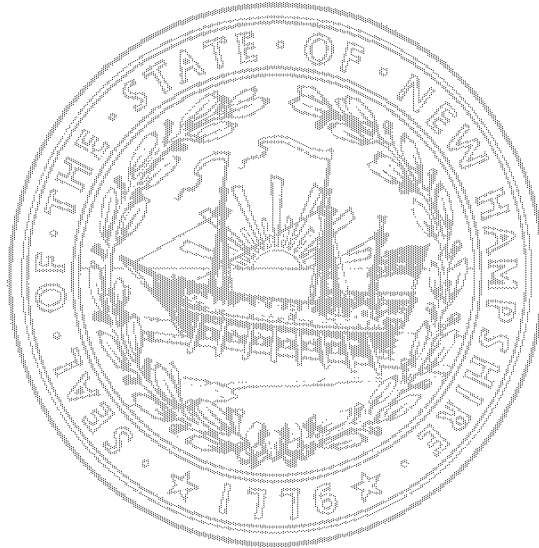


March 21, 2000

No. 18

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

**THE SENATE WILL MEET IN SESSION ON THURSDAY, MARCH 23,
2000 AT 10:00 A.M.**

LAID ON THE TABLE

HB 542-FN-A, (2nd New Title) repealing the legacies and succession tax.

HB 723-FN, relative to standby and emergency guardianship proxies.

SB 132, requiring the removal of the telecommunications tower on Mount Kearsarge.

SB 203, authorizing electronic games of chance at racetracks.

SB 218-FN-L, regulating the land application of sewage sludge.

SB 329, relative to the display of tobacco products.

SB 365-L, [New Title]relative to the adoption of bonds or notes in school districts and municipalities.

SB 379-FN, relative to lottery scratch tickets.

SPECIAL ORDER

10:01 a.m.

JUDICIARY

SB 441-FN, relative to temporary orders in domestic situations where there has been no finding of abuse. Vote 5-1

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

REPORTS

CAPITAL BUDGET

SB 380-FN-A, relative to improvements to South Fruit Street and Industrial Drive at the New Hampshire state hospital campus in the city of Concord and making an appropriation therefor. Vote 7-0

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

EDUCATION

HB 1283, (New Title) establishing a commission on the education of the deaf and hard of hearing in New Hampshire. Vote 8-0

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

ENVIRONMENT

HB 617-FN-A-L, relative to funding and monitoring seacoast harbor issues. Vote 7-0

Ought to Pass, Senator Cohen for the committee.

SB 307, relative to biosolids.

SPLIT REPORT: Ought to pass with amendment, Senator Johnson for the committee. Vote 4-4

SPLIT REPORT: Inexpedient to Legislate, Senator Pignatelli for the committee. Vote 4-4

SB 373-FN, directing the public water access advisory board to prepare a report relating to the types of public access and recreational uses appropriate to different types of public bodies of water. Vote 5-2

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

SB 396-FN-A-L, assessing a fee on water withdrawn for commercial purposes from water supply sources in the state and establishing a public water supply land protection fund. Vote 5-3

Interim Study, Senator Russman for the committee.

SB 406-FN-L, clarifying water pollution control restrictions. Vote 6-2

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

SB 411-FN, establishing the New Hampshire returnable beverage container law. Vote 5-3

Interim Study, Senator Below for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 246, relative to personnel transfers at the department of safety. Vote 5-0

Ought to Pass, Senator Trombly for the committee.

FINANCE

SB 337-FN, (New Title) requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations. Vote 7-0

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

SB 387-FN-L, relative to proposed toll booths in the city of Nashua and relative to alternatives to the state wide toll booth system. Vote 7-0

Ought to Pass, Senator Larsen for the committee.

SB 397-FN-A-L, (New Title) making an appropriation from the education trust fund for public kindergarten programs. Vote 7-0

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

SB 399-FN-A, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. Vote 6-1

Interim Study, Senator Fraser for the committee.

SB 438-FN, relative to habitual simple assault. Vote 5-2

Inexpedient to Legislate, Senator Larsen for the committee.

INSURANCE

HB 569, relative to the tax credit for service-connected total disability. Vote 6-0

Ought to Pass, Senator Eaton for the committee.

HB 1114-FN, relative to creditable service in the retirement system for teachers in a job-sharing position. Vote 6-0

Ought to Pass, Senator Fraser for the committee.

HB 1126, (New Title) relative to repealing the prohibition on rewards for procuring employment. Vote 6-0

Ought to Pass, Senator Francoeur for the committee.

HB 1134, establishing a committee to study mental health care treatment under managed care plans. Vote 5-0

Ought to Pass, Senator Fraser for the committee.

JUDICIARY

HB 1374, extending the reporting date for the sex offender issues study committee. Vote 6-0

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

HB 1435, (New Title) establishing a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law. Vote 6-0

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

HB 1508-FN, (New Title) establishing a study committee on antitrust laws as they apply to hospital business practices. Vote 4-0

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

SB 429-FN, relative to claims before the state commission for human rights. Vote 3-0

Ought to Pass, Senator Pignatelli for the committee.

SB 433, relative to the age at which a minor may purchase or possess handguns and ammunition. Vote 2-1

Ought to Pass, Senator Pignatelli for the committee.

SB 436-FN, relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated. Vote 6-0

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

PUBLIC AFFAIRS

HB 1110, establishing a committee to study landlord-tenant issues. Vote 3-0

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

HB 1168, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. Vote 3-0

Inexpedient to Legislate, Senator Eaton for the committee.

HB 1196, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. Vote 3-0

Ought to Pass, Senator Trombly for the committee.

HB 1523, relative to landlord-tenant obligations. Vote 3-0

Ought to Pass, Senator Disnard for the committee.

SB 306, relative to landlord access to a tenant's premises. Vote 3-0

Interim Study, Senator Trombly for the committee.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

HB 1206, extending the reporting date of the committee studying alcohol and drug abuse prevention. Vote 3-0

Ought to Pass, Senator Wheeler for the committee.

HB 1594, relative to the allocation of moneys in the tobacco use prevention fund. Vote 4-0

Ought to Pass, Senator Squires for the Committee

SB 311, relative to the recovery of public assistance. Vote 7-0

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

SB 322, extending the needle exchange pilot program.

MINORITY REPORT: Inexpedient to Legislate, Senator Krueger for the committee. Vote 2-4

MAJORITY REPORT: Ought to Pass, Senator Wheeler for the committee. Vote 4-2

SB 323, relative to certificate of need applicants.

MINORITY REPORT: Inexpedient to Legislate, Senator Wheeler for the committee. Vote 2-4

MAJORITY REPORT: Ought to pass with amendment, Senator Gordon for the committee. Vote 4-2

SB 324, relative to personal care services and providers. Vote 7-0

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

SB 326, eliminating the joint health council. Vote 7-0

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

SB 383, requiring managed care organizations and the department of health and human services to pay health care providers in a timely manner. Vote 7-0

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

SB 391, relative to criminal background checks for health care workers. Vote 6-0

Inexpedient to Legislate, Senator Krueger for the committee.

SB 400-L, relative to access to emergency medical and trauma services. Vote 5-1

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

SB 456, relative to testing newborns for deafness. Vote 4-0

Ought to Pass, Senator Squires for the committee

WAYS AND MEANS

SB 405-FN-A-L, relative to greyhound racing.

MINORITY: Ought to pass with amendment, Senator Below for the committee. Vote 1-5

MAJORITY: Inexpedient to Legislate, Senator D'Allesandro for the committee. Vote 5-1

WILDLIFE & RECREATION

HB 1225, relative to the name of the department of fish and game. Vote 3-0

Ought to Pass, Senator Eaton for the committee.

