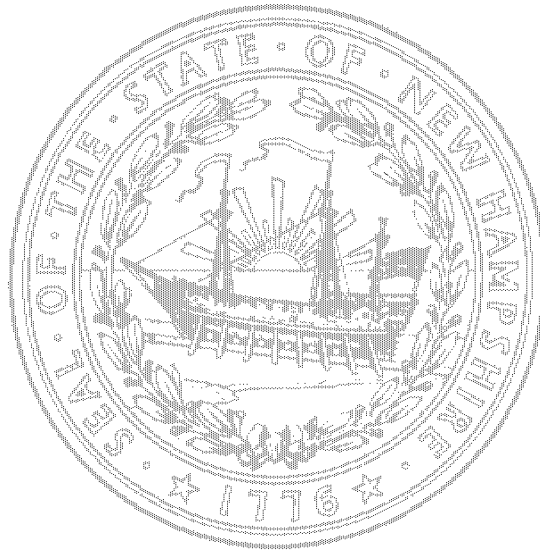


May 10, 2000

No. 28

STATE OF NEW HAMPSHIRE



Legislative

SENATE CALENDAR

**REPORTS, HEARINGS, MEETINGS, NOTICES &
COMMITTEE OF CONFERENCE**

**THE SENATE WILL MEET IN SESSION ON THURSDAY, MAY 11, 2000
AT 10:00 A.M.**

LAI D ON THE TABLE

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

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

SB 203, authorizing electronic games of chance at racetracks.

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

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

SB 380, (New Title) relative to the availability of matching funds for improvements to South Fruit Street at Industrial Drive in the city of Concord.

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

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

SB 462-FN-A-L, establishing a reformed public school financing system for ensuring educational adequacy for all children, and establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor.

REPORTS

BANKS

HCR 27, (New Title) requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests. Vote 3-1

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

EDUCATION

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students. Vote 6-0

Ought to pass with amendment, Senator Gordon for the committee

HB 1188-FN-L, relative to alternative kindergarten programs. Vote 7-0

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

HB 1316, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. Vote 5-0

Ought to Pass, Senator McCarley for the committee.

HB 1619-FN, relative to school employee and volunteer background investigations. Vote 7-1
Interim Study, Senator McCarley for the committee.

ENERGY & ECONOMIC DEVELOPMENT

HB 457, extending the committee to study electric rate reduction financing. 7-0

Inexpedient to Legislate, Senator Below for the committee.

HB 1146-L, relative to tax increment financing. Vote 5-0

Ought to pass with amendment, Senator F. King for the committee.

HB 1209, (New Title) relative to the construction and reconstruction of class B and class C dams. Vote 5-0

Ought to Pass, Senator Fraser for the committee.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. Vote 8-0

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

HB 1309, relative to wood-to-energy rate order buydowns. Vote 7-0

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

HB 1329, (New Title) relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee. Vote 6-0

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

HB 1349-L, (New Title) authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. Vote 8-0

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

HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. Vote 7-0

Inexpedient to Legislate, Senator Johnson for the committee.

HCR 34, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. Vote 7-0

Inexpedient to Legislate, Senator Fraser for the committee.

ENVIRONMENT

HB 1342, (New Title) directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge. Vote 3-2

Ought to Pass, Senator Russman for the committee.

HB 1414, (New Title) authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. Vote 4-3

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

HB 1569, (New Title) requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. Vote 3-2

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1107, (New Title) relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion. Vote 5-0

Ought to Pass, Senator Brown for the committee.

HB 1145, (New Title) limiting the liability of state certified fire instructors. Vote 3-0

Ought to Pass, Senator Cohen for the committee.

HB 1203-L, (New Title) relative to the adoption of rules by the commissioner of cultural resources regarding public libraries. Vote 4-0

Ought to Pass, Senator Brown for the committee.

HB 1281, relative to disqualification of public utility commissioners. Vote 4-2

Inexpedient to Legislate Senator D'Allesandro for the committee.

HB 1452, (New Title) codifying the powers and duties of the joint committee on legislative facilities. Vote 5-0

Inexpedient to Legislate, Senator Brown for the committee.

HB 1467-FN, (New Title) relative to the registration of mail-order pharmacies. Vote 3-0

Ought to Pass, Senator Cohen for the committee.

HB 1468-FN, relative to the registration of pharmacy technicians. Vote 3-0

Ought to Pass, Senator Brown for the committee.

HB 1535-FN, (New Title) relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. Vote 5-1

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

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. Vote 6-0

Ought to pass with amendment, Senator D'Allesandro for the committee.

HB 1606-FN, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. Vote 6-0

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

HJR 22, relative to the unintended consequences of the Balanced Budget Act of 1997. Vote 5-0

Ought to Pass, Senator Larsen for the committee.

INSURANCE

HB 254-L, (New Title) establishing a committee to study building inspector liability and other related matters. Vote 7-0

Inexpedient to Legislate, Senator Francoeur for the committee.

HB 1183, (New Title) relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements. Vote 6-0

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

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. Vote 7-1

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

HB 1240, (New Title) requiring insurers to make prompt payments. Vote 8-0

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

HB 1241, relative to third person liability under the workers' compensation law.

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

SPLIT REPORT: Ought to Pass, Senator Francoeur for the committee. Vote 4-4

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. Vote 5-0

Inexpedient to Legislate, Senator Wheeler for the committee.

INTERSTATE COOPERATION

HB 1338, increasing the membership of the American and Canadian French cultural exchange commission. Vote 2-0

Ought to Pass, Senator Pignatelli for the committee.

JUDICIARY

HB 713-FN, relative to penalties for multiple DWI offenses. Vote 3-1

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

HB 1130, relative to persons conducting alcohol concentration tests. Vote 5-0

Ought to Pass, Senator Wheeler for the committee.

HB 1233, relative to interest on judgments. Vote 5-0

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

HB 1236, (New Title) relative to an informed jury. Vote 5-0

Inexpedient to Legislate, Senator Fernald for the committee.

HB 1371, (New Title) relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles. Vote 5-0

Ought to Pass, Senator Brown for the committee.

HB 1431, relative to protective orders in domestic violence cases. Vote 5-0

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

HB 1508-FN, (New Title) establishing a study committee on antitrust laws as they apply to hospital business practices. Vote 5-0

Inexpedient to Legislate, Senator Wheeler for the committee.

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act. Vote 4-0

Ought to Pass, Senator Wheeler for the committee.

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. Vote 4-0

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

PUBLIC AFFAIRS

HB 1294-L, relative to regional planning commissions. Vote 6-0

Ought to Pass, Senator Roberge for the committee.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

HB 1335, requiring hospitals to disclose certain information to the attorney general. Vote 3-0

Ought to Pass, Senator Squires for the committee.

HB 1541-FN-L, relative to the cremation of deceased persons. Vote 1-0

Ought to Pass, Senator Squires for the committee.

TRANSPORTATION

HB 1617-FN, relative to suspension of a driver's license for sufficient cause. Vote 4-0

Ought to pass with amendment, Senator Gordon for the committee

HB 1627, relative to the exchange of certain land in the town of Rindge. Vote 3-0

Ought to Pass, Senator Russman for the committee.

WAYS AND MEANS

HB 1113, raising the maximum price for lucky 7 tickets. Vote 5-1

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

AMENDMENT

Banks
May 9, 2000
2000-4426s
09/04

Amendment to HCR 27

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

A RESOLUTION requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

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

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy;
and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers
and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state
governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court,
continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative
process; and

Whereas, the time has come for the people of this great nation and their duly elected
representatives in state government to reaffirm, in no certain terms, that the authority to tax
under the Constitution of the United States is retained by the people who, by their consent alone,
do delegate such power to tax explicitly to those duly elected representatives in the legislative
branch of government whom they choose, such representatives being directly responsible and
accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an
amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes
without representation of the people and against the peoples' wishes; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States prepare and submit to the several states an
amendment to the Constitution of the United States to add a new article providing as follows:
“Neither the Supreme Court nor any inferior court of the United States shall have the power to
instruct or order a state or a political subdivision thereof, or an official of such a state or political
subdivision, to levy or increase taxes”; and

That this application for an amendment to the Constitution is a continuing application in
accordance with Article V of the Constitution of the United States; and

That the house clerk transmit copies of this resolution to the President and Vice President of
the United States, the Speaker of the United States House of Representatives, and each member
of the New Hampshire Congressional delegation.

