors, and employees of the corporation shall not be deemed to be the agents of an insurer. Neither the corporation nor any officer, director, or employee of the corporation shall be subject to the licensing requirements of the insurance code or the rules of the department of insurance. However, the department of insurance may require that any marketing representative utilized and compensated by the corporation be appointed as a representative of the health insurers with which the corporation contracts.

VI. Except as provided in RSA 126-M:6, I, the board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

126-M:5 Meetings of Board. Meetings shall be held at the call of the chairperson or when 5 members so request. Nine members of the board shall constitute a quorum and the affirmative vote of 9 members shall be necessary for any action taken by the corporation. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

126-M:6 Powers and Duties.

I. The corporation shall develop eligibility criteria and provider selection criteria which shall be approved by the legislative fiscal committee prior to their implementation by the corporation. Any subsequent modification of these criteria shall be approved by the legislative fiscal committee prior to their implementation. In this paragraph, "eligibility criteria" means those criteria which adults must meet in order to participate in the program and "provider selection criteria" means those criteria that health insurers must meet in order to offer benefits under the program.

II. Following receipt of the approval required in paragraph I, the corporation shall take all actions necessary to implement the program, including but not limited to:

(a) Arranging for the collection of any premium, in an amount to be determined by the board of directors, from all participants to provide for payment for preventive health care services or premiums for comprehensive health insurance coverage and for the actual or estimated administrative expenses incurred during the period for which payments are made.

(b) Consulting appropriate professional organizations and establishing standards for preventive health care services and providers and comprehensive insurance benefits appropriate to adults.

(c) Establishing participation criteria and, if appropriate, contracting with a health insurer or licensed insurance administrator to provide administrative services to the corporation.

(d) Contracting with health insurers, in accordance with standards established by the corporation, to provide comprehensive insurance coverage and preventive health care services to participants.

(e) Developing and implementing a plan to publicize the New Hampshire health access corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

(f) Securing staff necessary to properly administer the corporation. Staff costs shall be funded from such private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

III. Coverage under the corporation's program shall be secondary to any other available private coverage held by the participant. The corporation may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.

126-M:7 Adoption of Policy. The corporation may adopt policies, pursuant to its own procedures, relative to:

I. The conduct of its business, including the administrative and accounting procedures for operation of the corporation.

II. The procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

III. Application procedures.

IV. Schedules of fees and other charges to be made by the corporation and the health insurers in renewing, acting upon, or accepting applications under this chapter and any other matters related to such applications as the corporation may deem necessary.

V. Confidentiality of medical records obtained under this chapter.

VI. Such other matters as are necessary to carry out the powers and duties of the corporation.

126-M:8 New Hampshire Health Access Fund. There is hereby established in the office of the state treasurer a fund to be known as the New Hampshire health access fund. The New Hampshire health access corporation established in RSA 126-M:3 is authorized to accept public sector and private sector grants, gifts, donations, and appropriations of any kind to further the goals of the corporation. Public sector appropriations shall be deposited in the New Hampshire health access fund and may be expended by the New Hampshire health access corporation to accomplish the purposes of RSA 126-M. The moneys in the fund shall be nonlapsing and shall be continually appropriated to the corporation. Other revenues of the corporation such as grants, gifts, donations, and participant premium payments shall not be considered revenue of the state, but rather shall be funds of the corporation to be deposited as determined by the New Hampshire health access board of directors.

3 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Moneys received under RSA 126-M, which shall be credited to the New Hampshire health access fund established in RSA 126-M:8.

4 Applicability. The commissioner of health and human services shall call the first meeting of the health access board, established in RSA 126-M:4 inserted by section 2 of this act, within one year of the effective date of section 2 of this act or federal approval of the medicaid waiver, whichever first occurs.