SB 398, relative to public boat access on Lake Sunapee. Vote 3-0

Inexpedient to Legislate, Senator Disnard for the committee.

SB 455, relative to campgrounds. Vote 2-0

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

COMMITTEE OF CONFERENCE

HB 553, (New Title) establishing a commission on the status of men.

Tuesday, 3/28/00, Room 100, SH 3:00 p.m.

Senate Conferees: Senators Cohen, Larsen, Brown

House Conferees: Representatives Sapareto, Zolla, Boyce, Burkush

AMENDMENTS

Senate Judiciary
March 10, 2000
2000-3738s
04/09

Amendment to SB 441-FN

Amend RSA 173-D:3, I as inserted by section 2 of the bill by replacing it with the following:

I. Any person may seek relief under this chapter by filing a petition, in the county or district where the petitioner resides, alleging a breakdown of the domestic relationship between household members which makes it no longer prudent or possible for the parties to continue to live together. Any person filing a petition containing false allegations shall be subject to civil and criminal penalties. Notice of the pendency of the action and of the facts alleged against the respondent shall be given to the respondent, either personally or as provided in paragraph II. The petitioner shall be permitted to supplement or amend the petition only if the respondent is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions filed under this section shall include the home and work telephone numbers of the respondent, if known. Any answer by the respondent shall be filed with the court and a copy shall be provided to the petitioner by the court.

Amend RSA 173-D:4, I as inserted by section 2 of the bill by deleting subparagraph (g) and renumbering the original subparagraph (h) to read as (g).

Amend RSA 173-D:4 as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. No order may be issued under this chapter unless the respondent has been served with process pursuant to RSA 173-D:3, II.

Capital Budget
March 21, 2000
2000-3880s
04/09

Amendment to SB 380-FN-A

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

AN ACT relative to the availability of matching funds for improvements to South Fruit Street at Industrial Drive in the city of Concord.

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

1 Improvements to South Fruit Street in the City of Concord. For the purpose of completing improvements to South Fruit Street at Industrial Drive in the city of Concord as part of the federal Congestion Mitigation and Air Quality Program (federal project CM-X-5099(032)), state matching funds in the amount of \$45,000, for the biennium ending June 30, 2001, shall be made available from existing budgetary allocations within the department of health and human services.

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

Environment
March 15, 2000
2000-3804s
08/09

Amendment to SB 307

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

AN ACT relative to biosolids and short paper fiber.

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Water Pollution and Waste Disposal; Definitions; Biosolids; Short Paper Fiber. Amend RSA 485-A:2 by inserting after paragraph XXI the following new paragraphs:

XXII. "Biosolids" means any sludge derived from a sewage wastewater treatment facility that meets the standards for beneficial reuse specified by the department.

XXIII. "Short paper fiber" means any sludge derived from a pulp or papermill wastewater treatment facility that meets the standards for beneficial reuse specified by the department.

2000-3804s

AMENDED ANALYSIS

This bill adopts definitions for the terms "biosolids" and "short paper fiber."

Environment
March 16, 2000
2000-3841s
03/09

Amendment to SB 373-FN

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

AN ACT directing the department of environmental services to prepare a report which shall include a recreational use impact model, relating to the types of public access and recreational uses appropriate to different types of public bodies of water.

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

1 New Section; Access to Public Waters; Public Waters Access Advisory Board; Recreational Use Impact Model Required. Amend RSA 233-A by inserting after section 2 the following new section:

233-A:2-a Recreational Use Impact Model; Report.

I. The department of environmental services shall develop, provided appropriate funding is secured, a report which includes a recreational use impact model for assessing the best types of public access facilities and recreational uses for public bodies of water with different characteristics. The report shall also include various potential recreational management strategies to enhance public enjoyment of state water resources. After completion of the report, the department of environmental services shall provide the report to, and seek input regarding the report from, the public water access advisory board. The report shall then be submitted to the senate president, the speaker of the house of representatives, the governor, the commissioners of the departments of environmental services, safety, transportation, resources and economic development, the executive director of the department of fish and game, and the director of the office of state planning, no later than October 1, 2002.

II. In planning for the development of new or expanded public access sites or recreation related uses on state public waters, the commissioners of the departments of environmental services, safety, transportation, resources and economic development, the executive director of the department of fish and game, and the director of the office of state planning, shall consider the recommendations of the report, including the recreational use impact model developed pursuant to paragraph I and shall consider the impact of new or expanded public access on a water body's water quality, fish and wildlife resources, shoreland integrity, scenic qualities, and other considerations suggested by such access.

III. In evaluating proposals for altering permissible boating activities on a public body of water, including considerations of speed, type of propulsion, or horsepower, the commissioner of the department of safety shall consider the recommendations of the report, including the recreational use impact model developed pursuant to paragraph I and shall consider the impact of proposals for altering permissible boating activities on the water body's water quality, fish and wildlife resources, shoreland integrity, scenic qualities, and other considerations suggested by such proposals.

IV. For each proposal involving new or expanded public access or recreation related uses, the commissioners of the departments of environmental services, safety, transportation, resources and economic development, the executive director of the department of fish and game, and the director of the office of state planning, shall submit to the public water access advisory board a report addressing the specific impacts upon the water body or bodies identified by the model established under paragraph I.

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

AMENDED ANALYSIS

This bill directs the department of environmental services to prepare a report which shall include a recreational use impact model, relating to the types of public access and recreational uses appropriate to different types of public bodies of water. The bill also directs that the commissioners of the departments of environmental services, safety, transportation, resources and economic development, the executive director of the department of fish and game, and the director of the office of state planning document use of the model in making decisions on new or expanded public access or recreation related uses.

Senate Environment
March 15, 2000
2000-3803s
08/09

Amendment to SB 406-FN-LOCAL

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

AN ACT prohibiting the use of certain 2-cycle marine engines and reformulated gasoline with watercraft on or in bodies of water that provide public water supplies.

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

1 New Section; Water Management and Protection; New Hampshire Safe Drinking Water Act; Water Pollution Control; Use of Certain 2-Cycle Engines and Reformulated Gasoline on Certain Water Bodies Prohibited. Amend RSA 485 by inserting after section 17 the following new section:

485:17-a Use of Certain Engines and Fuel Prohibited.

I. As of January 1, 2002, 2-cycle marine engines that do not meet federal model year 2007 standards and reformulated gasoline shall not be used with any watercraft on or in any lake, pond, reservoir, or stream tributary thereto, from which the domestic water supply of a city, town, or village is taken.

II. A person who violates any provision of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

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

2000-3803s

AMENDED ANALYSIS

This bill prohibits, as of January 1, 2002, the use of 2-cycle marine engines that do not meet federal model year 2007 standards and reformulated gasoline with any watercraft on or in any body of water that provides the domestic water supply of a city, town, or village. This bill also provides penalty provisions.

Senate Finance
March 21, 2000
2000-3896s

04/10

Amendment to SB 397-FN-A-LOCAL

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

AN ACT making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

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

1 Appropriation from Education Trust Fund. Notwithstanding the provisions of RSA 198:39, the sum of \$925,000 is hereby appropriated, for the biennium ending June 30, 2001, from the education trust fund to the department of education for the purpose of funding public kindergarten programs pursuant to 1999, 65:9 as amended by 1999, 281:16. The governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

2 Town of Orange; Adequate Education Grant Calculations Revised.

I. Notwithstanding RSA 198:40 through RSA 198:42, for the fiscal year ending June 30, 2001, the total adequate education grant for the town of Orange shall be \$127,287. In addition to the provisions of 1999, 17:52, I, an additional payment of \$11,398 shall be distributed to the town of Orange by June 30, 2000 from the education trust fund for an adequate education grant total of \$127,287.