2000-4426s

AMENDED ANALYSIS

This house concurrent resolution requests Congress to propose an amendment to the U. S.
Constitution to prevent federal courts from instructing states or political subdivisions of states to
levy or increase taxes.

Senate Education
May 10, 2000
2000-4462s
05/04

Amendment to HB 683-FN

Amend the bill by replacing section 1 with the following:

1 Reporting Requirements; Child Endangerment; Assaults. Amend RSA 193-D:4, I (a) to read as follows:

I.(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. ***If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.***

Senate Education
May 10, 2000
2000-4463s
04/10

Amendment to HB 1188-FN-LOCAL

Amend RSA 198:48-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII.(a) Beginning July 1, 2001, a school district which implemented a public kindergarten program in the 1999-2000 or 2000-2001 school years, or which implements a new public kindergarten or alternative kindergarten program in the 2001-2002 school year, or thereafter, shall receive reimbursement for each pupil at the rate of ½ of the average base cost per pupil as determined under RSA 198:40.

(b) At such time as enrollments in a public kindergarten or alternative kindergarten program are counted in the average daily membership in residence for the purposes of distributing adequate education grants under RSA 198:40 through 198:42, a school district shall receive, in place of the reimbursement set forth in subparagraph VII (a), the adequate education grant amount as determined under RSA 198:40 through 198:42.

Amend the bill by replacing all after section 1 with the following:

2 Kindergarten; Alternative Kindergarten Programs; Reference to Alternative Kindergarten Programs Inserted. Amend 1999, 65:9, I to read as follows:

I. If a school district implements a public kindergarten ***or alternative kindergarten*** program in school years 1998-1999 [or], 1999-2000, ***or 2000-2001***, the school district maintaining such a kindergarten program shall receive reimbursement for fiscal year 2000 and fiscal year 2001 at the rate of \$750 per pupil.

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

Energy and Economic Development
May 3, 2000
2000-4341s

10/01

Amendment to HB 1146-LOCAL

Amend the bill by replacing section 2 with the following:

2 Computation of Tax Increments; Determination of Rates. Amend RSA 162-K:10, III(a)(1) and (2) to read as follows:

(1) If the municipality retains the full [excess] captured assessed value for the development district the assessors shall certify to the commissioner of revenue administration, for the purposes of the report required by RSA 41:15, the current assessed value, as the basis to equalize annually the valuation of property throughout the state, and the full [excess] captured assessed value, to be deducted from the current assessed valuation for the calculation of the property tax rate. The assessors shall extend all rates as established by the commissioner of revenue administration under the provisions of RSA 41:15 against the current assessed value, including all captured assessed value. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes paid that year on real property in the district which the captured assessed value bears to the total current assessed value. The amount so remitted each year is referred to in this section as the tax increment for that year.

(2) If the municipality retains only a portion of the [excess] captured assessed value for the development district and returns the remaining portion to the tax lists, the assessors shall include the current assessed value, to be used as a basis to equalize annually the valuation of property throughout the state, and that portion of the [excess] captured assessed value which the municipality does [not] retain, to be deducted from the current assessed valuation for the calculation of the property tax **rate**. The assessors shall extend all rates against the total current assessed value~~[- including that portion of the captured assessed value which the municipality is retaining for the development district only]~~. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes [paid] **billed** on real property in the district that the retained captured assessed value bears to the total current assessed value in the district. The amount so remitted each year is referred to as the tax increment.

Energy and Economic Development
May 9, 2000
2000-4445s
09/01

Amendment to HB 1259-FN

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

AN ACT establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire.

Amend the bill by replacing section 10 with the following:

10 1991 Appropriation; Port Authority; Rip-Rap Project Added. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1 and 2000, 15:1 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, ~~and~~ renovation of any commercial fish piers that may be transferred to the port authority, **and the rip-rap project on River Street in Seabrook**. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion \$18,300,000

Total state appropriation section 5 \$18,300,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. **\$100,000 of the total amount appropriated is designated for the rip-rap project on River Street in Seabrook**. The remaining [~~\$14,600,000~~] **\$14,500,000** is designated for construction, renovation and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000.)

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

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

2000-4445s

AMENDED ANALYSIS

This bill establishes a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and requires the council on resources and development to report on state agency progress.

This bill also designates a portion of an existing capital appropriation for the rip-rap project in Seabrook, New Hampshire.

Energy and Economic Development

May 9, 2000

2000-4443s

01/09

Amendment to HB 1309

Amend the bill by replacing paragraph V of section 1 with the following:

V. The general court finds that although the public utilities commission has already issued an order in the Public Service Company of New Hampshire Proposed Restructuring Settlement, Docket No. 99-099, it is still desirable that a good faith effort be made by PSNH and the plants to reach negotiated rate order buydowns, and that the commission should continue to facilitate rate order buydowns in the most expeditious manner possible.

VI. The general court finds that it is also important to lower the price paid for electricity by customers of the Connecticut Valley Electric Company (CVEC). The general court finds that facilitating buydowns of the trash-to-energy plant rate order may assist in accomplishing the goal of lower electric prices. The general court therefore urges that the commissions, CVEC and the plant examine whether similar negotiated rate order buydowns would significantly lower electric rates, and whether rate reduction bonds as described in RSA 369-A would be appropriate to facilitate the financing of such negotiated rate order buydowns.

Energy and Economic Development
May 9, 2000
2000-4446s
01/09

Amendment to HB 1329

Amend the bill by replacing all after section 3 with the following:

3 New Section; Public Utilities; Shared Tenant Services; Regulation of Competitive Telecommunications Providers. Amend RSA 374:22 by inserting after section 22-n the following new section:

374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or business entity authorized by the commission to engage in business as a competitive local exchange carrier shall not be required to seek prior commission approval of financings or corporate organizational changes, including, without limitation, the issuance or transfer of its securities or the sale, lease or other transfer of its assets. Nothing in this section shall exempt any such competitive telecommunications service provider from the requirements of RSA 374:28-a, including such advance notice as the commission may prescribe.

4 New Paragraph; Department of Administrative Services; State Facility Energy Cost Reduction; Definition of Date of Project Implementation. Amend RSA 21-I:19-b by inserting after paragraph IV the following new paragraph:

V. "Date of project implementation" means the expected date established in the energy performance contract that the construction, improvement, repair, alteration, or betterment is to be completed and become operational. If the energy performance contract includes more than one energy cost saving measure, the "date of project implementation" may be alternatively defined by the contracting state agency or municipality to be the date that the last of the energy cost saving measures is expected to become operational.

5 Term of Energy Performance Contract. Amend RSA 21-I:19-d, II(d) to read as follows:

(d) The term of any energy performance contract entered into pursuant to this section shall not exceed 10 years ***from the date of project implementation***.

6 Energy Performance Contract Requirements. Amend RSA 21-I:19-d, II(f) to read as follows:

(f) Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within 10 years ***from the date of project implementation*** at existing energy prices. The contract

shall require that the public utility or energy services provider be repaid [~~solely from energy cost savings and~~] only to the extent of energy cost savings ***guaranteed by the contractor to accrue over the term of the contract.*** Repayments ***to the public utility or energy services provider*** shall be interest-free.