5 Appropriation. The sum of \$250,000 is hereby appropriated for the biennium ending June 30, 2001 to the New Hampshire health access fund established in RSA 126-M:8, for the startup costs of RSA 126-M established in section 2 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 New Section; Report Required. Amend RSA 126-A by inserting after section 4 the following new section:

126-A:4-a Health Care Plan Report Required. The department of health and human services is responsible for activities to improve and protect the health and well-being of citizens of the state of New Hampshire. A part of such activities is an assessment of the health status of the residents of New Hampshire. The department shall continually conduct such an assessment and shall issue a report thereon to the governor, the president of the senate, and the speaker of the house every 2 years commencing on December 31, 2000.

7 New Section; Transfer to Health Care Fund. Amend RSA 126-A by inserting after section 5 the following new section:

126-A:5-a Transfer to Health Care Fund. At the close of each state fiscal year, any operating budget surplus in the department's accounts, as determined by the commissioner, shall be transferred by the commissioner of administrative services in the following manner: 50 percent of the surplus shall be transferred into the health care fund established pursuant to RSA 167:70, and 50 percent of the surplus shall lapse to the general fund.

8 Medicaid Revenues. If at the close of state fiscal year 1998, or any subsequent fiscal year, the commissioner of health and human services determines that net medicaid revenues received in that state fiscal year are recoveries of medicaid revenues applicable to state fiscal year 1997 or prior state fiscal years, the commissioner of administrative services shall transfer the amount of such revenues, as determined by the commissioner of health and human services, from the general fund into the health care fund, established pursuant to RSA 167:70, provided that transfers shall be made only when, and to the extent that, the assets and accumulated income in the fund are less than the sum of \$100,000,000. The initial transfer under this section shall be \$7,421,476.

9 New Subparagraph; Pharmaceutical Services. Amend RSA 126-A:3, III by inserting after subparagraph (d) the following new subparagraph:

(e) When a person is being assisted by a city, town, or county in the purchase of a drug product, pursuant to RSA 165 or RSA 166, no provider of pharmaceutical services shall bill or charge the person, city, town, or county for the drug product at a rate in excess of the rate that would be billed or charged the department of health and human services for that product.

10 Effective Date.

I. Sections 1-5 and 7-8 shall take effect July 1, 1999.

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

1999-1009s

AMENDED ANALYSIS

This bill:

(1) Establishes a New Hampshire health access corporation and health access fund modeled on the healthy kids corporation and makes an appropriation for such purpose.

(2) Requires the department of health and human services to make a biennial report on the health status of New Hampshire residents.

(3) Authorizes 50 percent of any operating budget surplus remaining in the department of health and human services' accounts at the close of any fiscal year to be transferred to the health care fund.

(4) Authorizes certain transfers of medicaid revenues to the health care fund.

(5) Requires that the rates paid for pharmaceutical services by a city, town, or county pursuant to RSA 165 or RSA 166 shall not be in excess of the rates paid by the department of health and human services for such services.

Public Institutions, Health and Human Services

April 27, 1999

1999-1005s

01/10

Amendment to SB 206-FN-A-LOCAL

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

AN ACT establishing the tobacco use prevention fund and continually appropriating a special fund and relative to the health care fund.

Amend the bill by replacing section 1 with the following:

1 Purpose.

I. The general court recognizes that the use of tobacco is the number one public health problem both in the country and in the state of New Hampshire. More people die prematurely from tobacco-related causes than from any other factor. This heinous problem is especially troublesome because of the reprehensible way tobacco manufacturers target youth. The settlement of the litigation by New Hampshire and other states against tobacco companies has provided an opportunity to address this critical public health problem in this state. The emphasis within the settlement on actions to reduce and prevent tobacco use among young people is all the more relevant to New Hampshire where the rate of tobacco use among children is among the highest in the country. The general court recognizes that prevention is a key strategy for reducing consumption of tobacco and consequently decreasing chronic illnesses, premature deaths, and excessive health care costs.

II. The general court recognizes that funds are provided through the settlement both for prevention activities and to reimburse the state for costs incurred in providing treatment to persons whose illnesses and disabilities have resulted from tobacco use. It is acknowledged that county governments pay a portion of medicaid costs and a share of the funds provided through the settlement should be returned to the counties.