II. Notwithstanding RSA 198:40 through RSA 198:42, for the tax year beginning April 1, 2000, the state education property tax warrant for the town of Orange shall be \$90, 694.

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

2000-3896s

AMENDED ANALYSIS

This bill makes an appropriation of \$925,000, for the biennium ending June 30, 2001, from the education trust fund to the department of education for the funding of public kindergarten programs pursuant to 1999, 65:9 as amended by 1999, 281:16. This bill also adjusts the adequate education grant amount for the town of Orange for fiscal year 2000, and adjusts the property tax warrant in the town of Orange for the tax year beginning April 1, 2000.

Senate Judiciary
March 20, 2000
2000-3858s
05/10

Amendment to HB 1374

Amend the bill by replacing section 2 with the following:

2 Membership. Amend RSA 1999, 89:2, I to read as follows:

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

(a) ~~Four~~ **Seven** members of the house of representatives, one of whom shall be from the criminal justice and public safety committee and one of whom shall be from the judiciary committee, appointed by the speaker of the house.

~~[(b) Three members of the senate, appointed by the president of the senate.]~~

Senate Judiciary
March 20, 2000
2000-3863s
01/09

Amendment to HB 1435

Amend the bill by replacing section 4 with the following:

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

Senate Judiciary
March 20, 2000
2000-3861s
09/01

Amendment to HB 1508-FN

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

I. The committee shall consist of 7 members of the house of representatives, appointed by the speaker of the house.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

Senate Judiciary
March 16, 2000
2000-3834s
05/09

Amendment to SB 436-FN

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

AN ACT relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Permanent Revocation of License for Motor Vehicle Fatalities Where Driver was Under the Influence of Drugs or Alcohol. Amend RSA 263:56 by inserting after paragraph V the following new paragraph:

VI.(a) Permanent revocation of a driver's license shall be mandatory and automatic where the driver, impaired by drugs or alcohol at the time of the incident, is found guilty of having caused a motor vehicle fatality or serious injury by a court of competent jurisdiction. If the driver is licensed in another state, the director shall notify the driver's home state that a notation should be made on the driver's record of permanent loss of driving privileges in New Hampshire.

(b) If a person is found guilty of driving after permanent license revocation under subparagraph (a), he or she shall be sentenced to a mandatory 3-year term of imprisonment.

(c) The driver may petition the sentencing court after 15 years from the date of the loss of license to have the license reinstated, if the driver can demonstrate good cause for the reinstatement.

2000-3834s

AMENDED ANALYSIS

This bill requires permanent revocation of an individual's driver's license when convicted of causing a motor vehicle fatality or serious bodily injury while under the influence of drugs or alcohol and requires a 3-year mandatory prison term for driving after such a permanent license revocation. The bill also provides a mechanism for requesting reinstatement after 15 years.

Public Affairs
March 17, 2000
2000-3852s
05/09

Amendment to HB 1110

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be 4 members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

Public Institutions, Health and Human Services
March 17, 2000
2000-3851s
05/09

Amendment to SB 311

Amend the bill by replacing sections 3 and 4 with the following:

3 Recovery for Assistance Furnished. Amend RSA 167:13 to read as follows:
167:13 Recovery for Assistance Furnished.

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of [old age] assistance or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No claim shall be imposed against the real estate of a recipient of old age assistance or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse, or against any personal property of less than \$100 in value. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

II. Notwithstanding paragraph I, for medical assistance, no resources of the community spouse shall be deemed available to the institutionalized spouse during the continuous period in which an institutionalized spouse is in an institution, and after the month in which an institutionalized spouse is determined to be eligible for medical assistance benefits.

III. The department may waive adjustment or recovery in cases in which:
(a) It is not cost-effective to recover from an individual's estate; or
(b) Recovery would result in an undue hardship as determined in accordance with rules adopted pursuant to RSA 541-A.

4 Claims and Liens. RSA 167:14 is repealed and reenacted to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance or aid to the

permanently disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services. The register of deeds shall keep a suitable record of such notices of lien without charging any fee therefore and enter on the record an acknowledgment of satisfaction or release upon written request from the commissioner of the department of health and human services.

II. Subject to RSA 167:16-a, the estate of every recipient shall be liable for all medical assistance granted to the recipient, and the commissioner of the department of health and human services shall file a claim for recovery against the recipient's estate. No notice of lien may be filed against real property with respect to medical assistance except in conformance with RSA 167:16-a.

2000-3851s

AMENDED ANALYSIS

This bill clarifies the procedure for the placement of liens and the recovery of certain categories of public assistance provided by the department of health and human services.

Public Institutions, Health and Human Services
March 16, 2000
2000-3843s
01/09

Amendment to SB 323

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

AN ACT relative to ambulatory surgical facilities in service areas of rural hospitals.

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

1 New Paragraph; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XXXIV the following new paragraph:

XXXIV-a. "Rural hospital" means a hospital that has less than 70 beds licensed by the department of health and human services.

2 Threshold Limits. Amend RSA 151-C:5, II (f) to read as follows:

(f)(1) ***Except as provided in subparagraph (2)***, the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than \$1,000,000. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) The threshold amount for construction of ambulatory surgical centers within the service area of a rural hospital shall be \$500,000, unless there is an objection by the rural hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of rural hospitals.

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

2000-3843s

AMENDED ANALYSIS

This bill lowers the threshold amount necessary for certificate of need review of the construction of ambulatory surgical centers within the service areas of rural hospitals.

Public Institutions, Health and Human Services

March 16, 2000

2000-3826s

08/09

Amendment to SB 324

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

1 New Chapter; Personal Care Services. Amend RSA by inserting after Chapter 161-H the following new chapter:

CHAPTER 161-I

PERSONAL CARE SERVICES

161-I:1 Purpose.

I. Many individuals require assistance with eating, bathing, dressing, personal hygiene, and activities of daily living to maintain their independence and dignity. Personal care services are non-medical, hands-on supports that substitute for the loss of an individual's physical or cognitive functioning.

II. Many individuals requiring personal care services and families who have children with special health care needs want to choose who delivers personal care services and how and when these services are delivered.

III. This chapter provides individuals and families with the option of receiving personal care services from a home health agency or other qualified agency or a consumer-directed services program.

161-I:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Consumer-directed services" means personal care services under which the eligible consumer or his or her representative is responsible for:

- (a) Participating in the development of the eligible consumer's service plan;
- (b) Selecting the eligible consumer's personal care service provider;
- (c) Setting the terms and conditions of work;
- (d) Training, supervising, and evaluating the personal care services provider; and
- (e) Terminating his or her relationship with the personal care services provider.

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

IV. "Eligible consumer" means a person eligible for department programs.

V. "Eligible setting" means a home, apartment, residential facility, day program, or other community setting, but does not include a hospital, nursing facility or other institutional setting.

VI. "Home health agency" means a home health care provider licensed under RSA 151.

VII. "Intermediary services" means an array of fiscal and supportive services to facilitate the delivery of consumer-directed services. Such services shall include:

(a) Fiscal intermediary services, including but not limited to:

- (1) Computing of tax withholdings.
- (2) Filing and depositing employment taxes.
- (3) Preparing and disbursing payroll checks.
- (4) Collecting and verifying worker timesheets.
- (5) Processing and paying non-labor related invoices.
- (6) Processing criminal background checks on prospective workers.
- (7) Overseeing the verification of workers' citizenship/legal alien status.
- (8) Generating standardized reports depending on program design.

(b) Supportive services, including but not limited to:

(1) Skills and advocacy training for the eligible consumer or representative.