7 State Treasurer; State Leases. Amend 6:35 to read as follows:

6:35 State Leases. ***The 10-year limitation does not apply to leases for state facility energy cost reduction projects pursuant to RSA 21-I:19-a through RSA 21-I:19-e, which shall be subject to the term limitation applicable to energy performance contracts, as defined therein.*** The treasurer, with the approval of the governor and council, may enter into leases of equipment at the request of any state agency or department for a term not exceeding 10 years. For purposes of this section "leases" shall include lease-purchase, sale and lease back, installment sale, or other similar agreements to acquire such equipment from time to time for various agencies or departments; provided that funding for such equipment leases was specifically approved by the legislature in a budget. Payment obligations under any lease entered into under this section shall be subject to annual appropriation and shall not be treated as debt obligations of the state. The treasurer may execute any related documents, including any document creating or confirming any security interest retained by the seller or lessor of the equipment.

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

2000-4446s

AMENDED ANALYSIS

This bill :

I. Allows an electric or gas public utility to provide certain notice prior to terminating residential service.

II. Authorizes the public utilities commission to adopt rules governing the requirement for suppliers of natural gas and aggregators of natural gas customers.

III. Establishes a gas utility restructuring oversight committee..

IV. Amends energy performance contract requirements.

Energy and Economic Development

May 9, 2000

2000-4444s

08/09

Amendment to HB 1349-LOCAL

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

AN ACT authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

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

1 Mercury Emissions Reduction and Control Program; Findings and Purpose. Amend RSA 125-M:1, V to read as follows:

V. Ash landfills which serve municipal waste combustors may experience increased mercury levels in the ash disposed at such landfills as a result of efforts to lower mercury emissions from such municipal waste combustors. Therefore, the general court finds that it is appropriate ~~[to implement]~~ **that the implementation of** mercury controls on municipal waste combustors ~~[after the department of environmental services conducts]~~ **be accompanied by** a detailed study and review of the ash landfills in the state **by the department of environmental services** to make certain that all necessary safeguards are in place to protect against environmental degradation from such sources and ensure the protection of drinking water supplies.

2 Mercury Emissions Reduction and Control Program; Definitions; Eligible Costs. Amend RSA 125-M:2, V to read as follows:

V. "Eligible costs" means ~~[that percentage of the cost]~~ **those costs** incurred by any ~~[municipality]~~ **regional refuse disposal district or solid waste management district formed pursuant to the mandates of RSA 149-M to the extent that any such district is** legally obligated to pay for pollution control equipment ~~[required]~~ **installed** as a result of the enactment of this chapter, including the cost of engineering services~~[,] and~~ installation, ~~[and related services,]~~ as well as the ~~[actual]~~ capital cost for the pollution control equipment~~[- Eligible costs shall exclude any administrative, legal, operational, and fiscal costs related to the pollution control]~~ **and any amortization costs, meaning principal and interest, resulting from the installation of such** equipment.

3 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions for Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste ~~[which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less]~~ shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

4 New Paragraph; Mercury Emissions Reduction and Control Program; Rulemaking. Amend RSA 125-M:4 by inserting after paragraph II the following new paragraph:

III. Establishment and administration of the grant program in accordance with RSA 125-M:8.

5 Mercury Emissions Reduction and Control Program; Compliance. RSA 125-M:5, I is repealed and reenacted to read as follows:

I.(a) No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter.

(b) Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter.

(c) Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day shall submit such plan and application within 3 months after the effective date of this subparagraph in order to comply within 18 months after the effective date of this subparagraph with the emission limits established by this chapter.

(d) The compliance deadlines established by this paragraph shall be suspended by the department for any combustor that, notwithstanding its best efforts, has been unable to obtain all final regulatory approvals necessary to achieve compliance, provided that any such suspension shall conclude no later than 12 months after the combustor's procurement of all such approvals.

6 New Section; Mercury Emissions Reduction and Control Program; Reimbursement of Mandated Costs. Amend RSA 125-M by inserting after section 7 the following new section:

125-M:8 Reimbursement of Mandated Costs.

I. The department shall fund and reimburse eligible costs from its budget. The department shall reimburse such eligible costs over the same period as any such district has amortized those costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine the eligible costs of each district served by a municipal waste combustor subject to this chapter, and reimburse such eligible costs with prior approval of the governor and council.

7 Ash Landfill Study. Amend 1999, 350:2 to read as follows:

350:2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by [February] **September** 1, 2000 to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

8 New Paragraphs; Air Pollution Control; Costs Assessed at Different Rates. Amend RSA 125-C:12 by inserting after paragraph V the following new paragraphs:

VI. The fee schedules authorized in paragraphs IV and V may include different fees per ton for different pollutants, subject to the following conditions:

(a) Differences in fees shall be justified either on the basis of differences in the impact of the different pollutants on public health or on the environment, or on the basis of differences in the cost of administration for different pollutants.

(b) The total fees collected pursuant to paragraphs IV through VI shall be the same amount as would have been collected pursuant to paragraphs IV and V in the absence of this paragraph.

(c) No additional pollutants shall be assessed as a result of this paragraph. New pollutants may be assessed if the federal government adds additional pollutants to its list of pollutants requiring Title V permits, or if the state adds to the list of regulated toxic air pollutants in accordance with RSA 125-I:4, V.

(d) Different fees per ton may only be applied to the following categories of pollutants, and not to individual pollutants within these categories:

(1) Total suspended particulates, excluding particulate matter smaller than 10 microns.

(2) Particulate matter smaller than 10 microns.

(3) Nitrogen oxides.

(4) Sulfur dioxide.

(5) Volatile organic compounds.

(6) Carbon monoxide.

(7) Hazardous and toxic air pollutants not included in subparagraph VI(d)(5).

(e) The maximum fee per ton for any category shall not exceed 4 times the minimum fee per ton for any category. For emissions during calendar year 2001 only, the maximum fee per ton for any category shall not exceed 2 times the minimum fee per ton for any category.

(f) This paragraph shall only apply to emissions after December 31, 2000.

VII. The department may set a de minimis amount for fees under paragraphs IV, V and VI and may waive the collection of all fees less than this amount.

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

2000-4444s

AMENDED ANALYSIS

This bill:

I. Establishes a program whereby certain solid waste management districts and regional refuse disposal districts may be reimbursed for eligible costs incurred pursuant to the mercury emissions reduction and control program.

II. Provides that the implementation of mercury controls on municipal waste combustors be accompanied by, as opposed to being implemented after, a study of ash landfills in the state by the department of environmental services.

III. Requires that combustors with a design capacity to burn less than 250 tons per day but not less than 100 tons per day of municipal solid waste submit an application for a permit or permit modification and compliance plan within 3 months of the effective date of this act.

IV. Provides that the compliance deadlines established by RSA 125-M shall be suspended for any combustor that, despite best efforts, has been unable to obtain all final regulatory approvals necessary, provided any such suspension shall conclude no later than 12 months after the combustor's procurement of such approvals.

V. Extends to September 1, 2000 the date by which the department of environmental services shall report its ash landfill study findings.

VI. Authorizes the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants.

Environment
May 10, 2000
2000-4452s
08/01

Amendment to HB 1414

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

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. Therefore, the department of environmental services should aggressively pursue options for establishing consistent requirements for gasoline composition on a regional basis.

The total environmental impacts on air and water of any proposed regional gasoline formulations should be carefully examined.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

2000-4452s

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Requires that any municipal electric utility which, after January 1, 2000, acquires one or more plants for the manufacture of electricity shall, prior to such action, certify to the public utilities commission that it understands that by undertaking such action it will be subject to current and future environmental and safety regulations.

Environment
May 10, 2000
2000-4455s
03/09

Amendment to HB 1569-FN

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

AN ACT requiring the department of environmental services to prohibit the sale of methyl tertiary butyl ether (MTBE) in those counties not required to use oxygenated gasoline under the Clean Air Act, to develop a voluntary MTBE testing program of state water supplies, and to study the amount of MTBE in gasoline in the state; establishing certain penalties; and establishing an MTBE fund to be continually appropriated to the department of environmental services.

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

1 Purpose. In order to minimize the contamination of our water resources and to protect the public from potentially harmful health effects, the following actions are proposed relevant to conventional and reformulated gasoline which contains the oxygenate methyl tertiary butyl ether (MTBE).