III. The general court recognizes that action needs to be taken to assure the continuous availability of funds to support tobacco prevention activities. The success of the health care fund established by RSA 167:70 and its community grant program provides a model which can be used to assure widespread and effective distribution of tobacco prevention project funds for activities that have broad community support and participation.

IV. The general court recognizes the need to develop tobacco prevention programs that are comprehensive and sustainable over time. The general court finds that the United States Centers for Disease Control and Prevention have developed a successful tobacco control model supported by evidence-based studies which includes community programs to reduce tobacco use and the burden of tobacco-related diseases, tobacco prevention programs for schools, enforcement of tobacco-control laws, partnership grants with other tobacco prevention organizations, tobacco counter-marketing, and smoking cessation programs.

Amend RSA 126-K:15, II as inserted by section 2 of the bill by replacing it with the following:

II. Upon receipt by the state of New Hampshire of funds as a result of the settlement in 1998 of litigation against tobacco companies, the balance of the funds remaining after the distribution in accordance with all other statutory requirements and before the distribution enumerated in section 3 of this act, the sum of \$10 for each resident of the state, as determined by the office of state planning, shall be deposited into the fund.

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

3 Distribution of Funds to Counties. Upon receipt by the state of New Hampshire of funds as a result of the settlement in 1998 of litigation against tobacco companies, the sum of up to 10 percent of funds remaining after distribution in accordance with all other statutory requirements shall be appropriated and disbursed to county governments. The allocation to each county shall be based upon the proportion that each paid to the state in the prior state fiscal year pursuant to RSA 167:18-b. The governor is authorized to draw a warrant for said sums out of funds received by the state from settlement of the tobacco litigation.

4 Health Care Fund. Upon receipt by the state of New Hampshire of funds as a result of the settlement in 1998 of litigation against tobacco companies, the sum of 50 percent of the balance

remaining after distribution to the counties, pursuant to section 3 of this act, and to the tobacco use prevention fund, established in section 2 of this act, shall be deposited into the health care fund established by RSA 167:70.

5 Medicaid Costs. Upon receipt by the state of New Hampshire of funds as a result of the settlement in 1998 of litigation against tobacco companies, the sum of 50 percent of the balance remaining after distribution to the counties, pursuant to section 3 of this act, and to the tobacco use prevention fund, established in section 2 of this act, shall be allocated and are hereby appropriated to the department of health and human services to reimburse the department for the cost of medicaid long-term care services. The governor is authorized to draw a warrant for said sums out of funds received by the state from settlement of the tobacco litigation.

6 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Moneys received under RSA 126-K:15, which shall be credited to the tobacco use prevention fund.

7 Clarification of Fund Initiatives. Amend RSA 167:71, I to read as follows:

I. Fund the planning and implementation of public or private health initiatives which promote access to or improve the quality of available health care services; ***including initiatives which assist people in obtaining health insurance, long-term care insurance, dental care, and prescription drugs.***

8 Health Care Fund; Limitations. Amend RSA 167:74, I to read as follows:

I. Health care initiatives as established in RSA 167:71 shall be available for a limited time period which shall not exceed 4 years, ***except when a longer period of support is determined to be necessary by the commissioner of health and human services.***

9 Reference Deletion. Amend RSA 9:13-e, II to read as follows:

II. There is hereby established within the general fund general ledger a revenue stabilization reserve account. At the close of each fiscal biennium, any surplus, as determined by the official audit performed pursuant to RSA 21-I:8, I(h) shall be transferred by the comptroller in the following manner: 50 percent to a special nonlapsing revenue stabilization reserve account and 50 percent to the health care fund established pursuant to RSA 167:70; provided, however, that in any single fiscal year the total of such transfers shall not exceed 1/2 of the total potential maximum balances allowable under paragraph V ~~[and RSA 167:74, III]~~. The comptroller is hereby directed to establish the revenue stabilization reserve account in which to deposit any money received from a general fund operating budget surplus. The state treasurer shall invest funds in this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

10 Repeal. RSA 167:74, III, relative to certain fund limitations, is repealed.

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

AMENDED ANALYSIS

This bill establishes the tobacco use prevention fund into which \$10 per resident after distribution in accordance with other statutory requirements of the funds received by the state of New Hampshire as a result of the settlement of the litigation against tobacco companies shall be deposited. The fund is to be used by the department of health and human services for tobacco prevention activities.