(2) Assistance with recruiting, screening, hiring, and training personal care service providers.

- (3) Creating and maintaining work registries.
- (4) Assessing and reassessing service needs.
- (5) Counseling and support.
- (6) Monitoring consumer satisfaction.

VIII. "Legally responsible relative" means a parent of a minor child or a spouse.

IX. "Other qualified agency" means those entities authorized to offer personal care services and/or intermediary services by the department in accordance with rules adopted pursuant to RSA 541-A.

X. "Plan of care" means a state-authorized guide to the provision of services to an eligible consumer.

XI. "Personal care services" means services furnished by a personal care services provider that assist an eligible consumer in maintaining himself or herself in an eligible setting. Such services may include, but are not limited to, basic personal care and grooming, assistance with basic toileting and toileting hygiene measures, assistance with oral and topical medications, assistance with nutrition, including meal preparation, and essential household services.

XII. "Personal care services provider" means a person who is not a legally responsible relative, selected by the eligible consumer or the consumer's legal guardian or representative, and employed by a home health agency or other qualified agency to provide personal care services.

XIII. "Representative" means a person chosen by the eligible consumer and deemed appropriate by the department to act on behalf of the eligible consumer and who:

(a) Is not the personal care services provider; and

(b) Does not have a financial relationship with a home health agency or other qualified agency providing intermediary services to the eligible consumer.

161-I:3 Consumer Choice. An eligible consumer in need of personal care services shall have the option to receive personal care services through a home health agency or other qualified agency and/or a consumer-directed services program. Such choice shall be subject to those limitations imposed by federal and state laws, rules, and regulations.

161-I:4 Department Responsibilities.

I. The department may develop personal care services for department programs. Eligible consumers shall be afforded the option to receive their personal care services through a home health agency or other qualified agency and/or a consumer-directed services program.

II. The department may develop a process for allowing a representative to act on the behalf of an eligible consumer.

III. The department may develop intermediary services for eligible consumers using consumer-directed services.

IV. Coverage of personal care services under department programs shall be subject to the availability of appropriated funds.

161-I:5 Personal Care Services Provider Training. Any personal care services provider serving an eligible consumer shall be required to undergo training as required by rule, pursuant to RSA 541-A.

161-I:6 Plans of Care and Service Delivery Oversight. All eligible consumers shall have a plan of care that details the provision of personal care services. The delivery of personal care services, as outlined in the plan of care, to an eligible consumer shall be monitored by a case manager either employed or contracted by the department. Should the delivery of personal care services to an eligible consumer necessitate specialized oversight, this shall be outlined in the plan of care and such oversight of the personal care services provider shall be arranged by the case manager.

161-I:7 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Criteria for approving home health or other qualified agencies to offer personal care services, including but not limited to:

- (a) Qualifications and training of providers.
- (b) Oversight of providers.
- (c) Service definition.
- (d) Reporting requirements.
- (e) Record-keeping.
- (f) Personnel requirements.
- (g) Care planning.
- (h) Service delivery oversight.
- (i) Scope of service.
- (j) Quality assurance measures.
- (k) Structure of the business entity.

II. The provision of personal care services by personal care services providers, including the provision of consumer-directed personal care services.

III. The provision of intermediary services by a home health agency or other qualified agency to facilitate the delivery of consumer-directed personal care services.

IV. The use of a representative in consumer-directed services.

V. Guidelines for state-authorized plans of care.

VI. Additional requirements to enable the department to implement this chapter for persons eligible under department programs.

VII. Any other matters necessary for the administration of this chapter.

2 Continued Authorization; Rules. Notwithstanding the repeal by section 3 of this act, the authority for home health care providers to provide personal care services under rules adopted pursuant to RSA 326-B:17, X shall continue until the effective date of rules adopted pursuant to RSA 161-I: 7, I.

3 Repeal. RSA 326-B:17, X, relative to personal care services is repealed.

4 Residential Care and Health Facility Licensing; Home Health Care Provider. Amend RSA 151:2-b, III to read as follows:

III. "Home health care provider" does not include any organization or agency providing only services pursuant to the provisions of Title III, Part C, of the Older Americans Act; ***authorized by the department of health and human services pursuant to RSA 161-I;*** operating only a nutrition program under a federal social services block grant, or under the auspices of a private charity; or volunteer hospices that do not provide, directly or through contract arrangements, home health care services as defined in RSA 151:2-b, I.

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

AMENDED ANALYSIS

This bill allows certain individuals and families of these individuals the option of receiving personal care services from a home health agency or other qualified agency or a consumer-directed services program. This bill also gives the commissioner of health and human services rulemaking authority relative to requirements for the use of consumer-directed services for department programs and the provision of personal care services.

This bill is a request of the department of health and human services.

Public Institutions, Health and Human Services
March 16, 2000
2000-3829s
08/09

Amendment to SB 326

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

AN ACT relative to the joint health council.

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

1 Registered Nurses and Practical Nurses; Joint Health Council. Amend RSA 326-B:10-a, I-III to read as follows:

326-B:10-a Joint Health Council.

I.(a) The joint health council shall consist of the following members: ~~[the chair of the board of nursing, or designee who shall be a member of the board of nursing; one]~~ **5** advanced registered nurse ~~[practitioner]~~ **practitioners** who ~~[is a member of the board of nursing]~~ **are** currently licensed to practice nursing under RSA 326-B, appointed by the ~~[chair of that]~~ board **of nursing**; ~~[the chair of the board of medicine, or designee who shall be a member of the board of medicine; 2]~~ **5** physicians currently licensed to practice medicine under RSA 329 and who ~~[have worked]~~ **work** collaboratively with advanced registered nurse practitioners, appointed by the ~~[chair of that]~~ board **of medicine**; ~~[provided that one of the physicians is a member of the board of medicine; the chair of the board of pharmacy, or designee who shall be a member of the board of pharmacy]; and [one member of the board of pharmacy currently licensed to practice as a]~~ **4 pharmacists, 3 of whom shall be** clinical ~~[pharmacist under RSA 318]~~ **pharmacists prepared at the doctorate level**, appointed by the ~~[chair of that]~~ board **of pharmacy. In no case shall a member of the joint health council be a member of the member's respective board.**

(b) The chairmanship of the council shall rotate annually among the representatives of the ~~[respective boards]~~ **nursing profession, medical profession, and pharmacist profession.**

(c) Members of the council shall be appointed for 3-year terms and shall serve no more than 2 terms.

II. The council shall meet ~~[not less than]~~ **a minimum of** once every ~~[3]~~ **2** months to discuss matters pertinent to the A.R.N.P. formulary and matters of mutual concern to the board of medicine, the board of nursing and the board of pharmacy. **The chair of the council may call for additional meetings of the council if deemed necessary.** Each of the 3 boards may

submit items to be assigned to the agenda for every meeting of the council. Any items on the agenda not addressed at a particular council meeting shall be decided at the next meeting of the council.

III. The duties of the joint health council shall include, but not be limited to, adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. Decisions on such additions or alterations shall be rendered within [3] **2** months of initial consideration by the council. ~~[Any new controlled or noncontrolled molecular entities, in accordance with federal Food and Drug Administration provisions in 21 C.F.R. part 312, that are available after September 1, 1994, shall be considered for approval by the board upon petition by advanced registered nurse practitioners and approved for use by advanced registered nurse practitioners only after an affirmative vote of the joint health council.]~~ ***The council shall consult with sub-specialty professionals when considering any new controlled or noncontrolled molecular entities for the formulary by which the council members lack specific expertise. All recommendations by consulting sub-specialty professionals shall be made either in writing or in person before the council. The council shall establish written guidelines, based on current published scientific data, for the review of issues before the council.***

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

2000-3829s

AMENDED ANALYSIS

This bill:

I. Alters the composition of the joint health council to consist of 5 advanced registered nurse practitioners, 5 physicians, and 4 pharmacists.