2 Prohibition On Sale of Oxygenated Gasoline. No person shall sell the oxygenate MTBE as part of any gasoline in those counties of New Hampshire not required to use an oxygenate by the Clean Air Act, 42 United States Code, section 7545.

I. "Gasoline" shall mean gasoline as defined in RSA 259:37-b.

II. All suppliers of gasoline shall annually test their grades of gasoline for MTBE concentration and report such results to the department of environmental services.

III. Any person who violates the provisions of this section may be fined not less than \$500, nor more than \$10,000.

IV. Any penalties collected with regard to this section shall be placed in a fund to be known as the MTBE fund. The MTBE fund is hereby established within the office of the state treasurer and shall be continually appropriated to the department of environmental services.

3 Voluntary Water Testing and Report.

I. The department of environmental services shall propose a voluntary testing of all water supplies in New Hampshire not already required to test for MTBE concentrations by any other department regulations.

II. The department shall contact by letter all public water systems in the state and describe how public water systems can best conduct these voluntary MTBE tests.

III. Such testing shall be done as close to the end of July as possible.

IV. The department shall compile the results of any MTBE test that a public water system voluntarily conducts and voluntarily submits to the department.

V. The commissioner of environmental services shall report findings and conclusions to the MTBE study committee established under 1999, 55. The report shall include the results of testing, a list of which public water systems conducted or did not conduct such tests, and any recommendations for future mandatory testing of public water supplies, including reimbursement to water systems operated by municipalities.

VI. The department shall, upon request, supply to any public water system that has conducted a voluntary test a certificate stating the results of the test and whether the water meets the MTBE standard.

4 Study of Reformulated Gasoline.

I. The commissioner of environmental services shall study the amount of reformulated gasoline delivered to areas in the state where reformulated gasoline is not currently required under New Hampshire's state implementation plan by analyzing levels of MTBE in a minimum of 100 gasoline samples, of all different grades of gasoline, taken from a representative selection of gasoline distribution facilities located outside Hillsborough, Merrimack, Rockingham, and Strafford counties.

II. Such testing shall be funded, upon receipt, by grant money designated to pay for the analyses. Any amount in excess of such grant or in the event such grant is not obtained, the gasoline distribution facilities shall be responsible for funding.

III. The commissioner shall report findings of the study by October 1, 2000 to the speaker of the house of representatives; the president of the senate; the MTBE study committee established under 1999, 55; the house science, technology and energy committee; the senate environment committee; the governor; and the state library.

5 Repeal. Sections 1-4 of this act, relative to gasoline containing MTBE, are repealed.

6 Effective Date.

I. Section 2 of this act shall take effect January 1, 2001.

II. Section 5 of this act shall take effect July 1, 2003.

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

2000-4455s

AMENDED ANALYSIS

This bill prohibits the sale of the oxygenate methyl tertiary butyl ether (MTBE) in those counties not required to use an oxygenate by the Clean Air Act, 42 United States Code, section 7545. This bill proposes voluntary testing of all state water supplies not otherwise required to test for MTBE concentrations. This bill also requires the commissioner of the department of environmental services to study the amount of reformulated gasoline delivered to areas of the state where the use of reformulated gasoline is not currently required. The bill also establishes civil fines and requires any fines collected to be deposited in an MTBE fund.

Executive Departments and Administration
May 3, 2000
2000-4337s
03/01

Amendment to HB 1552-FN-A

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

AN ACT establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.

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

1 Findings. The general court finds that:

I. The status of telecommunications infrastructure in the state of New Hampshire is a critical component of New Hampshire's economic development efforts and economy. A telecommunications planning and development initiative is therefore established to identify telecommunications infrastructure strengths, weaknesses and objectives, to create a central repository of relevant information, and to promote this telecommunications infrastructure as an integral part of economic development efforts.

II. A secondary duty of the telecommunications planning and development initiative is to identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state, and to assist efforts to enhance the deployment of telecommunications services.

III. The accomplishments of this initiative should be reviewed no later than the fourth year of its existence.

2 New Paragraph; Resources and Economic Development; Director of Economic Development,
Duties; Telecommunications Planning and Development Initiative. Amend RSA 12-A:22 by inserting after paragraph VIII the following new paragraph:

IX. Develop and implement a telecommunications planning and development initiative pursuant to RSA 12-A:45.

3 New Subdivision; Telecommunications Planning and Development. Amend RSA 12-A by inserting after section 44 the following new subdivision:

Telecommunications Planning and Development

12-A:45 Telecommunications Planning and Development Initiative.

I. The director of economic development, under the supervision of the commissioner of resources and economic development and pursuant to the director's duties under RSA 12-A:22, shall develop and implement a telecommunications planning and development initiative which will result in a telecommunications development plan to be adopted and revised regularly by the telecommunications planning and development advisory committee.

(a) As primary duties of this initiative, the director shall:

(1) Identify existing telecommunications infrastructure by establishing and maintaining a database of telecommunications service providers, services, and infrastructure that exist throughout the state.

(2) Publicize the state's telecommunications infrastructure, as an integral part of the state's economic development efforts, by planning, developing, administering, and

implementing programs to assist in the distribution of information about available telecommunications services, infrastructure, and technologies throughout all parts of the state.

(b) As secondary duties of this initiative, the director shall:

(1) Identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state,

(2) Work with providers of telecommunications services, educators, and municipal, county, state, and other government officials to assist efforts to enhance the deployment of telecommunications services.

II. The director may delegate any of the duties established in paragraph I to appropriate designees within the division of economic development.

III. The budget for the fiscal year ending June 30, 2001 for the duties of this subdivision shall not exceed \$150,000. The budget for subsequent fiscal years shall be considered in the division of economic development's operating budget.

12-A:46 Telecommunications Planning and Development Advisory Committee.

I. There is hereby established a telecommunications planning and development advisory committee to advise and assist the director of economic development in performing the duties established in RSA 12-A:45. The committee shall meet at least quarterly.

II. The members of the committee shall be:

(a) The governor, or designee;

(b) The commissioner of resources and economic development, or designee;

(c) The commissioner of administrative services, or designee, preferably from the division of information technology management;

(d) The chairman of the public utilities commission, or designee;

(e) One member of the house of representatives, appointed by the speaker of the house of representatives;

(f) One member of the senate, appointed by the president of the senate; and

(g) The following persons nominated by the commissioner of resources and economic development and appointed by the governor and council:

(1) One member representing residential telecommunications customers;

(2) One member representing large business telecommunications customers;

(3) One member representing small business telecommunications customers;

(4) One member representing educators providing distance learning;

(5) One member representing municipal government;

(6) One member representing county government;

(7) One member representing a regional economic development organization or a regional planning commission; and

(8) Up to 5 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, internet service providers, cable, long distance providers, and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the commissioner.

III. The legislative members of the committee shall serve for the duration of their legislative term, and shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. Other appointed members of the committee shall serve for 3 years and until a successor is appointed.

V. The committee shall elect a chairperson from among the members.

12-A:47 Telecommunications; Statutory Construction. For purposes of this subdivision, "telecommunications" shall be construed broadly, and shall include, but not be limited to, traditional dial tone services, the transmission of voice, data, or video through cable and wireless media, and any other similar services to be offered in the future.

12-A:48 Authority of Director to Acquire Information. The director of economic development is authorized to request from telecommunications service providers such information as the director requires to perform the duties established in RSA 12-A:45.

12-A:49 Confidentiality. Information provided to the director pursuant to a request made under RSA 12-A:48 shall, if properly demonstrated by the provider of the information, be deemed confidential, commercial, or financial information and exempt from public disclosure under RSA 91-A:5, IV. Nothing in this section shall prohibit the director from disclosing information provided pursuant to a request made under RSA 12-A:48 in a manner that does not specifically identify the provider.