The bill distributes up to 10 percent of the litigation settlement funds after all other statutory requirements, including the tobacco use prevention fund, to the counties for reimbursement of nursing homes and to the department of health and human services for reimbursement for long-term care costs.

The bill distributes 50 percent of the balance remaining after distribution to the counties and to the tobacco use prevention fund of such settlement funds to the health care fund and 50 percent of such balance to the department for the cost of medicaid long-term care services.

The bill clarifies the initiatives of the health care fund.

Senate Transportation

April 22, 1999

1999-0957s

05/09

Amendment to HB 204-FN

Amend the bill by replacing paragraph V-a(a) as inserted by section 2 with the following:

V-a.(a) Except as provided in subparagraph (b), any person who drives a motor vehicle in this state during the period of suspension or revocation of his or her license or driving privilege and is involved in a collision resulting in death or serious bodily injury as defined in RSA 625:11, VI, to any person shall be guilty of a class B felony, where such person's unlawful operation of the motor vehicle caused or materially contributed to the collision. Evidence that the driver violated any of the rules of the road in causing or materially contributing to the collision is prima facie evidence of unlawful operation of a motor vehicle.

Senate Transportation

April 26, 1999

1999-0980s

01/09

Amendment to SB 179-FN

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

AN ACT allowing for motor vehicle license revocation for certain minors possessing or using tobacco products.

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

1 Possession and Use of Tobacco Products by Minors; Revocation of Driver's License. Amend RSA 126-K:6, V to read as follows:

V. Any minor who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. ***In addition, the minor shall have his or her driver's license revoked for 30 days for the first violation, and 90 days for any subsequent violation.*** Where available, punishment may also include participation in an education program.

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

1999-0980s

AMENDED ANALYSIS

This bill makes persons under the age of 18 possessing or using tobacco products subject to revocation of their driver's license.

Wildlife and Recreation

April 22, 1999

1999-0947s

08/09

Amendment to SB 29-LOCAL

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

1 New Section; Shelter for Dogs; Protection from the Weather and Humanely Clean Conditions. Amend RSA 466 by inserting after section 30-b the following new section:

466:30-c Shelter for Dogs. No person owning or responsible for confining or impounding any dog shall fail to provide the animal with proper shelter, protection from the weather, or humanely clean conditions as prescribed in this section.

I. Minimum indoor standards for shelter shall be as follows:

(a) The ambient temperature shall be compatible with the health of the animal.

(b) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.

II. Minimum outdoor standards of shelter shall be as follows:

(a) When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(b) Shelter from inclement weather shall have an area within to afford the animal the ability to stand up, turn around and lie down, and be of proportioned size as to allow an animal's natural body heat to be retained.

(c) No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.

III. Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt, and trash to minimize health hazards.

IV. Any person in violation of this section shall first be given a written warning of notification of the requirements of this section by any law enforcement officer, animal control officer, or officer of a duly licensed humane society. Any person who fails to comply with the provisions of this section within 48 hours after such written warning shall be guilty of a violation.

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

1999-0947s

AMENDED ANALYSIS

This bill requires anyone owning or responsible for a dog to provide adequate shelter for the animal, and sets out what is necessary for adequate shelter. This bill also provides an enforcement and penalty provision.

Wildlife and Recreation

March 26, 1999

1999-0577s

08/01

Amendment to SB 59-LOCAL

Amend RSA 644:8, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer or the officer's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it.