II. Requires the council to meet a minimum of once every 2 months.

III. Requires that decisions on altering the list of controlled or noncontrolled drugs on the A.R.N.P. formulary be rendered within 2 months of initial consideration by the council.

IV. Requires the council to consult with experts when considering new controlled or noncontrolled drugs outside its expertise.

V. Removes the requirement that new controlled or noncontrolled drugs be considered for approval upon petition by advanced nurse practitioners and approved for use only after an affirmative vote of the council.

Public Institutions, Health and Human Services
March 20, 2000
2000-3865s
01/10

Amendment to SB 383

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

AN ACT requiring the department of health and human services and insurers to make prompt payments.

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

1 New Section; Prompt Payment Required. Amend RSA 126-A by inserting after section 12 the following new section:

126-A:12-a Prompt Payment Required. The department shall pay health care providers, including dental providers, within 45 days of receipt of a claim or bill for services rendered to medicaid recipients.

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

415:8-a Prompt Payment Required.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or certificate holders within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and insurer contract. If the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to process the claim; provided, however, that the insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim.

II. In this section:

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

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

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

IV. Notwithstanding the provisions of this section:

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

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

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

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

415:18-bb Prompt Payment Required.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or certificate holders within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and insurer contract. If the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to process the claim; provided, however, that the insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim.

II. In this section:

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

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

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

IV. Notwithstanding the provisions of this section:

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

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

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

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

420-A:9-a Prompt Payment Required.

I. Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or subscribers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and corporation contract. If the health service corporation is denying or pending the claim, the corporation shall have 15 calendar days upon receipt of the claim to notify the health care provider or subscriber of the reason for denying or pending the claim and what, if any, additional information is required to process the claim; provided, however, that the corporation's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim.

II. In this section:

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

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

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

IV. Notwithstanding the provisions of this section:

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

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

(c) No corporation shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

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

420-J:8-a Prompt Payment Required.

I. Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services rendered in New Hampshire to covered persons within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and health carrier contract. If the health carrier is denying or pending the claim, the carrier shall have 15 calendar days upon receipt of the claim to notify the health care provider or covered person of the reason for denying or pending the claim and what, if any, additional information is required to process the claim; provided, however, that the health carrier's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim.

II. In this section:

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

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

III. Notwithstanding RSA 420-J:14, no penalties shall apply until the health care provider has notified the health carrier in writing of the carrier's noncompliance with this section and the carrier fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the

health carrier fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against a health carrier for payment of the claim shall be recoverable by the provider from the health carrier upon a judicial finding of bad faith. The commissioner may assess a fine to any health carrier after determining that the carrier has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

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

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

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

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

2000-3865s

AMENDED ANALYSIS

This bill requires the department of health and human services to pay its dental and other health care providers for services rendered to medicaid recipients promptly.

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

Public Institutions, Health and Human Services

March 16, 2000

2000-3842s

01/09

Amendment to SB 400-LOCAL

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

AN ACT relative to emergency medical and trauma services.

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

1 New Paragraph; Definition Added; Quality Assurance. Amend RSA 153-A:2 by inserting after paragraph XVIII the following new paragraph:

XVIII-a. "Quality assurance" means an organized method of auditing and evaluating care provided within the emergency medical service unit.

2 Revocation of License; Clarification. Amend the introductory paragraph of RSA 153-A:13, I to read as follows:

I. The commissioner [shall] **may** deny an application for issuance or renewal of a license, or suspend or revoke a license, **or, after a hearing and a recommendation by the emergency medical services medical control board, suspend or revoke a person's authority to operate under any state or local protocol**, when the commissioner finds that the applicant is guilty of any of the following acts or offenses:

3 Rulemaking; Clarification. Amend RSA 153-A:20, V to read as follows:

V. Length of licensure and procedures for issuance, renewal, limitation, suspension, and revocation of licensure **and, pursuant to RSA 153-A:13, I, procedures, including hearing procedures, for the suspension and revocation of authority to operate under local protocols** authorized under this chapter.

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

2000-3842s

AMENDED ANALYSIS

This bill authorizes the commissioner of health and human services to suspend or revoke a person's authority to operate under state or local protocols, after a hearing and a recommendation by the emergency medical services medical control board.

Ways and Means - Minority

March 21, 2000

2000-3895s

08/10

Amendment to SB 405-FN-A-LOCAL

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

AN ACT removing the authority of the sweepstakes commission to use sweepstakes revenue as purses for horse or dog races and reducing the number of live races a racetrack is required to schedule in order to simulcast races.

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

1 Sweepstakes Commission; Authorization to Conduct Sweepstakes Races Removed. Amend RSA 284:21-h, I to read as follows:

I. The sweepstakes commission is hereby authorized:

(a) To conduct public drawings at such intervals and in such places within the state as the commission may determine. If governor and council grant approval, such drawings may be in the form of pure lotteries and if so, shall not be associated in any way with a sporting event. ~~[Such drawings may also be associated with horse or dog races or both as hereinafter provided. At least one such drawing each year shall be based on a sweepstakes horse or dog race or both held within the state.~~

~~(b) To contract with any licensee to conduct sweepstakes races within the enclosure of any racetrack in the state where races or race meets are held under this chapter, or in the alternative, or in addition thereto, to affiliate the public drawings herein authorized with such thoroughbred races or race meets held within or without the state, either before or after the public drawings, as the commission may determine.~~

~~(e)]~~ **(b)** To conduct ~~[both]~~ pure lotteries ~~[and horse or dog race or both sweepstakes]~~ if the commission, with the approval of governor and council, shall determine that such program will best accomplish the purposes of this subdivision.

~~[(d)]~~ **(c)** To participate in any national or multistate pure lotteries conducted in the United States.

2 Sweepstakes Commission; Authorization to Conduct Sweepstakes Races Removed. Amend the introductory paragraph of RSA 284:21-h, II to read as follows:

II. Tickets for such pure lotteries ~~[and sweepstakes races]~~:

3 Sweepstakes Commission; Authority to Adopt Rules Regarding Sweepstakes Races and Purses for Sweepstakes Races Removed. Amend RSA 284:21-i, II and III to read as follows:

II. The sweepstakes commission shall adopt rules under RSA 541-A after public hearing relative to:

(a) Holding and conducting drawings ~~[and sweepstakes races]~~ and the sale of tickets for such drawings ~~[and races]~~;

(b) ~~[Establishing and fixing the purses, not to exceed an aggregate sum of \$ 325,000 for a single calendar year, to be awarded horses, or dogs, or both in sweepstakes races;~~

(c) Establishing:

(1) The price for which tickets for drawings ~~[and sweepstakes races]~~ shall be sold; not to exceed \$5 per ticket.

(2) The method by which tickets sold for drawings ~~[and sweepstakes races]~~ shall be determined to be winning tickets.

(3) The money or prizes to be awarded holders of winning tickets.

(4) The assignment ability of winning tickets, including appropriate consumer protection provisions.

III. In establishing the money or prizes to be awarded the holders of winning tickets ~~[and the purses for the horses or dogs or both]~~, the sweepstakes commission shall be governed by the primary purpose of the sweepstakes, to raise revenue for the benefit of public education. They shall conduct such studies and make such investigations, either directly or through their agents, as will apprise them of prizes and money awarded to the holders of winning tickets in similar drawings wherever held. ~~[They shall consider the size of purses for the horses or dogs or both as bearing on the question of gaining public confidence in the sweepstakes races.]~~ They shall fix the prizes and amounts of money to be awarded winners ~~[as well as the purses for the horses or dogs or both]~~ in such **a** manner as will yield the largest net revenue for the benefit of public education, bearing in mind the expenses to be incurred, and all other factors which tend to influence net revenue.