4 Telecommunications Planning and Development Advisory Committee; Initial Terms of Members. The initial terms of the appointed members of the telecommunications planning and development advisory committee shall be as follows:

I. The members appointed pursuant to RSA 12-A:46, II(g)(1)-(3) shall serve for a period of one year.

II. The members appointed pursuant to RSA 12-A:46, II(g)(4)-(7) shall serve for a period of 2 years.

III. The members appointed pursuant to RSA 12-A:46, II(g)(8) shall serve for a period of 3 years.

5 Initial Funding; Appropriation.

I. The commissioner of resources and economic development shall develop a budget for the fiscal year ending June 30, 2001 for the telecommunications planning and development initiative established by this act, and shall submit the budget to the fiscal committee of the general court for final approval.

II. The sum of \$150,000 for the fiscal year ending June 30, 2001 is hereby appropriated to the department of resources and economic development for the purposes of commencing the telecommunications planning and development initiative established by this act. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$150,000 for the fiscal year ending June 30, 2001 shall be assessed by the public utilities commission against certified telecommunications providers in accordance with the procedures of, and in addition to all other funds collected pursuant to, the utility assessment of RSA 363-A. All funds received by the public utilities commissions pursuant to this paragraph shall be paid to the state treasurer for deposit into general fund for the purposes of this act.

6 Repeal. The following are repealed:

I. RSA 12-A:22, IX, relative to a telecommunications planning and development initiative.

II. RSA 12-A:45-49, relative to telecommunications planning and development.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2004.

II. The remainder of this act shall take effect July 1, 2000.

2000-4337s

AMENDED ANALYSIS

This bill requires the director of economic development to establish a telecommunications planning and development initiative in New Hampshire and makes an appropriation therefor.

Insurance
May 10, 2000
2000-4467s
01/10

Amendment to HB 1183

Amend RSA 420-J:8, XI as inserted by section 1 of the bill by replacing it with the following:

XI. Every contract entered into after September 30, 2000 between a health carrier and any institutional provider or provider organization that includes more than 10 individual providers shall contain a provision addressing continued access to providers subsequent to the non-renewal of the contract. The effect of this provision shall be to assure that covered persons will have continued access to the institutional provider or to providers within the provider organization in the event that the health carrier and the institutional provider or provider organization fail to renew their contract as of its expiration date. The continued access to providers that covered persons are entitled to under this paragraph shall be provided and paid for in accordance with the terms and conditions of the covered person's health benefit plan and the prior contract between the health carrier and institutional provider or provider organization. Such continued access to providers shall be made available until the renewal date of the covered person's health benefit plan or 60 days after the expiration date of the contract between the health carrier and institutional provider or provider organization, whichever is sooner. Within 5 business days of the contract termination, the health carrier shall provide written notice to affected covered persons explaining their continued access rights.

Insurance
May 10, 2000
2000-4466s
05/10

Amendment to HB 1189-FN

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

AN ACT relative to benefit amounts, fees assessed and the application of the state unemployment compensation law, and relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraphs; Benefit Eligibility Conditions; Part-Time Status. Amend RSA 282-A:31 by inserting after paragraph III the following new paragraphs:

IV. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual does not meet the requirements of subparagraphs I(c) and I(d) due to the individual being the only available adult to:

(1) Care for a natural, adopted, step or foster child under the age of 16 of the individual's; or

(2) Care for an ill or infirm immediate family member whom a licensed physician has certified is in need of care for the activities of daily living; and

(b) The individual earned at least 60 percent of the individual's wage credits in part-time employment during the base period.

(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent person seeking work.

(d) The individual remains substantially attached to the labor market and there exists in the individual's labor market area sufficient suitable work during the hours and/or shifts to which the individual is restricted.

V. The commissioner shall prepare an annual report based on the outcomes of paragraph IV and submit the report to the speaker of the house, the senate president, and the governor on or before November 15th of each year. The report shall include the amount of benefits paid as a result of RSA 282-A:31, IV, the additional administrative expense required by the paragraph, and recommendations for legislation.

7 Benefit Eligibility Conditions; Shifts and Hours. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] ***The individual*** has been classified in accordance with his ***or her*** experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] ***The individual*** has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) [He] ***The individual*** is ready, willing and able to accept and perform suitable work ~~[on all the shifts and during all the hours]~~ for which there is a market for the services [he] ***the individual*** offers and that he ***or she*** has exposed himself ***or herself*** to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~[man]~~ ***person*** seeking work.

(d) [He] ***The individual*** is available for and seeking permanent, full-time work for which he ***or she*** is qualified.

(e) [He] ***The individual*** has disclosed whether or not he ***or she*** owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) [He] ***The individual*** has participated in reemployment services when so directed by the commissioner unless he ***or she*** has completed such services or has good cause for failure to participate in such services.

8 Disqualifications for Benefits; Work Fitness. Amend the introductory paragraph of RSA 282-A:32, I(d) and RSA 282-A:32, I(d)(1) to read as follows:

(d) [He] ***The individual*** has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept ***any*** suitable work when offered [him], or to return to [his] ***the individual's*** customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to [his] ***the individual's*** health, safety and morals; and

(B) His ***or her*** physical fitness; and

(C) His ***or her*** prior training; and

(D) His ***or her*** experience; and

(E) His ***or her*** prospects for securing, in [his] ***the individual's*** labor market area, work in his ***or her*** customary occupation; and

(F) The distance of the available work from [his] ***the individual's*** residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related

skills or services, and also to where he **or she** acquired his **or her** currently available annual earnings; and

(G) ~~[His]~~ **The individual's** prior earnings, **prior shifts and hours**, and length of unemployment, but his **or her** prior earnings shall be given more weight than his **or her** length of unemployment, **and the individual's length of unemployment shall be given more weight than the individual's prior shifts and hours**.

9 Disqualifications for Benefits; Work Fitness. Amend RSA 282-A:32, I(d)(2)(D) to read as follows:

(D) If ~~[he]~~ **the individual** is unable to apply for or accept work during the hours of ~~[the third shift, so-called]~~ **a particular shift** because he **or she** is the only adult available for the care of his **or her** ~~[children]~~ **natural, adopted, step or foster child** under the age of ~~[15]~~ **16** during said hours or for the care of an ill or infirm ~~[elderly person who is dependent on him for support]~~ **immediate family member whom a licensed physician has certified is in need of care for the activities of daily living**.

10 Total and Partial Unemployment; Part-Time Work. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to ~~[him]~~ **the individual** with respect to such week fail to equal his **or her** weekly benefit amount.

(b) An individual who is seeking only part-time work shall be deemed to be "partially unemployed" only in any week during which the individual was employed fewer than 20 hours.

11 Contingency Upon Devolution of Employment Security Programs. Amend RSA 282-A:87, IV(e) to read as follows:

(e) In the event employment security programs are devolved to the state by the federal government prior to July 1, ~~[2002]~~ **2004**, the advisory council on unemployment compensation shall meet and review the administrative funding provisions provided in such legislation and advise the commissioner whether to submit legislation to repeal the reserve fund prior to July 1, ~~[2002]~~ **2004**.

12 Termination of the Administrative Contribution. Amend RSA 1999, 49:7, III to read as follows:

III. Paragraph II of section 6 shall take effect July 1, ~~[2002]~~ **2004**.

13 Repeal. The following are repealed:

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

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

III. RSA 282-A:31, IV, relative to eligibility of individuals only available to work part-time.

IV. RSA 282-A:31, V, relative to annual reporting.

V. RSA 282-A:14, II(b), relative to partial unemployment.

14 Effective Date.

I. Section 1 of this act shall take effect July 2, 2000.

II. Sections 2 and 6-10 of this act shall take effect April 1, 2001.

III. Section 3 of this act shall take effect upon its passage.

IV. Sections 4, 11, 12, and paragraphs I and II of section 13 of this act shall take effect January 1, 2001.

V. Paragraphs III-V of section 13 of this act shall take effect April 1, 2005.

VI. The remainder of this act shall take effect July 1, 2000.

2000-4466s

AMENDED ANALYSIS

This bill:

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

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

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

IV. Extends a contingency date in a provision authorizing the department of employment security advisory council to review administrative funding provisions in the event the federal government were to devolve employment security programs to the state to July 1, 2004.