1999-0577s

AMENDED ANALYSIS

This bill allows the court to require a person convicted of animal cruelty to post bond in an amount not exceeding \$2,000 for each animal in custody, in order to maintain a future interest in the animal, while an appeal is pending. The bond is used to pay board and care costs during the appeal.

HEARINGS

WEDNESDAY, APRIL 28, 1999

BANKS, Room 103, LOB

8:30 a.m. **HB 442**, relative to charitable gift annuities.

8:50 a.m. **HB 563**, relative to names of limited liability partnerships and companies and cooperative associations.

● **PLEASE NOTE THE ADDITION OF HB 675-FN AND HB 454 TO THE FOLLOWING HEARING:**

EDUCATION, Room 105-A, SH

8:30 a.m. **SB 230**, relative to interstate school districts.

9:00 a.m. **HB 428**, relative to school administrative units.

9:30 a.m. **HB 675-FN**, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions.

10:00 a.m. **HB 454**, requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

JUDICIARY, Room 102, LOB

10:15 a.m. **HB 58**, establishing a committee to study open adoption in New Hampshire.

10:45 a.m. **HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

11:15 a.m. **HB 215**, placing restrictions on name changes for certain felons.

11:30 a.m. **HB 272-FN**, relative to the use of laser pointing devices.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **HB 64**, relative to changes of registration for undeclared voters.

1:15 p.m. **HB 381**, prohibiting any candidate from receiving the nomination of more than one party.

1:30 p.m. **HB 422**, relative to advertising by rent-to-own businesses.

1:45 p.m. **HB 604**, relative to filling a vacancy in the office of county commissioner.

2:00 p.m. **HB 664**, establishing a study committee on rights of ownership to cemetery plots.

THURSDAY, APRIL 29, 1999

ENVIRONMENT, Room 104, LOB

1:00 p.m. **HB 592**, creating a study committee regarding requirements for and usage of methyl t-butyl ether.

1:15 p.m. **HB 557-FN**, relative to hazardous waste permitting and container identification.

1:30 p.m. **HB 556-FN**, relative to transporting hazardous waste.

1:45 p.m. **HB 230**, clarifying the waste reduction goals for the state of New Hampshire.

INTERNAL AFFAIRS, Room 103, LOB

2:45 p.m. **HB 258**, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces.

3:00 p.m. **HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences.

3:15 p.m. **HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles.

FRIDAY, APRIL 30, 1999

FINANCE, Room 103, SH

9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

MONDAY, MAY 3, 1999

INSURANCE, Room 103, SH

1:00 p.m. **HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system.

1:30 p.m. **HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits.

2:00 p.m. **HB 69**, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

2:30 p.m. **HB 82**, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies.

● **PLEASE NOTE THE FOLLOWING HEARING WILL BE HELD IN ROOM 306-308, LOB**

INTERNAL AFFAIRS

1:00 p.m. **HB 519-L**, requiring law enforcement agencies to adopt written policies regarding emergency responses and vehicular pursuits.

TUESDAY, MAY 4, 1999

ENERGY & ECONOMIC DEVELOPMENT, Room 105A, SH

2:45 p.m. **HB 435**, relative to disclosure by sellers of consumer goods and services.

3:05 p.m. **HB 672-FN-A-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

3:25 p.m. **HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

1:00 p.m. **HB 530**, establishing a committee to review the policies and procedures of the joint health council.

1:30 p.m. **HB 603**, relative to the performance audit and oversight committee.

2:00 p.m. **HB 638-FN**, authorizing a limited license for certain travel agents.

2:30 p.m. **HB 661-L**, relative to the scope of abatement appeals.

● **PLEASE NOTE SB 220-FN AND SB 223-FN-A ARE RESCHEDULED FROM APRIL 5TH.**

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **SB 229-FN-L**, relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center.

1:40 p.m. **SB 220-FN**, relative to the disclosure of child abuse and neglect information.