4 Horse and Dog Racing; Simulcast Racing; Live Racing Requirement Reduced. Amend RSA 284:22-a, II(a)(3) to read as follows:

(3) The licensee has scheduled at least ~~[100]~~ **50** days of live racing in the calendar year in which the licensee simulcasts, or if the licensee does not have scheduled at least ~~[100]~~ **50** days of live racing in such calendar year, the licensee conducts live racing on the day on which the licensee simulcasts; and

5 Horse and Dog Racing; Simulcast Racing; Live Racing Requirement Reduced. Amend RSA 284:22-a, IV to read as follows:

IV. A licensee which has scheduled less than ~~[100]~~ **50** days of live racing in a calendar year may simulcast on a day on which live racing is scheduled at the licensee's race track, without conducting live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based upon weather or the condition of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than ~~[100]~~ **50** days of live racing shall be limited to no more than ~~[10]~~ **5** such cancellations in a calendar year.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill removes the authority of the sweepstakes commission to use sweepstakes revenue as purses for horse or dog races or conduct sweepstakes drawings in association with horse or dog races. This bill also reduces from 100 to 50 the number of live races a racetrack is required to schedule per year in order to simulcast races.

Wildlife and Recreation
March 16, 2000
2000-3817s
08/09

Amendment to SB 455

Amend the bill by replacing section 6 with the following:

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

HEARINGS

WEDNESDAY, MARCH 22, 2000

EDUCATION, Room 105-A, SH

8:30 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION.**

JUDICIARY, Room 103, SH

10:00 a.m. **HB 53**, (New Title) relative to qualifications and appointments of marital masters.

10:30 a.m. **HB 312**, (New Title) relative to the carrying of firearms in courthouses.

11:00 a.m. **HB 568**, (New Title) establishing a program for performance evaluations of judges.

11:30 a.m. **HB 1130**, relative to persons conducting alcohol concentration tests.

PUBLIC AFFAIRS, Room 104, LOB

1: 00 p.m. **HB 1264-FN**, relative to the unlawful use of theft detection shielding devices.

1:15 p.m. **HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces.

1:30 p.m. **CACR 5**, (New Title) relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

THURSDAY, MARCH 23, 2000

ENVIRONMENT, Room 104, LOB

- 1:00 p.m. **HB 648-FN**, relative to a sludge testing program.
- 1:20 p.m. **HB 1416-FN**, establishing a brownfields cleanup revolving loan fund.
- 1:40 p.m. **HB 1258-FN**, relative to invasive plant, insect, and fungal species.
- 2:00 p.m. **HB 1235**, (New Title) relative to defining surface waters.
- 2:20 p.m. **HB 1127**, establishing a committee to study the application and appeal procedures for excavating and dredging permits.
- 2:40 p.m. **SB 460-FN**, establishing a grant program to reimburse eligible districts served by municipal waste combustors.

TUESDAY, MARCH 28, 2000

ENERGY & ECONOMIC DEVELOPMENT, Room 105A, SH

- 2:45 p.m. **HCR 31**, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day.
- 3:00 p.m. **HB 1559-FN**, (New Title) establishing a committee to study the organization and functions of the New Hampshire state port authority.
- 3:15 p.m. **HB 1470**, relative to divestiture of electric utility assets.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

- 1:00 p.m. **SB 457**, relative to ownership of certified public accounting firms.
- 1:20 p.m. **SB 458**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director.
- 1:40 p.m. **HB 51**, (New Title) providing for the voluntary registration of commercial maple producers and maple packers.
- 2:00 p.m. **HB 725**, relative to rulemaking under the administrative procedures act.

INSURANCE, Room 103, SH

- 9:30 a.m. **HB 1311**, relative to payment of employer contributions for unemployment compensation.
- 9:50 a.m. **HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits.
- 10:20 a.m. **HB 1512-FN**, (New Title) establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

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

- 1:00 p.m. **HB 1502**, (New Title) relative to lead paint abatement.
- 1:30 p.m. **HB 1256**, clarifying certain health care laws.
- 2:00 p.m. **HB 618-FN-A**, (New Title) establishing a voucher program for smoking cessation.

TRANSPORTATION, Room 104, LOB

- 2:45 p.m. **HB 1334-L**, relative to posting municipal roads.
- 3:00 p.m. **HB 1169**, relative to gates and bars on class VI roads.
- 3:15 p.m. **HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.
- 3:30 p.m. **HB 1614**, naming 2 bridges.

WEDNESDAY, MARCH 29, 2000

JUDICIARY, Room 103, SH

- 10:00 a.m. **HB 1448**, relative to the partition of real property.
10:20 a.m. **HB 1233**, relative to interest on judgments.
10:40 a.m. **HB 628**, relative to the relocation of the principal residence of a child.
11:00 a.m. **HB 713-FN**, relative to penalties for multiple DWI offenses.

PUBLIC AFFAIRS, Room 104, LOB

- 1:00 p.m. **SB 461**, establishing a committee to study the creation of a flag to honor all police departments in the state.
1:15 p.m. **HB 1199**, establishing a study committee on funding for affordable housing.
1:30 p.m. **HB 1166**, relative to confidentiality and information collection by the department of agriculture, markets, and food.
1:45 p.m. **HB 1531**, relative to the preemption of local regulations of firearms.

THURSDAY, MARCH 30, 2000

INTERNAL AFFAIRS, Room 103, LOB

- 2:45 p.m. **HB 1592**, relative to the display of the United States flag.
3:00 p.m. **HB 1149**, commemorating the anniversary of the founding of certain branches of the United States armed forces.
3:30 p.m. **HB 1156**, establishing June 20th each year as Destroyer Escort Day.

FRIDAY, MARCH 31, 2000

FINANCE, Room 103, SH

- 1:00 p.m. **HB 1504**, relative to submission of biennial budget estimates by agencies.
1:30 p.m. **HB 1171**, restricting the payment of salaries to suspended judicial officers.

EXECUTIVE SESSION TO FOLLOW

TUESDAY, APRIL 4, 2000

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

- 1:00 p.m. **HB 405-FN**, (2nd New Title) relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.
2:00 p.m. **HB 1337**, repealing the New Hampshire foundation for mental health.

TRANSPORTATION, Room 104, LOB

- 3:00 p.m. **HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.
3:20 p.m. **HB 505-FN**, establishing a special license plate for veterans.
3:40 p.m. **HB 1268**, relative to certain vehicle registrations.

TUESDAY, APRIL 11, 2000

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

- 1:00 p.m. **HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment.

2:00 p.m. **HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

TRANSPORTATION, Room 104, LOB

2:45 p.m. **HB 1357-FN**, relative to the sale of state-owned property in the towns of Belmont and Laconia.

3:00 p.m. **HB 1322**, relative to the regulation of certain outdoor advertising devices.

3:20 p.m. **HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway."

WEDNESDAY, APRIL 12, 2000

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **HB 1194**, relative to the composition of planning boards in certain cities.

1:15 p.m. **HB 1582**, (New Title) establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

1:30 p.m. **HB 1327**, relative to residency of prisoners for purposes of voter registration.

2:00 p.m. **HB 1331**, relative to campaign contributions by corporations.

TUESDAY, APRIL 18, 2000

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

1:00 p.m. **HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services.

2:00 p.m. **HCR 24**, relative to integration of people with disabilities.