V. Removes the requirement that workers must be looking only for full-time employment to be eligible for unemployment benefits, and allows such persons to look for work that reflects their past attachment to the workforce regardless of market conditions for that type of work. These provisions are repealed April 1, 2005.

VI. Extends the termination date for the administrative contribution to July 1, 2004.

VII. Repeals certain provisions on annual audits by private firms.

Insurance
May 10, 2000
2000-4468s
01/10

Amendment to HB 1240

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 clean claim for services rendered to medicaid recipients. For the purposes of this section "clean claim" means a claim for payment of covered health care expenses that is submitted to the department on the department'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 department's published filing requirements.

2 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 6-g the following new section:

415:6-h 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 for its insured persons shall pay for

services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. 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. 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. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

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. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then:

(a) 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; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) 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 more than 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.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

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

415:18-k 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 for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. 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. 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. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

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. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then:

(a) 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; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) 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 more than 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.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

4 New Section; Prompt Payment Required. Amend RSA 420-A by inserting after section 17-c the following new section:

420-A:17-d 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 for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. 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. 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. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

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. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation's noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then:

(a) 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; and

(b) The health care provider may recover from the health service corporation, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an health service corporation for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The corporation is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) 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 more than 90 days after the service was rendered.

(c) No health service 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.

V. The commissioner may assess an administrative fine against any health service corporation or may suspend or revoke the license or certificate of authority of any health service corporation after determining that the health service corporation has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

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. 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. 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. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

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. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the health carrier in writing of the carrier's noncompliance with this section. If the health carrier fails to pay the claim within 10 days of receiving the notice, then:

(a) 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; and

(b) The health care provider may recover from the carrier, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an carrier for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The health carrier is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) 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 more than 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.

V. The commissioner may assess an administrative fine against any health carrier or may suspend or revoke the license or certificate of authority of any health carrier after determining that the health carrier has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

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

2000-4468s

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 in a timely manner.

Senate Judiciary

May 8, 2000

2000-4392s

03/09

Amendment to HB 713

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

AN ACT relative to ignition interlock systems for certain DWI offenders

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

1 New Sections; Definition of Ignition Interlock Device and Provider. Amend RSA 259 by inserting after section 43 the following new sections:

259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition interlock device, which is a system or device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level. The device contains a data-logger which retains records of failures to take or pass the test during the period between recalibrations.

259:43-b Interlock Service Provider. An approved interlock service provider means an entity that installs, services, calibrates, monitors, and provides reports as required by RSA 265:82-e, VI-(c) who is approved by the commissioner of the department of safety to do so; no person shall provide any of the services of an approved interlock service provider without such prior approval.

2 New Subdivision; Alcohol Ignition Interlock Program. Amend RSA 265 by inserting after section 82-d the following new subdivision:

Alcohol Ignition Interlock Program

265:82-e Alcohol Ignition Interlock Program Established.

I. Any person whose license or permission to drive has been revoked or suspended under RSA 265:82-b, I(b), I(c), or II may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than 6 months nor more than 2 years. Installation and monitoring costs shall be paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license accordingly.

II. Nothing in this section shall prohibit a court of competent jurisdiction from requiring the installation of an ignition interlock device for any person convicted of a violation of RSA 265:82, where the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction.

III. Any person under the age of 21 whose license or permission to drive has been revoked or suspended under RSA 265:82-b may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, until the age of 21 or for not less than 12 months, whichever is longer.

IV. An ignition interlock device may not be sold or distributed in this state without the device being approved by the commissioner or the department of safety in consultation with the advisory committee on breath analyzer machines established in RSA 106-G, as provided in RSA 265:82-e.

V. The department of safety shall establish rules, pursuant to RSA 541-A, for the approval of ignition interlock devices and for the licensing of approved interlock service providers.

VI. The commissioner shall adopt rules and regulations to create an ignition interlock program protocol that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum;

(a) Provide recalibration of each device monthly, unless otherwise ordered by the court;

(b) Maintain at least that number of locations across the state for the installation, service, calibration, and monitoring of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;

(c) Provide periodic reports as determined by the court or in department rules, to the probation office and treatment provider, if applicable; if the offender is not placed on probation, to the arresting agency and the court of jurisdiction;

(d) Retain all data-logger records for 12 months after the end of the period to which the offender is sentenced;

(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program by reserving for this purpose a hardship credit equal to 2 percent of the service provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit and free service shall be reported annually to the department; and

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock service protocol.

265:82-f Alcohol Ignition Interlock Circumvention.

I. Any person required by the court to drive only a motor vehicle equipped with an ignition interlock device shall not drive any motor vehicle not equipped with this device.

II. A person shall not tamper with, or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle.

III. A person shall not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who is restricted by law to drive only a motor vehicle so equipped. The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not drive the vehicle.

IV. A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person whom the provider of the vehicle knows was sentenced to drive only a motor vehicle equipped with an ignition interlock device.

V. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

265:82-g Violating Court Order.

I. Upon written notice, by affidavit, that any person has violated an order of the court with regard to the installation of an ignition interlock device after the period of revocation or suspension imposed in RSA 265:82-b, 265:79, or 630:3, a hearing shall be scheduled within 14 business days of the notice. Pending the hearing and upon a finding of probable cause that a violation has occurred based upon the affidavit, the court shall immediately suspend the defendant's privilege to drive a motor vehicle. After the hearing and upon a finding of violation by a preponderance of the evidence, the privilege to drive shall not be restored until the court is satisfied that the person is in compliance with its order.

II. If it is found that a person required to drive a motor vehicle equipped with an ignition interlock device has failed to comply with any requirement for the maintenance or calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by the device, the court may order a hearing to determine if the person should be held in contempt of court. Upon a finding of contempt, the court may sentence the defendant to up to 6 months in a county department of corrections facility, may make such other orders as necessary to bring about compliance, and may order a further license suspension or revocation for a period of not more than 12 months. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

3 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than [~~\$500~~] **\$1,000** and his *or her* license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. ***After any revocation in which alcohol was involved, the court may require that the license shall not be reinstated until after the division receives a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 6 months, but no longer than one year.***

4 Negligent Homicide. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. ***In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for a period not to exceed 5 years.***

5 Duties of the Advisory Committee on Breath Analyzer Machines. Amend the introductory paragraph of RSA 106-G:1 to read as follows:

106-G:1 Committee Established. The advisory committee on breath analyzer machines is hereby established. The committee shall establish priorities and guidelines for the distribution by the department of safety to municipal police departments of breath analyzer machines to test alcohol concentration. The committee shall periodically review the usage and performance of the breath analyzer machines currently in use in this state and make recommendations to the commissioner of safety on the adequacy of the machines and the needs of the state and municipalities for new machines and technology. ***The advisory committee shall monitor the alcohol ignition interlock program established pursuant to RSA 265:82-e and the operation of the service providers, and propose further legislation as deemed necessary.*** The committee shall consist of the following members and shall elect a chairman from its membership:

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

2000-4392s

AMENDED ANALYSIS

This bill establishes an alcohol ignition interlock program for certain DWI offenders.

Senate Judiciary
May 4, 2000
2000-4378s
09/10

Amendment to HB 1233

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

1 Interest From Date of Writ. Amend RSA 524:1-b to read as follows:
524:1-b Interest from Date of Writ. In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for

personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, for any other type of loss for which damages are recognized, there shall be added forthwith by the clerk of court to the amount of damages interest thereon from the date of the writ or the filing of the petition to the date of [such verdict or finding] even **judgment** though such interest brings the amount of the verdict or findings beyond the maximum liability imposed by law.

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

2000-4378s

AMENDED ANALYSIS

This bill establishes that simple interest on judgments shall be imposed from the date of the writ or the filing of the petition to the date of judgment.