2:20 p.m. **SB 223-FN-A**, establishing a wellness and primary prevention council and making an appropriation therefor.

● **PLEASE NOTE THE ADDITION OF HB 651 TO THE FOLLOWING HEARING:**

TRANSPORTATION, Room 104, LOB

3:00 p.m. **HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon.

3:15 p.m. **HB 444**, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine.

3:30 p.m. **HB 651**, revising the speed limit law.

WEDNESDAY, MAY 5, 1999

JUDICIARY, Room 102, LOB

10:15 a.m. **HB 270**, relative to persons not competent to stand trial.

10:35 a.m. **HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders.

10:55 a.m. **HB 113**, affirming sovereign immunity as it relates to the Claremont ruling.

11:30 a.m. **HB 236-FN-L**, relative to felonious disarming of a law enforcement officer.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **HB 61**, relative to political contributions by members of the ballot law commission.

1:10 p.m. **HB 366**, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

1:20 p.m. **HB 374**, relative to the order of names on presidential primary election ballots.

THURSDAY, MAY 6, 1999

ENVIRONMENT, Room 104, LOB

1:00 p.m. **HB 340**, establishing a committee to study mercury source reduction and recycling issues.

MONDAY, MAY 11, 1999

INSURANCE, Room 103, SH

2:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

TUESDAY, MAY 11, 1999

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **HB 356**, relative to the issuance of summons and notice in CHINS petitions.

1:20 p.m. **HB 721-FN**, relative to procedures regarding delinquent children under RSA 169-B.

1:50 p.m. **HB 456**, establishing a committee to study issues relating to the deaf community in New Hampshire.

TRANSPORTATION, Room 104, LOB

3:00 p.m. **HB 566**, relative to the supervision of the driver education program.

3:15 p.m. **HB 491**, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

3:30 p.m. **HB 554**, relative to driver education reciprocity.

WEDNESDAY, MAY 12, 1999

● **PLEASE NOTE THE FOLLOWING HEARING WAS ORIGINALLY SCHEDULED FOR APRIL 21ST**

EDUCATION, Room 105-A, SH

8:30 a.m. **SB 219-FN-L**, establishing a procedure for providing educational improvement assistance to local school districts.

TUESDAY, MAY 18, 1999

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

1:00 p.m. **HB 313-FN**, relative to the regulation of the practice of optometry.

2:00 p.m. **HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **HB 441**, relative to a mother's right to breast-feed.

1:15 p.m. **HB 624-FN**, establishing a committee relative to health care quality.

1:30 p.m. **HB 619-FN**, requiring the commissioner of health and human services to produce certain annual reports.

TUESDAY, MAY 25, 1999

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

1:00 p.m. **HB 527**, relative to the duties of the public utilities commission.

1:45 p.m. **HB 318**, relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.

2:30 p.m. **HB 397**, establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

MEETINGS

THURsday, APRIL 29, 1999

THE DEPARTMENT OF TRANSPORTATION UNH, Thompson School, Cole Hall, Room 219,
291 Mast Road, Durham

7:00 p.m. Public Informational Meeting (Durham Widening Of US 4, Rehab Bridge Over
Johnson Creek)

FRIDAY, APRIL 30, 1999

FOSTER CARE SYSTEM TASK FORCE COMMITTEE (SB 346, Chapter 277:1, 1998) Room 306-
308, LOB

1:00 p.m. Meeting

MONDAY, MAY 3, 1999

THE JOINT HEALTH COUNCIL (RSA 326-B:12) NH Board Of Nursing, Room 17, 78 Regional
Drive, Building 2, Concord

5:30 p.m. Meeting

TUESDAY, MAY 4, 1999

**NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN
FOLKLIFE** (SJR 20, Chapter 204, 1996) New Hampshire Historical Society, 30 Park Street,
Concord

3:00 p.m. Regular Meeting

THE DEPARTMENT OF TRANSPORTATION Griffin Memorial School, Litchfield

4:00-8:00 Scoping Workshop (Nashua-Hudson, Circumferential Highway)