TUESDAY, APRIL 25, 2000

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

1:00 p.m. **HB 310**, (New Title) providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

1:30 p.m. **HCR 20**, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting.

2:00 p.m. **HB 1464**, relative to the licensing process for new health care facility construction.

TUESDAY, MAY 2, 2000

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

1:00 p.m. **HB 1579-FN**, (New Title) establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

2:00 p.m. **HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss.

TUESDAY, MAY 9, 2000

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

- 1:00 p.m. **HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.
- 1:30 p.m. **HB 1139**, establishing a committee to study involuntary emergency admission hearings.
- 2:00 p.m. **HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study.

TUESDAY, MAY 16, 2000

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

- 1:00 p.m. **HB 1541-L**, relative to the cremation of deceased persons.
- 1:20 p.m. **HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections.

MEETINGS

WEDNESDAY, MARCH 22, 2000

NH DEPARTMENT OF TRANSPORTATION Room 201 Legislative Office Building Concord,
NH - Transportation Enhancement Advisory Committee Meeting

- 3:00 p.m. Project Selection Meeting of the Committee

● **PLEASE NOTE SENATE FISCAL TASK FORCE MEETING HAS BEEN CANCELLED.**

SENATE FISCAL TASK FORCE COMMITTEE Room 103, SH

Cancelled Regular Meeting

NH DEPARTMENT OF TRANSPORTATION Rye Elementary School Café 461 Sagamore Road Rye, NH- Rye Betterment, 12595 NH Rte 1A with Elwyn Rd & Sagamore Rd known as Foyes Corner

- 7:00 p.m. Public Hearing

FRIDAY, MARCH 24, 2000

ADEQUATE EDUCATION & EDUCATION FINANCING COMMISSION (RSA 198:49, I)
Room 210-211, LOB

- 9:30 a.m. Regular Meeting

LONG RANGE CAPITAL PLANNING AND UTILIZATION - SUBCOMMITTEE ON DAY CARE CENTERS (RSA 17-M:1) At NH Hospital Acute Psychiatric Services Bldg., Conference Room

- 9:00 a.m. Special Meeting

MONDAY, MARCH 27, 2000

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

9:00 a.m. Investment Subcommittee Meeting.

10:00 a.m. Full Commission Meeting

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES Room 306/308, LOB

9:00 a.m. Regular Meeting

OIL FUND DISBURSEMENT (RSA 146-D:4) Room 305, LOB

9:00 a.m. Regular Meeting

REDUCING VIOLENT INCIDENTS INVOLVING CHILDREN AND GUNS STUDY (SB 163, Chapter 322:2, Laws of 1999) Room 202-204, LOB

10:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION NHDOT, 1 Hazen Drive Room 103, Concord, NH - Hudson 12460 NH Rte 102

11:00 a.m. Commission Meeting

TAX EQUITY EFFICIENCY COMMISSION (HB117, Chapter 17:55, Laws of 1999) Room 210-211, LOB

1:30 p.m. Regular Meeting

TUESDAY, MARCH 28, 2000

SENATE FISCAL TASK FORCE COMMITTEE Manchester - Aldermanic Chamber

6:00-8:00 p.m. Regular Meeting

WEDNESDAY, MARCH 29, 2000

SENATE FISCAL TASK FORCE COMMITTEE Room 103, SH

3:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION McLaughlin Middle School 290 Mammoth Road Manchester, NH - Salem-Manchester, 10418-C I-93 Widening

7:00 p.m. Officials Meeting

THURSDAY, MARCH 30, 2000

NH DEPARTMENT OF TRANSPORTATION Knightly Meeting Room Town Hall 33 Geremonty Drive Salem, NH - Salem-Manchester, 10418-C I-93 Widening

7:00 p.m. Officials Meeting

NH DEPARTMENT OF TRANSPORTATION Hollis Town Hall 7 Monument Sq. Hollis, NH - Hollis 12648 Main St / Broad St / Ash St. Sidewalk and Connector

7:00 p.m. Public Officials Meeting

FRIDAY, MARCH 31, 2000

ADEQUATE EDUCATION & EDUCATION FINANCING COMMISSION (RSA 198:49, I)
Room 210-211, LOB

9:30 a.m. Regular Meeting

ELECTRIC UTILITY OVERSIGHT (RSA 374-F:5) Room 302-304, LOB

10:00 a.m. Regular Meeting

PET OVERPOPULATION (RSA 437-A:7) Room 301-303, LOB

10:00 a.m. Regular Meeting

MONDAY, APRIL 3, 2000

SEED STERILIZATION OR "TERMINATOR" TECHNOLOGY STUDY (HB 291, Chapter 282, Laws 1999) Room 303, LOB

1:00 p.m. Regular Meeting

TUESDAY, APRIL 4, 2000

ROUTES 11 AND 140 UPGRADE STUDY (HB 541, Chapter 145, Laws 1999) Belmont Middle School Cafeteria.

7:00 P.M. Regular Meeting

WEDNESDAY, APRIL 5, 2000

FISCAL COMMITTEE OF THE GENERAL COURT Room 210-211, LOB

9:00a.m. Regular Business

9:30 a.m. Audit:

Sweepstakes Commission Management Letter for the Year Ended June 30, 1999

SENATE FISCAL TASK FORCE COMMITTEE Room 103, SH

3:00 p.m. Regular Meeting

THURSDAY, APRIL 6, 2000

NH DEPARTMENT OF TRANSPORTATION Meredith Fire Stn. Conference Room 286 D.W. Hwy (Rte 3) Meredith, NH - Meredith, 11386 Alterations to US Rt. 3 & Parade Road

7:00 p.m. Public Hearing

FRIDAY, APRIL 7, 2000

WORKERS' COMPENSATION ADVISORY BOARD (RSA 281- A:62) Room 306, LOB

9:00-10:00 a.m. Regular Meeting

CAPITAL BUDGET Room 103, SH

12:00 p.m. Presentation / slide show of UNH Capital Projects all Senators and House Public Works committee members are invited to attend. Bring your lunch - Coffee and Dessert will be provided.

MONDAY, APRIL 10, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

WEDNESDAY, APRIL 12, 2000

SENATE FISCAL TASK FORCE COMMITTEE Room 103, SH

3:00 p.m. Regular Meeting

THURSDAY, APRIL 13, 2000

SENATE FISCAL TASK FORCE COMMITTEE Nashua - Auditorium

7:30-9:30 p.m. Regular Meeting

WEDNESDAY, APRIL 19, 2000

SENATE FISCAL TASK FORCE COMMITTEE Room 103, SH

3:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION Dover City Hall Auditorium 288 Central Avenue Dover, NH - Dover- Rollinsford, 13063 Oak Street intersection with Broadway and Rollins Road in the City of Dover and Town of Rollinsford

7:00 p.m. Public Hearing

FRIDAY, APRIL 21, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

WEDNESDAY, APRIL 26, 2000

SENATE FISCAL TASK FORCE COMMITTEE Room 103, SH

3:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION Stratford Town Hall Route 3 Stratford, NH - Stratford 13005A U.S. Route 3 near Hollow Road

7:00 p.m. Public Hearing

MONDAY, MAY 8, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

MONDAY, MAY 15, 2000

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

1:00 p.m. Regular Meeting

FRIDAY, MAY 19, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, JUNE 12, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, JUNE 16, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, JULY 10, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, JULY 21, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, AUGUST 14, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, AUGUST 18, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, SEPTEMBER 11, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, SEPTEMBER 15, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, OCTOBER 16, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, OCTOBER 20, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, NOVEMBER 13, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, NOVEMBER 17, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, DECEMBER 11, 2000

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

FRIDAY, DECEMBER 15, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

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

SB 135, SB 176, SB 178, SB 186, SB 219, SB 228, SB 389, SB 390, SB 391, SB 392, SB 395, SB 401, SB 402, SB 406, SB 410, SB 412, SB 413, SB 414, SB 415, SB 417, SB 421, SB 423, SB 425, SB 429, SB 434, SB 436, SB 447, SB 449, SB 450, SB 458,

NOTICES

Applications are available for the New Hampshire Order of Women Legislators Scholarship. Your constituents may pick them up in their college's financial aid office or you may get them from the House Secretarial Services Office on the 4th floor of the LOB. New Hampshire residents who are obtaining transitional education in their field endeavor toward a field of public service are eligible. All pertinent information is included in the scholarship application.