Senate Judiciary
May 4, 2000
2000-4379s
04/10

Amendment to HB 1431

Amend RSA 173-B:5, VIII-a as inserted by section 1 of the bill by replacing it with the following:

VIII-a. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, plaintiff or plaintiff's family may request that the local police department notify defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

2000-4379s

AMENDED ANALYSIS

This bill requires that the court, upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, issue a warning to the plaintiff advising them that it would be unwise and possibly unsafe to contact the defendant. The bill also provides that if the plaintiff wishes to contact the defendant, the plaintiff should petition the court for a modification of the order.

Senate Judiciary
May 8, 2000
2000-4390s
05/04

Amendment to HB 1570-FN

Amend RSA 651-A:25, IX as inserted by section 1 of the bill by replacing it with the following:

IX. An individual who is on parole or probation in another state, who is present in this state without the permission of the officer of this state designated under paragraph V of this section, and who remains in this state after 7 days of being notified in writing by a law enforcement officer that the individual may not remain in this state without the permission of the designated officer, shall be guilty of a misdemeanor.

2000-4390s

AMENDED ANALYSIS

This bill requires probationers and parolees from other states to receive permission from a designated officer to remain in the state, and if not granted permission to remain, to leave the state within 7 days of notification or be guilty of a misdemeanor.

This bill was requested by the department of corrections.

Senate Transportation
May 9, 2000
2000-4410s
05/01

Amendment to HB 1617-FN

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

1 Original and Youth Operators' Licenses; Basis for Suspension. Amend RSA 263:14, III to read as follows:

III. ***During the first year following the issuance of an original license, a first violation of the motor vehicle laws for which the license holder has been found guilty, shall result in a 20 day period of suspension.***

IV. ***During the first 2 years following the issuance of an original license, a second violation of the motor vehicle laws for which the license holder has been found guilty shall result in a 45 day suspension; and a third or subsequent violation shall result in a 90 day suspension.***

V. The director, after hearing, may suspend or revoke an original license or any license held by a person under 20 years of age for good cause upon receipt of proper evidence or information of misconduct, misuse, or abuse of such driving privileges. ***Circumstances constituting misuse, abuse, or misconduct of driving privileges shall include a violation of the motor vehicle laws which poses an immediate hazard to the operator or to the safety or property of others on or near the roadway, or when included with other driving offenses, demonstrates a repeated disregard for public safety.***

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

Ways and Means
April 28, 2000
2000-4275s
09/01

Amendment to HB 1113

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Lucky 7 Tickets; Fee Per Deal. Amend RSA 287-E:22, I and II to read as follows:

I. A licensed distributor shall pay a fee of \$15 per deal of pull tab tickets ***sold for not more than \$.50 per ticket, and shall pay a fee of \$30 per deal of pull tab tickets sold for more than \$.50 per ticket.***

II. A licensed distributor shall pay a fee of \$6 per deal of bag tickets ***sold for not more than \$.50 per ticket, and shall pay a fee of \$12 per deal of bag tickets sold for more than \$.50 per ticket.***

2000-4275s

AMENDED ANALYSIS

This bill increases the maximum price of any lucky 7 ticket pack or ticket card. This bill also provides that a licensed distributor shall pay the state a fee of \$30 per deal of pull tab tickets and \$12 per deal of bag tickets which are sold at more than \$.50 per ticket.

COMMITTEE OF CONFERENCE

HB 75, changing the number required for a quorum on the commission for human rights.

Senate Conferees: Senators Cohen, Larsen, Roberge.

House Conferees: Representatives O'Neil, Mercer, Zolla , Murphy.

HB 97, relative to the right to farm.

Senate Conferees: Senators Below, Wheeler, Krueger.

House Conferees: Representatives Babson, K. Marshall, Patten, Phinizy.

HB 228, clarifying permissible political expenditures.

Senate Conferees: Senators Trombly, Eaton, McCarley.

House Conferees: Representatives Clegg, Horton, Letourneau, Clemons.

HB 553-FN-A, establishing a commission on the status of men.

Senate Conferees: Senators Cohen, Larsen, Brown.

House Conferees: Representatives Sapareto, Zolla, Boyce, Burkush.

HB 1198, establishing a procedure for the 2001 voter checklist verification.

Senate Conferees: Senators Trombly, Disnard, Eaton.

House Conferees: Representatives Clegg, Horton, Stritch, Buckley.

HB 1212, relative to extending the reporting date of the open adoption study committee.

Meeting: Tuesday, May, 16, 2000, Room 203, LOB 10:30 a.m.

Senate Conferees: Senators Trombly, Squires, Pignatelli.

House Conferees: Representatives Lyman, Gile, Arnold, Bickford.

SB 135-FN, relative to water supply land protection grants.

Senate Conferees: Senators Russman, Johnson, Pignatelli.

House Conferees: Representatives Royce, Whalley, Downing, Stone.

SB 143, relative to penalties for incest.

Senate Conferees: Senators Pignatelli, Squires, Brown.

House Conferees: Representatives Welch, Lozeau, Tholl, Knowles.

SB 403, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

Senate Conferees: Senators Disnard, Russman, Below.

House Conferees: Representatives Scanlan, L. Pratt, Babson, Phinizy.

SB 431, relative to certain secondary vocational education programs.

MEETING: Tuesday, May 16, 2000, Room 103, SH, 3:30 p.m.

Senate Conferees: Senators Larson, McCarley, Gordon.

House Conferees: Representatives Daniels, Ward, Alger, Guest.

HEARINGS

THURSDAY, MAY 11, 2000

INSURANCE, Room 103, SH

4:00 p.m. **EXECUTIVE SESSION ON HB 1589**

INTERNAL AFFAIRS, Room 103, LOB

2:45 p.m. **HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

TRANSPORTATION, Room 104, LOB

EXECUTIVE SESSION SCHEDULED AFTER SENATE SESSION FOR HB 1563-FN-L AND HB 1620 TIME PERMITTING.

FRIDAY, MAY 12, 2000

CAPITAL BUDGET, Room 103, SH

1:00 p.m. **HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

● **PLEASE NOTE THE FOLLOWING HEARING HAS BEEN RESCHEDULED FROM APRIL 28TH.**

FINANCE, Room 103, SH

11:00 a.m. **HB 1573-FN**, (New Title) relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

EXECUTIVE SESSION TO FOLLOW ON PENDING LEGISLATION

TUESDAY, MAY 16, 2000

CAPITAL BUDGET & TRANSPORTATION, Room 103, SH

1:00 p.m. **HB 2000**, (New Title) relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

ENERGY & ECONOMIC DEVELOPMENT, Room 105A, SH

2:45 p.m. **EXECUTIVE SESSION ON HB 733 & HB 1470.**

WEDNESDAY, MAY 17, 2000

JUDICIARY, Room 103, SH

10:00 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION.**

MEETINGS

FRIDAY, MAY 12, 2000

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

9:00-11:00 a.m. Regular Meeting

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

9:30 a.m. Regular Meeting

COMMISSION ON THE STATUS OF COMMUNITY TECHNICAL EDUCATION (SB 503,
Chapter 272:35, Laws of 1999) Room 207, LOB

1:00 p.m. Regular Meeting

MONDAY, MAY 15, 2000

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

1:00 p.m. Regular Meeting

WELLNESS PREVENTION COUNCIL (RSA 126-M:3) Room 205, LOB

3:00-4:00p.m. Regular Meeting

WEDNESDAY, MAY 17, 2000

DRED STUDY (HB 535, Chapter 92, Laws of 1999) Room 202-204, LOB

10:00 a.m. Meeting to receive testimony from environmental & conservation groups and from state employees who work on a daily basis in the State Park System.