THE DEPARTMENT OF TRANSPORTATION Holderness Town Hall, Route 3, Holderness

7:00 p.m. Combined Public Officials/Public Informational Meeting (Holderness Realignment Of
NH 113)

THE DEPARTMENT OF TRANSPORTATION Gilsum Town Library Basement, 652 Route 10,
Gilsum

7:00 p.m. Public Information/Officials (Gilsum, NH Route 10 Over Ashuelot River)

THE JOINT PHARMACEUTICAL FORMULARY BOARD (RSA 327:6b) The Board Of
Optometry Office, 2 Industrial Park Drive, Concord

7:15 p.m. Meeting

WEDNESDAY, MAY 5, 1999

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2) Room 201, LOB

8:30 a.m. Meeting

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a,I) Room 210-211, LOB

9:00 a.m. Meeting

THE DEPARTMENT OF TRANSPORTATION Hooksett Memorial School Gymnasium, Memorial Drive, Hooksett

7:00 p.m. Public Hearing Commission (Hooksett, US Route 3/NH Route 28)

THURSDAY, MAY 6, 1999

THE DEPARTMENT OF TRANSPORTATION Town Hall court Room, Merrimack

4:00-8:00 Scoping Workshop (Nashua-Hudson Circumferential Highway)

FRIDAY, MAY 7, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 103, LOB

9:00-12:00 Meeting

MONDAY, MAY 10, 1999

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION (RSA 171-A:1-b), Room 205, LOB

9:00 a.m. Regular Meeting

JOINT LEGISLATIVE COMMITTEE ON ELDERLY AFFAIRS (RSA 17-H:2) Room 205, LOB

1:00 p.m. Regular Meeting

THE DEPARTMENT OF TRANSPORTATION Ossipee Town Hall

6:30 p.m. Pilot Study Wrap-up (Ossipee Pilot Study)

TUESDAY, MAY 11, 1999

THE DEPARTMENT OF TRANSPORTATION Alvrine High School, Hudson

4:00-8:00 Scoping Workshop (Nashua-Hudson Circumferential Highway)

WEDNESDAY, MAY 12, 1999

THE DEPARTMENT OF TRANSPORTATION Hinsdale Town Hall, 11 Main Street, Hinsdale

7:00 p.m. Public Information/Officials (Hinsdale, Route 63/Kilburn Brk.)

THE DEPARTMENT OF TRANSPORTATION Western School Gymnasium, 1066 Hanover Street, Manchester

7:00 p.m. Public Hearing Commission (Manchester, Candia Road)

THURSDAY, MAY 13, 1999

THE DEPARTMENT OF TRANSPORTATION City Hall Auditorium, Nashua

4:00-8:00 Scoping Workshop (Nashua-Hudson Circumferential Highway)

FRIDAY, MAY 14, 1999

THE JOINT COMMITTEE ON ADDRESS (HA 1) Room 206-208, LOB

9:00 a.m. Judge Brock Will Hold A Public Hearing

MONDAY, MAY 17, 1999

THE DEPARTMENT OF TRANSPORTATION Ossipee Town Hall

6:30 p.m. Land Use Regulation Workshop (Ossipee Pilot Study)

FRIDAY, MAY 21, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

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

1:00 p.m. Complaint Hearing

MONDAY, MAY 24, 1999

NATURAL, CULTURAL & HISTORICAL RESOURCE CONSERVATION COMMISSION (SB 493, Chapter 161:2, 1998) Room 308, LOB

1:00-4:00 p.m. Meeting

THE DEPARTMENT OF TRANSPORTATION Rye Town Hall, 10 Central Road, Rye

6:30 p.m. Public Informational Meeting (Foyes Corner Intersection)

THE DEPARTMENT OF TRANSPORTATION Ossipee Town Hall

6:30 p.m. Land Use Regulation Workshop (Visitor Center Workshop)