Senator Beverly Hollingworth

Members of the NH Senate and House are encouraged to utilize the complimentary ski privileges afforded them. Upon presentation of proper credentials at the ticket window, NH Senators and Representatives may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials, unless prior arrangement is made with Commissioner Bald. Lift tickets are to be picked up at Guest Services or the Ticket Window at Cannon.

Senator Beverly Hollingworth

The Legislative Tourism Caucus will hold a meeting at the Eagles Nest Restaurant (directly across from State House) from 3:00 p.m. to 5:00 p.m. Wine and cheese will be served courtesy of the New Hampshire International Speedway, the New Hampshire Travel Council and the New Hampshire Lodging and Restaurant Association.

CALENDAR OF EVENTS

TUESDAY, APRIL 11, 2000

“Director’s Report on the Newly-Created “Division” and Advisory Committee on Travel and Tourism”

Speaker: Laurie Ostrander Klefos, Director, New Hampshire Division of Travel and Tourism Development.

WEDNESDAY, MAY 10, 2000

“Transportation and Tourism”

Speakers: J. Brian O’Neill, Assistant Airport Director, Manchester Airport; Carl Lindblade, Executive Director, Flying Yankee Restoration Group, Inc.

We hope that you will mark your calendar and join us as we explore issues of importance to the state’s tourism industry as well as provide an opportunity to network with tourism representatives. These events are designed to be educational, yet informal. Each presentation will be followed by a question /answer period and open discussion of current tourism issues is strongly encouraged. Hope to see you there!

Senate President, Beverly Hollingworth
Senate Republican Leader, Carl Johnson

WEDNESDAY, MARCH 29, 2000

The New Hampshire Hospital Association, New Hampshire Healthcare Association and the New Hampshire Medical Society would like to invite legislators and their staff to attend a Crossover Luncheon on Wednesday, March 29th at the NH Historical Society's Tuck Library, next door to the LOB. Lunch will be available from noon until about 1:00 p.m. Please join us for this event.

Senator Ned Gordon

THURSDAY, MARCH 30, 2000

All Legislators and Legislative Staff are cordially invited to attend the New Hampshire Automobile Dealers Association "Crossover" Legislative Reception to be held on March 30, 2000 immediately following session at NHADA Headquarters, 507 South Street, Bow, NH 03304.

Senator Beverly Hollingworth

STATE OF NEW HAMPSHIRE

SUPREME COURT

2000-148, OPINION OF THE JUSTICES

(MUNICIPAL BONDS)

ORDER

The following request of the Senate for an opinion of the justices was adopted on March 9, 2000, and filed with the Supreme Court on March 13, 2000:

SENATE RESOLUTION 12

Whereas, there is presently pending in the Senate, SB 365-LOCAL, "An Act relative to the adoption of bonds or notes in certain school districts and municipalities"; and

Whereas, there has been proposed to SB 365-LOCAL an amendment (document number 2000-3618s) which would generally reduce the voting majority required to authorize the issuance of bonds or notes in cities, towns, school districts, and village districts from 2/3 to 3/5; and

Whereas, SB 365-LOCAL with the proposed amendment does not provide for a local referendum accepting or declining the reduction in the voting majority; and

Whereas, questions have arisen concerning the constitutionality of SB 365-LOCAL with the proposed amendment; and

Whereas, it is important that the questions of the constitutionality of SB 365-LOCAL with the proposed amendment should be settled in the near future, and in any event before final passage by the Senate; now therefore, be it

Resolved by the Senate:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. If SB 365-LOCAL with the proposed amendment is enacted, would it in any way violate the provisions of the first sentence of Part I, Article 39 of the New Hampshire Constitution, specifying that no law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters in a local referendum provided for in the law?
2. If SB 365-LOCAL with the proposed amendment is enacted, would it in any way violate the provisions of the second sentence of Part I, Article 39 of the New Hampshire Constitution, specifying that general laws authorizing cities and towns to adopt or amend their charters or forms of government shall become effective only upon the approval of the voters in a local referendum?
3. If under SB 365-LOCAL with the proposed amendment the majority voting requirements would differ between local political subdivisions with and without the optional voting procedures under RSA 40:13, will this result in the infringement of any person's rights under the equal protection, voting, or due process protections of the state or federal constitutions?
4. Do any other aspects of SB 365-LOCAL with the proposed amendment violate or conflict with any provisions of the state constitution?

That the Clerk of the Senate transmit copies of this resolution and copies of SB 365-LOCAL, as amended by document number 2000-3618s, to the justices of the New Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before April 17, 2000. An original and twelve copies of any memorandum must be filed with the Clerk's office.

Date: March 17, 2000

Attest: **HOWARD J. ZIBEL, CLERK**

STATE OF NEW HAMPSHIRE

SUPREME COURT
2000-148, OPINION OF THE JUSTICES
(MUNICIPAL BONDS)

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Whereas, SB 365-LOCAL with the proposed amendment does not provide for a local referendum accepting or declining the reduction in the voting majority; and

Whereas, questions have arisen concerning the constitutionality of SB 365-LOCAL with the proposed amendment; and

Whereas, it is important that the questions of the constitutionality of SB 365-LOCAL with the proposed amendment should be settled in the near future, and in any event before final passage by the Senate; now therefore, be it

Resolved by the Senate:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

5. If SB 365-LOCAL with the proposed amendment is enacted, would it in any way violate the provisions of the first sentence of Part I, Article 39 of the New Hampshire Constitution, specifying that no law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters in a local referendum provided for in the law?
6. If SB 365-LOCAL with the proposed amendment is enacted, would it in any way violate the provisions of the second sentence of Part I, Article 39 of the New Hampshire Constitution, specifying that general laws authorizing cities and towns to

adopt or amend their charters or forms of government shall become effective only upon the approval of the voters in a local referendum?

7. If under SB 365-LOCAL with the proposed amendment the majority voting requirements would differ between local political subdivisions with and without the optional voting procedures under RSA 40:13, will this result in the infringement of any person's rights under the equal protection, voting, or due process protections of the state or federal constitutions?
8. Do any other aspects of SB 365-LOCAL with the proposed amendment violate or conflict with any provisions of the state constitution?

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Date: March 17, 2000

Attest: **HOWARD J. ZIBEL, CLERK**

VISITORS' CENTER SCHEDULE – MARCH

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in March 2000. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
March 22	9:30 & 11:00	Moore Elem, Candia	4/60
March 23	9:30 & 11:00	Weston School, Manchester	4/53
March 24	11:00&12:30	New Searles Elem, Nashua	4/75
March 27	11:00&12:30	Southwick School, Northfield	4/70
March 28	10:00&11:30	Hampstead Central	4/75
March 29	10:00&11:30	Hampstead Central	4/75
March 30	9:30 & 11:00	East Rochester Elem.	4/60
March 31	9:45	Maplewood Elem, Somersworth	3/50
March 31	11:00&12:30	Mastway Elem, Lee	4/50