THURSDAY, MAY 18, 2000

NH DEPARTMENT OF TRANSPORTATION Tilton Town Hall 257 Main St. Tilton, NH -
Tilton 12635 East Main St.
7:00 p.m. Public Info Meeting

FRIDAY, MAY 19, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308,
LOB
9:00 a.m. Regular Meeting

MONDAY, MAY 22, 2000

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4) Room 305, LOB
9:00 a.m. Regular Meeting

DEVELOPMENTAL DISABILITY WAITLIST (RSA 171-A:1-b) Room 205, LOB
10:00 a.m. Regular Meeting with area agencies

TUESDAY, MAY 23, 2000

NH DEPARTMENT OF TRANSPORTATION Troy Town Library - Troy 10434 NH 12 Bypass
4:30 p.m. Meeting with Conservation Commission

NH DEPARTMENT OF TRANSPORTATION Canaan Senior Center Church St. Canaan, NH
- Canaan, 12870 Replacement of US 4 Bridge
6:30 p.m. Combined Public Officials/ Public Informational

WEDNESDAY, MAY 24, 2000

SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT (HB 379, Chapter 201,
Laws of 1999) Room 301, LOB
10:00 a.m. Regular Meeting

THURSDAY, MAY 25, 2000

NH DEPARTMENT OF TRANSPORTATION Center of NH Manchester, NH - Second Annual
Bike/Ped Conference
8:00 a.m. - 5:00 p.m. Regular Meeting

TUESDAY, MAY 30, 2000

NH DEPARTMENT OF TRANSPORTATION Belmont Middle School Café. School St.
Belmont, NH - Belmont, 12916 us 3/NH 11
7:00 p.m. Public Informational Meeting

MONDAY, JUNE 5, 2000

SEED STERILIZATION OR "TERMINATOR" TECHNOLOGY STUDY (HB 291, Chapter 282, Laws of 1999) Room 303, LOB
1:00 p.m. Regular Meeting

WEDNESDAY, JUNE 7, 2000

FISCAL COMMITTEE OF THE GENERAL COURT Room 210-211, LOB
9:00 a.m. Regular Business

FRIDAY, JUNE 9, 2000

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB
9:00-11:00 a.m. Regular Meeting

DEVELOPMENTAL DISABILITY WAITLIST (RSA 171-A:1-b) Room 205, LOB
1:00 p.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

SEED STERILIZATION OR "TERMINATOR" TECHNOLOGY STUDY (HB 291, Chapter 282, Laws of 1999) Room 303, LOB
1:00 p.m. Regular Meeting

WEDNESDAY, JUNE 14, 2000

UPDATING NH LAWS RELATED TO FENCES STUDY (HB 1154, Chapter 62, Laws of 1998) Room 301, LOB
1:00 p.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

**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. Regular Meeting

**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, NOVEMBER 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. 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 36, SB 135, SB 136, SB 176, SB 178, SB 186, SB 219, SB 228, SB 310, SB 389, SB 390, SB 391, SB 392, SB 393, SB 395, SB 397, SB 399, SB 401, SB 402, SB 403, SB 406, SB 409, SB 410, SB 412, SB 413, SB 414, SB 415, SB 417, SB 421, SB 423, SB 425, SB 429, SB 432, SB 434, SB 435, SB 436, SB 444, SB 447, SB 449, SB 450, SB 458, SB 465, SB 470

NOTICES

There are extra copies of the PSNH Proposed Restructuring Settlement as well as the Executive Summary available in the Senate President's office.

Senator Beverly Hollingworth

THURSDAY, MAY 11, 2000

Due to absences the Senate photo for May 11th has been cancelled. There is no reschedule date at this time.

Senator Beverly Hollingworth

THURSDAY, MAY 18, 2000

The March of Dimes New Hampshire Chapter is having a Advocacy Breakfast , "Saving babies, together" in the State House Cafeteria on Thursday, May 18, 2000 from 7:45 a.m. - 9:00 a.m. Come learn what the March of Dimes is doing in New Hampshire to improve the health of babies!

The mission of the March of Dimes is to improve the health of babies by preventing birth defects and infant mortality. The March of Dimes carries out its mission through programs of research, advocacy, education and community service.

Senator Thomas Eaton

TUESDAY, MAY 16, 2000

The New Hampshire Good Roads Association, in cooperation with the New Hampshire Department of Transportation is hosting a Legislative Bus Tour to view various highway and bridge construction projects in Hillsboro, Henniker, Windham and Raymond areas on Tuesday May 16, 2000. Transportation and a luncheon will be provided. Reservations are needed by May 12, 2000! Please contact the New Hampshire Good Roads office at (603)-224-1823.

Senator Ned Gordon

WEDNESDAY, MAY 24, 2000

The New Hampshire Women's Lobby is celebrating its 20th anniversary on Wednesday, May 24th from 4:30 to 6:30 p.m. at the Holiday Inn. Please join us in honoring Rep. Carol Moore, who will be receiving the Women in Leadership Award which has been awarded only four times in the lobby's 20 years. The previous recipients were Rep. Caroline Gross, Sen. Susan McLane, Governor Jeanne Shaheen, and Rep. Elizabeth Hager. Other honored guests will include all past Women's Lobby board chairs and staff. Tickets are \$10 for lobby members, and \$15 for non-members and are available from the lobby office (224-9105), Senator Wheeler, Representatives Sandy Keans, Fran Potter or Marjorie Smith, or from other lobby members.

Senator Katie Wheeler

MONDAY, JUNE 26, 2000

The **27th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 26 at Bretwood Golf Course in Keene. The entry fee for this annual tourney is \$60.00 per person and includes greens fee, cart, dinner and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than June 12th to Sandy Wheeler at the LOB Lobby Desk. Please make check payable to Legislative Golf Tournament, care of David S. Saltmarsh.

Senator Burton Cohen

Senator Carl Johnson

27th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_____ (2)_____

(3)_____ (4)_____

Telephone No: _____ Amount Enclosed: _____

VISITORS' CENTER SCHEDULE – MAY

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 May 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. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors' Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
May 11	9:30	Kensington Elem. School	4/38
May 11	11:00	Campton Elem. School	4/40
May 11	12:30	Broken Ground Elem. School – Concord	4/25
May 12	9:00	Bow Elem. School	4/30
May 12	9:45&10:45& 11:45	No. Londonderry Elem. School	4/135
May 15	9:00	Bow Elem. School	4/30
May 15	9:30	Mountain View Middle School – Goffstown	4/50
May 15	11:00	Hillsboro Deering Elem. School	4/40
May 15	12:30	Conant Elem. School – Concord	4/25
May 16	9:30&11:00	Thornton's Ferry – Merrimack	4/50
May 16	12:30	Conant Elem. School – Concord	4/25
May 17	9:30&11:00	Thornton's Elem. School – Merrimack	4/50
May 17	12:30	Conant Elem. School – Concord	4/25
May 17	2:00	Madison Elem. School	4/28
May 18	9:30&11:00	Thornton's Ferry – Merrimack	4/50
May 18	12:30	St. John Elem. School – Concord	4/30
May 19	9:30	Mountain View Middle School – Goffstown	4/50
May 19	11:00&12:30	Lakeway Elem. School – Littleton	4/90
May 22	9:30ish	Linwood Elem. School – Lincoln	4/29
May 22	11:00&12:30	Little Harbor Elem. School – Portsmouth	4/75
May 23	10:00	Underhill School – Hooksett	4/50

May 23	11:00&12:30	Milford Elem. School	4/75
May 24	10:00	Underhill School – Hooksett	4/50
May 24	11:00&12:30	Milford Elem. School	4/75
May 25	10:00	Underhill School – Hooksett	4/50
May 25	11:00	Dondero Elem. School – Portsmouth	4/42
May 25	12:30	Ed Fenn Elem. School – Gorham	4/44
May 25	12:30	Bethlehem Elem. School	4/20
May 26	9:30&10:45	St. Anthony’s School – Manchester	4/65
May 26	1:00	Berlin Junior High School	8/35
May 30	9:30&11:00	Plymouth Elem. School	4/66
May 31	9:30&11:00	Green Acres School – Manchester	4/90
May 31	12:30	Webster Elem. School	4/23