TUESDAY, MAY 25, 1999

THE DEPARTMENT OF TRANSPORTATION Vic Geary Center, 18 Greenough Road, Plaistow

7:00 p.m. Public Informational Meeting (Replacement of the NH 121 Bridge Over B&M Railroad)

THURSDAY, MAY 27, 1999

THE DEPARTMENT OF TRANSPORTATION Sheraton Wafayer Inn, Bedford

8:00 a.m. Statewide Bike/Ped Meeting

WEDNESDAY, JUNE 2, 1999

THE DEPARTMENT OF TRANSPORTATION Vic Geary Center, 18 Greenough Road, Plaistow

7:00 p.m. Public Informational Meeting (Replacement of the Kingston Bridge Over B&M Railroad)

THURSDAY, JUNE 3, 1999

THE DEPARTMENT OF TRANSPORTATION Green Acres School, Gymnasium, 10 Aurora Avenue, Off Mammoth Road, Manchester

7:00 p.m. Combined Public Officials Meeting/Public Informational Meeting (Rehabilitation of I-293 Including New Bridges Over Brown Avenue)

FRIDAY, JUNE 4, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

MONDAY, JUNE 7, 1999

NEW Hampshire COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2) Room 103, SH

9:30-12:00 Regular Meeting

SATURDAY, JUNE 12, 1999

THE DEPARTMENT OF TRANSPORTATION Tamworth Elementary School, Tamworth

9:00 a.m. Tamworth Pilot Study

MONDAY, JUNE 14, 1999

NATURAL, CULTURAL & HISTORICAL RESOURCE CONSERVATION COMMISSION (SB 493, Chapter 161:2, 1998) Room 308, LOB

1:00-4:00 p.m. Meeting

FRIDAY, JUNE 18, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, JULY 2, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, JULY 16, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, AUGUST 6, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, AUGUST 20, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, SEPTEMBER 3, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, SEPTEMBER 17, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, OCTOBER 1, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, OCTOBER 15, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, NOVEMBER 5, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, NOVEMBER 19, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, DECEMBER 3, 1999

OSTEOPOROSIS EDUCATION & ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-12:00 Meeting

FRIDAY, DECEMBER 17, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FISCAL NOTES NOW AVAILABLE IN THE SENATE CLERK'S OFFICE:

HB 108, HB 109, HB 116, HB 118, HB 119, HB 120, HB 124, HB2 237, HB 245, HB 274, HB 453, HB 479, HB 549, HB 565, HB 579, HB 641, HB 655, HB 676, HB 692, HB 693, HB 694, HB 695, HB 696, HB 715, HB 719, HB 733, HB 734, SB 15, SB 45 SB 46, SB 47, SB 48, SB 49, SB 50, SB 70, SB71, SB 113, SB122, SB 167, SB 207, SB 212, SB 213, SB 217, SB 226, SB 409

NOTICES

The Office Of Legislative Services Has A Number Of Extra Copies Of Softbound Volumes Of 1997 Session Laws. They Will Be Available To House And Senate Members On A First Come, First Serve Basis, In Room 109 Of The State House.

Senator Clesson Blaisdell

WEDNESDAY, APRIL 28, 1999

The 10th Worker's Memorial Day, Wednesday, April 28, 1999. Join NH COSH And The NH AFL-CIO At The Legislative Office Building For An 11:00 a.m. Press Conference And 12:00 p.m. to 1:00 p.m. Memorial Service And Luncheon At The Unitarian Universalist Church, 274 Pleasant Street, Concord. Call COSH @ 225-0516 For Details.

Senator Lou D'Allesandro

THURSDAY, APRIL 29, 1999

Legislators For Limited Spending Breakfast Will Be Held On Thursday, April 29, 1999, At 8:00 a.m. At The Eagle's Nest Restaurant, Concord. Doctor John Berthoud, President Of The National Taxpayers' Union Will Be The Guest Speaker. Contact Senator Mary Brown For Tickets Or More Information.

Senator Mary Brown